

OFFICE OF THE CHILD'S REPRESENTATIVE



**FISCAL YEAR 2012
BUDGET REQUEST**

LINDA WEINERMAN, EXECUTIVE DIRECTOR

**OFFICE OF THE CHILD’S REPRESENTATIVE
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Linda Weinerman
Executive Director

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To the Members of the Joint Budget Committee:

Thank you in advance for your consideration of the Office of the Child's Representative's (OCR) 2012 Budget Request. I know that the current and projected state of Colorado's budget makes this year's budgeting decisions more difficult than ever, and I appreciate the time and consideration you will give to the OCR's request. The enclosed budget request represents the minimum, true budgetary needs of the OCR for the upcoming year.

The OCR is the state agency responsible for providing best interest attorney services to children involved in dependency and neglect, domestic, delinquency, and other proceedings. The OCR accomplishes this mandate by contracting with attorneys to serve as guardians *ad litem* (GALs) throughout the state and by employing attorneys to provide GAL services at the OCR's El Paso County GAL Office. The OCR also provides oversight, training, and support to all GALs representing children throughout Colorado and serves as a resource to other stakeholders, judicial officers, and legislators on issues impacting children. Ninety-six (96%) percent of the OCR's budget is spent directly on attorney services. Dependency and neglect cases comprise the largest percentage of the OCR's budget, accounting for 81% of the OCR's attorney service expenditures.

Unfortunately, children served by the OCR are more vulnerable than ever in these trying budgetary times. Difficult financial circumstances increase the likelihood that children will be victims of abuse or neglect; the complexity of the cases their families present to the courts and departments of social services; and the probability that they will receive less than adequate services by the cash-strapped agencies responsible for serving them. In this reality, a skilled GAL whose sole responsibility is to advocate for the best interests of a child diligently and consistently throughout the duration of a case is essential to that child's safety and well-being. Now, more than ever, children need zealous advocates to negotiate a system in crisis.

A GAL is unique from all other stakeholders in child welfare proceedings in that the sole loyalty of GALs is to the best interests of the children they represent. The job of the GAL is to advocate for the best services, placements and outcomes for children—regardless of budgetary

circumstances or other challenges facing departments or other parties to the case. Since 1963, the Colorado General Assembly has provided for the appointment of a GAL to protect the best interests of children in court proceedings. The creation of the OCR in 2000 to ensure children receive the best attorney services possible established Colorado as a national leader in the representation of children and has achieved significant improvements in GAL representation.

As the OCR enters into its tenth year of operations, the agency and the practice of child welfare law are more established than ever. With the passage of Senate Bill 10-43, the OCR is now a permanent state agency like every other agency within the Judicial Branch. With the completion of statewide conversion to fee-for-service compensation (hourly pay) for GALs in Fiscal Year 2007 and an increase of the hourly rate to \$65 per hour beginning Fiscal Year 2009, GALs are closer than ever to receiving adequate compensation for the critical services they provide. They are also now held to training and practice requirements. A 2007 Performance Audit of the OCR found that GALs are seeing children in their placements in 100% of the cases—in contrast to 1996 pre-OCR audit findings that in 48% of cases, the GAL had not performed a home visit.

The OCR's challenge in the upcoming fiscal years will be to continue to provide high-quality attorney services in as cost-effective manner as possible under increasingly challenging circumstances. Best practices in child welfare law continue to evolve, and because the OCR's budget is caseload and workload driven, the challenging financial circumstances faced by the state threaten to result in more GAL appointments and an increased time investment for each appointment. I am excited about several initiatives the OCR has begun to continue to improve practice and accountability in dependency and neglect cases while also stabilizing the cost per case: the establishment of three new multidisciplinary staff office models in Denver and Arapahoe Counties through an RFP process; a new web-based case management data system for all GALs; and the promotion of a new advocacy model for GALs, Cornerstone Advocacy. These initiatives, as well as the OCR's ongoing efforts to manage costs in domestic cases through an indigency screener, will be detailed in the attached budget request.

Because of the promise of the initiatives the OCR has undertaken to control its cost-per-case without compromising the safety and well-being of children, the OCR's budget request for Fiscal Year 2012 is based primarily on a projected caseload increase. **In total, the OCR is requesting a \$320,328 increase for Fiscal Year 2012, resulting in a total request of \$19,616,496.**

Notably, the OCR is not requesting an increase in GALs' hourly rate of compensation. Pursuant to its legislative mandate to establish "fair and realistic state rates by which to compensate state-appointed guardians ad litem . . . which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem," §13-91-105(1)(a)(VI), and a request made by the JBC during the Fiscal Year 2007 budget process, the OCR, in partnership with the Office of Alternate Defense Counsel and the State Court Administrator's Office, has been able to increase GALs' rate of compensation to \$65 per hour. Although this current rate remains significantly lower than rates paid to attorneys in private practice, federal court and other public sectors in Colorado and does not meet the ultimate target the JBC has requested the OCR to set for attorney compensation, the OCR understands that the State's budget is currently unable to support any rate increase for GAL services, regardless of the justifications for an increase. The OCR continues to be extremely appreciative of the professionalism and skill demonstrated by its

attorneys under these difficult circumstances, and it intends to resume its pursuit of rate increases in the upcoming years as the state budget allows.

Again, thank you for your consideration of the OCR's Fiscal Year 2012 Budget Request. I understand that any increase, no matter how small, is difficult to fund in the current economic climate. However, it is my responsibility as Executive Director of the agency to propose a budget representative of the anticipated costs of providing the OCR's core mandated services. It is my goal as Executive Director of the OCR to ensure that all GALs in this state are attorneys whom I would want to hire to represent my own children, and to provide these services as efficiently and effectively as possible. I look forward to detailing our current efforts to this end and to answering any questions that may arise during the Fiscal Year 2012 budget process.

Respectfully,

Linda Weinerman
Executive Director, Office of the Child's Representative

I. AGENCY OVERVIEW

A. MISSION STATEMENT

The mission of the OCR is to provide competent and effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted by high conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information to the court or protect their best interests during the proceedings. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that children represented by guardians *ad litem* (GALs), 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 throughout all aspects of a case.

B. GUARDIAN *AD LITEM* SERVICES PROVIDED BY THE OCR

Court-appointed attorney GAL service is a mandated service that must be provided to children; as such, these services are not discretionary. §19-3-203, C.R.S. states the court shall appoint a GAL in every dependency and neglect (D&N) case; §19-1-111, C.R.S. requires the court to appoint a GAL in delinquency matters and other case types when it is necessary to serve the child's best interest; and §14-10-116, C.R.S. requires the state to bear all costs in a parental responsibility case of a Child's Legal Representative (CLR) or Child and Family Investigator (CFI) appointment if the parties are indigent. All services provided by the OCR are attorney services; the Judicial Department oversees non-attorney CFI appointments.

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

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

The OCR contracts with approximately 250 licensed attorneys to provide mandated GAL services. These attorneys are specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings. The OCR also

oversees a thirteen-attorney staff model office in the 4th Judicial District, which is supervised by Director Debra Campeau.

Ninety-six percent of OCR appropriations directly pay for attorney services. The OCR processes over 60,000 payments a year. The majority (81%) of the OCR's attorney service dollars are spent on D&N cases. In Fiscal Year 2010, the OCR provided attorney services to nearly 22,600 abused and neglected children statewide. During that same year, the average annual cost for a D&N case was \$1,418, amounting to 22 hours per year, per case.

C. OCR's MANDATES

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

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

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

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

The OCR’s current activities to meet its mandates are described throughout Section II.

D. 2007 PERFORMANCE AUDIT OF THE OCR

During Fiscal Year 2007, the Office of the State Auditor conducted a GAL performance audit. The auditors recognized Colorado as a national leader in GAL services and noted OCR attorneys saw every child in placement – a tremendous improvement over the days before the agency existed. In contrast, the two audits conducted prior to the OCR’s creation found significant shortcomings in GAL practice. In 1994, the Colorado State Auditor’s Office found 32% of attorneys never met their child client in court or at any time during the pendency of the case and 52% never saw the child in any home where that child resided. Additionally, the audit noted the complete lack of a meaningful or effective complaint process. Similarly, in 1996, the State Court Administrators Office (SCAO) conducted an assessment of D&N cases, finding 61% of foster parents never met or had contact with the GAL and 95% of interviewed stakeholders believed GALs “rubber stamped” department recommendations and relied on case workers for information, illustrating the lack of an independent investigation.

The 2007 audit not only found that in 100% of cases audited the GAL saw the child, but also that GALs attended all court hearings in 91% of cases and relied on substitute counsel in 8% of cases, meaning that in 99% of hearings, a GAL was present to advocate for the child(ren). In addition to the initial visit, in 69% of cases audited, GALs confirmed subsequent contact with foster parents. Finally, the auditors made no recommendations for the OCR complaint, billing, or training processes.

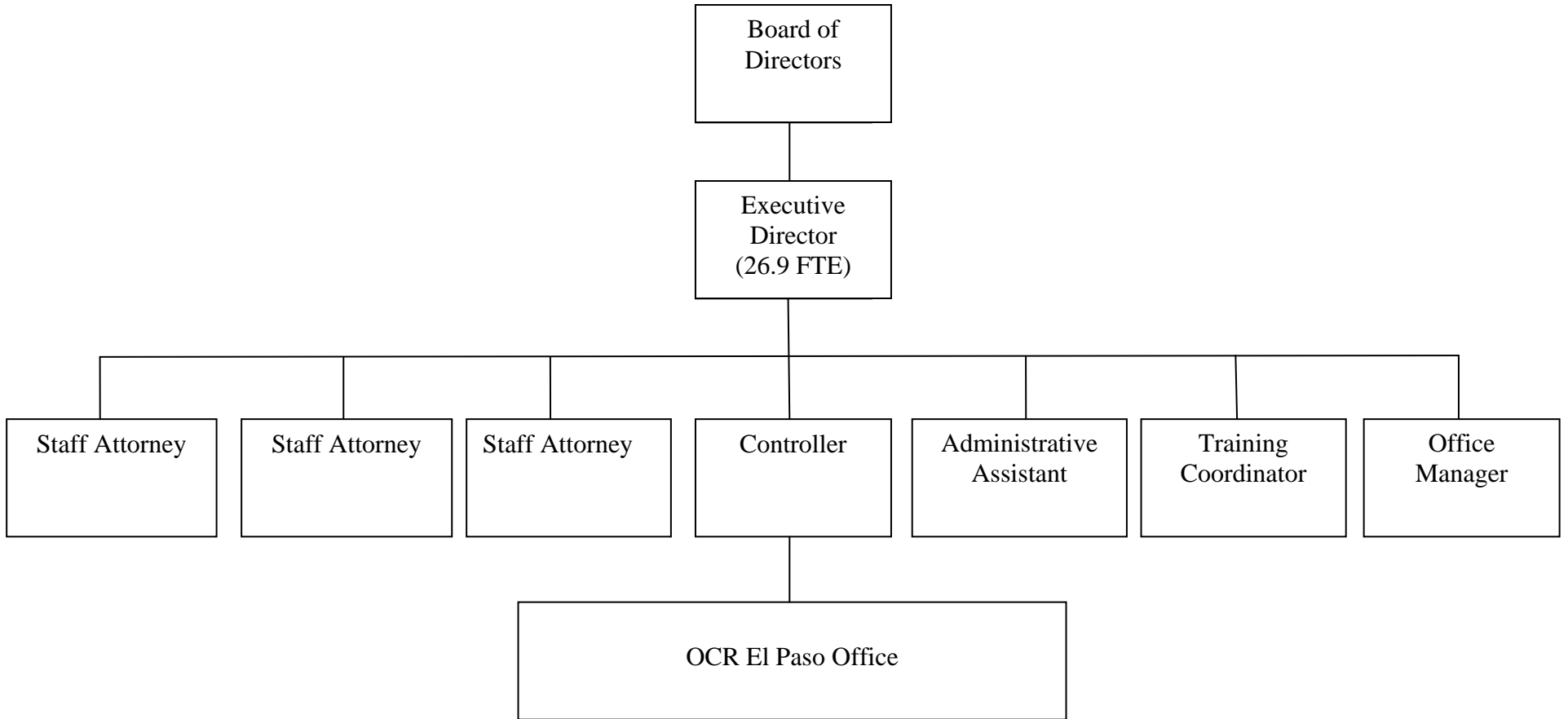
E. OFFICE OF THE CHILD’S REPRESENTATIVE EL PASO COUNTY GAL OFFICE

Another model of attorney services that falls under the jurisdiction of the OCR is the OCR’s El Paso County GAL Office. The creation of this office as the 4th Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This “staff model” office is in its eleventh year of operation. The model employs not only attorneys possessing approximately 120 combined years of experience, but other professionals such as managing social workers and case coordinators who make an important contribution to the legal representation of children. These mental health professionals work the most difficult, high-risk cases and are able to supplement the attorney services by providing analyses of treatment needs, meaningful participation in case staffings, communication with treatment providers, psycho-social assessments, and the ability to observe parent/child visitation.

Since the office was created, it has represented over 9,043 children. In Fiscal Year 2010, the office successfully closed (meaning children were permanently placed) 444 D&N cases and 182 Delinquency cases. As of the end of Fiscal Year 2010, the office had 813 open cases. Its permanency and litigation statistics are some of the best in the state.

The OCR annually reviews the quality of attorney services provided by this office, and it has concluded that the staff model provides direct accountability, continual mentoring, consistent training, and effective representation throughout all phases of the case. Not only has the OCR found this office to be one of the better models for representation in areas of D&N case filings; it also provides attorney services that are cost effective.

F. ORGANIZATIONAL CHART – OFFICE OF THE CHILD’S REPRESENTATIVE



II. THE OCR'S STRATEGIC PLAN

A. VISION: All Colorado children in need of a GAL will receive services from an attorney who is an expert in pediatric law and who will diligently, zealously, and effectively represent their best interests and promote their safety and well-being throughout all aspects of their case. These services will be provided in a multidisciplinary and cost-effective manner.

B. EFFECTIVE GAL SERVICES

GOAL 1: The OCR will provide effective GAL services.					
KEY MEASURES	FY08 Approx*	FY09 Approx*	FY10 Approx*	FY11 Approp.	FY12 Request
1.A. GALs will visit all children in their placement within 30 days of each appointment and each change in placement.	90%	92%	92%		
1.B. GALs will perform a comprehensive and independent initial and ongoing investigation in every case in compliance with all applicable Chief Justice Directives.	75%	80%	80%		
1.C. GALs will attend all court hearings and will obtain substitute counsel only with advance approval from the Court.	95%	99%	99%		
1.D. GALs will provide meaningful recommendations and effective advocacy in Court.	90%	92%	92%		

**The OCR is currently only able to approximate percentages measuring attainment of the goals on this chart, as it currently lacks system-wide electronic data. The approximations are based on resolution of complaints, attorney evaluations, and feedback provided during judicial districts. With the adoption of the KidsVoice data system during the current fiscal year, see Page 17, the OCR will be able to provide more comprehensive and accurate data in future fiscal years.*

Key OCR Activities to Meet this Goal: The OCR's mandate is to ensure quality GAL representation for Colorado's children. Identified problems with GAL representation and the unique vulnerability of children motivated the OCR's creation. Over the years, the OCR has worked to improve GAL representation through its selection process, oversight, compensation, training, and provision of litigation support to GALs. The OCR also made recommendations to the Chief Justice of the Colorado Supreme Court on standards for GALs; these are embodied in Chief Justice Directive (CJD) 04-06. The measures set forth above represent the core standards of this CJD.

C. COMPENSATION

GOAL 2: The OCR will obtain adequate compensation and resources for GALs in order to maintain a qualified and dedicated pool of attorneys.					
KEY MEASURES	FY08 Actual	FY09 Actual	FY10 Actual	FY11 Approp.	FY12 Request
2.A. GALs will be paid on a fee-for-service basis to allow sufficient time for effective investigation, preparation, and advocacy (exception: staff model offices).	100%	100%	100%		
2.B. GALs will receive a rate of compensation commensurate to other public sector attorneys.	\$60/hr	\$65/hr	\$65/hr		
2.C. GALs will have access to experts, litigation support, and other resources necessary for effective and independent case preparation and advocacy.	100%	100%	100%		

Key OCR Activities to Meet this Goal: It is the statutory mandate of the OCR to “establish fair and realistic rates of compensation” in order to enhance the legal representation of children. §13-91-105, CRS. Fair and realistic compensation is critical to maintain a pool of dedicated and skilled GALs and to allow them adequate time to effectively advocate for the safety, well-being, and best interests of each child on their caseload. The OCR has taken three main steps to achieve this goal: elimination of the flat fee payment structure and conversion to a statewide fee-for-service payment structure; elimination of the discrepancy between in-court and out-of-court rates; and working with the JBC and the General Assembly to bring the rate of compensation closer to a fair and realistic rate.

The conversion to fee-for-service compensation was a critical first step. Prior to this conversion, the majority of GALs were paid a flat rate to cover two years’ worth of work on a case. The rate remained the same, regardless of the number of hours actually dedicated to a case, and contemplated an unreasonably low number of hours to be dedicated to each appointment. By Fiscal Year 2007, GALs statewide were converted to hourly pay, providing more accountability and accuracy in billing and enabling the requisite amount of time to be dedicated to each case. Additionally, because the time GALs spend meeting with children, investigating their best interests, and advocating for them in staffings and other meetings is as critical to preserving their safety and well-being as in-court advocacy, the OCR worked with the JBC to eliminate in Fiscal Year 2007 a then-existing discrepancy between the rates for in-court and out-of-court work.

Finally, the OCR has worked to bring the rate of compensation to a level closer to that of other public sector attorneys. While the rate of compensation has always been far below that for private sector attorneys, it has also fallen significantly lower than the rate for other public sector attorneys in Colorado (e.g., defense attorneys in the federal system) and attorneys performing services in neighboring states (e.g., GALs in Wyoming). During Fiscal Year 2007, the JBC requested the OCR to develop a long-range plan for the conversion of the hourly rate to an equitable rate. The OCR’s goal was to compensate attorneys at a rate of \$75 per hour by Fiscal

Year 2009, and then to continue to work with the Office of Alternate Defense Counsel and the Office of the State Court Administrator to determine appropriate methodologies for ongoing adjustment of the rate.

GALs are currently compensated at a rate of \$65 per hour. Mindful of the current financial crisis, the OCR has not sought an increase in compensation in its last two budget requests, and it is not requesting an increase in this year’s request. However, in order to continue to recruit and retain qualified and dedicated attorneys, the OCR will continue to work towards fair and realistic compensation for GALs in the form of future budget requests when the state’s budget situation will support such requests.

In addition to the changes to the OCR’s payment structure which have provided attorneys with the resource of time to adequately work their cases, the OCR has also worked to provide attorneys with the necessary independent experts, litigation support, and other resources to effectively advocate for the safety and best interests of children.

D. EFFICIENCIES IN ATTORNEY SERVICES

GOAL 3: The OCR will provide effective attorney services in the most cost-efficient manner possible.					
KEY MEASURES	FY08 Actual	FY09 Actual	FY10 Actual	FY11 Approp.	FY12 Request
3.A. The number of hours billed by private contractors will be justified by reasonable case practice norms.	100%	100%	100%		
3.B. GALs will achieve efficiencies in their practice through the use of the OCR’s listserv.	100%	100%	100%		
3.C. GALs will achieve efficiencies in their practice through the use of OCR’s motions/forms bank.	50%	65%	75%		
3.D. The OCR will determine the efficacy and efficiencies of various models of representation through ongoing evaluation of the El Paso GAL Office, the establishment of contract multidisciplinary staff office models, and other pilot programs. The OCR will expand the use of models of representation proven to be effective and efficient.	NA	NA	NA		

Key OCR Activities to Meet this Goal: The OCR works to ensure reasonable billing through the establishment of presumptive maximum fees for each case type, ongoing comparison of attorneys’ bills statewide and by jurisdiction/case type, and periodic audits of attorneys’ billing activity.

The OCR supports efficient use of attorney time through its maintenance of a motions bank and listserv, and it also publishes periodic newsletters summarizing recent cases and other

developments in juvenile law. These activities promote efficiencies in attorney practice, allowing attorneys to draw on the experience and efforts of other attorneys instead of recreating what has already been done. OCR attorney staff also serve as a resource to OCR attorneys, either assisting them with questions on individual cases or linking them to other attorneys who are experts on a particular issue that may be new for that attorney.

The OCR’s multidisciplinary staff office pilot program, detailed in Section III (page 23) is a new endeavor allowing the OCR to explore another method of providing efficiencies in GAL practice.

E. TRAINING

GOAL 4: The OCR will ensure GALs have a core knowledge base of the legal framework, social science research, and evidence-based practices impacting the practice of pediatric law.					
KEY MEASURES	FY08 Actual	FY09 Actual	FY10 Actual	FY11 Approp.	FY12 Request
4.A. GALs will comply with the OCR’s minimum training requirements for GALs.	95%	95%	100%		
4.B. GALs will have access to at least two OCR-sponsored statewide conferences each fiscal year.	2	2	2		
4.C. GALs will receive ongoing and accessible training through OCR’s brown bag webinars and other electronic training materials.	6	6	9		
4.D. GALs will be able to obtain input on case strategy, substantive issues, and appropriateness of placements/services from other GALs on a statewide basis through the use of the OCR’s listserv.	100%	100%	100%		
4.E. GALs will receive updates on changes to federal and state law and regulations, social science research, and best practices impacting children’s permanency and well-being.	100%	100%	100%		
4.F. GALs will enjoy access to meaningful and up-to-date legal, social science, and community resources through the OCR’s online resource center.	100%	100%	100%		
4.G. Judicial officers and other system stakeholders will have access to the OCR’s live trainings and electronic training materials.	100%	100%	100%		

Key OCR Activities to Meet this Goal: Another important component of improving the quality of legal representation for children is the provision of ongoing, meaningful training tailored to the specialized needs of attorneys representing children. A child-sensitive legal system depends upon a bench and bar of considerable sophistication and competence, in not only the law, but also on issues unique to children. When representing children, lawyers must, in addition to their legal skills, be able to draw upon interdisciplinary knowledge from such pertinent fields as

psychology, sociology, social work, and medicine. Federal law recognizes this by requiring states receiving child welfare funds to certify that each court-appointed GAL has “received training appropriate to the role.”¹ Children are best served by the legal child welfare system when judges also understand the social, developmental, and psychological implications of events that take place in a child’s life, including the decisions that the judge makes on their behalf. Pediatric law remains a developing area of expertise, and new information about the complex needs of children and families emerges every year. Appropriately, the OCR is mandated to provide ongoing, accessible, and meaningful training to attorneys and judges.

The OCR has met this mandate through a comprehensive training program. Each year, the OCR has sponsored at least two statewide conferences for GALs and other stakeholders; provided ongoing training through brown bag sessions, jurisdiction-specific trainings, and the distribution of topic-specific DVDs; and collaborated with other entities to maximize cross-systems training opportunities. The OCR is increasingly using electronic means, including webinars and on-line dissemination of training materials, to maximize accessibility of its training.

In Fiscal Year 2012, the OCR intends to continue to provide at least two annual statewide conferences, ongoing webinars on at least a monthly basis, and access to other training opportunities for GALs, judicial officers, and other stakeholders. The OCR will continue to issue periodic newsletters, maintain and expand its motions bank, and explore other means of maximizing the timeliness, relevance, and quantity of information and practice materials provided to GALs.

F. MULTIDISCIPLINARY SERVICES/CORNERSTONE ADVOCACY PRINCIPLES

GOAL 5: The OCR will promote multidisciplinary services and Cornerstone Advocacy principles.					
KEY MEASURES	FY08 Approx*	FY09 Approx*	FY10 Approx*	FY11 Approp.	FY12 Request
5.A. Multidisciplinary staff office models will be instituted and evaluated in two jurisdictions.	NA	NA	NA		
5.B. GALs will promote youth voice through inclusion of youth in staffings, court hearings, and other appropriate venues.	10%	50%	70%		
5.C. GALs will promote youth voice by ensuring that their assessment of a child’s best interests includes consideration of the child’s wishes and the rationale for those wishes.	40%	50%	60%		
5.D. GALs will frontload investigation and advocacy, providing intensive advocacy targeted towards family stabilization/ maintaining connections within initial 60 days.	65%	70%	75%		

**The OCR is currently only able to approximate percentages measuring attainment of the goals on this chart, as it currently lacks system-wide electronic data. The approximations are based on resolution of complaints, attorney evaluations, and feedback provided during judicial districts. With the adoption of the KidsVoice data system during the current fiscal year, see Page 16, the OCR will be able to provide more comprehensive and accurate data in future fiscal years.*

¹ See Keeping Children and Families Safe Act of 2003, Pub. L. No. 108-36, sec. 114, §(b)(1)(B)(vii)(I), 117 Stat. 2003 (amending federal Child Abuse Prevention and Treatment Act provisions regarding GALs).

Key OCR Activities to Meet this Goal: The OCR's multidisciplinary staff office pilot program and Cornerstone Advocacy Initiative are anticipated to result in budgetary efficiencies and, as such, are detailed in Section III (pages 23-24). In summary, through an RFP process, the OCR has contracted with three law offices to provide multidisciplinary GAL services in Denver and Arapahoe Counties. Subject to caseload limits and conflict of interest prohibitions on handling specific cases, the Arapahoe County office will provide representation on cases in that county, while the two offices in Denver will be responsible for providing representation in specific courtrooms. Social work staff will enhance the quality of representation in a cost-effective manner. The OCR will provide an ongoing assessment of the benefits and effectiveness of this model of representation.

The OCR will continue to promote Cornerstone Advocacy through training, provision of practice materials, and engagement of key stakeholders. A multidisciplinary Cornerstone Advocacy Implementation Committee will assist the OCR in ensuring that these trainings and materials continue to be relevant, practical, and helpful for practicing GALs.

G. OCR'S COMPREHENSIVE EVALUATION PLAN

The OCR engages in a comprehensive evaluation strategy, consisting of the following: a statewide annual contract/appraisal process; investigation of complaints concerning GALs; auditing of GAL activity on an as-needed basis; and monitoring of GAL activity through billing statements and available electronic databases. The OCR recognizes the need for data-driven assessment of services and, as such, will institute a new online case management system effective Fiscal Year 2010/2011. This system will not only improve GALs' ability to monitor their own case activities but will also allow the OCR to capture data concerning key performance indicators.

Statewide Annual Contract/Appraisal Process: By way of background, in the first year (2002) of the OCR's operations, the Director traveled to all 64 counties in the state to assess and investigate the quality of attorney services. Within that same year, the OCR required every attorney, whether currently practicing as a GAL or interested in providing services in the upcoming year, to participate in an application and interview process. At the conclusion of this process, the OCR contracted with over 200 attorneys and chose not to contract with many who were not meeting the OCR's set standards of practice. The OCR has continued an annual application and interview process since 2002.

The OCR's current contract process includes a series of steps. The OCR first distributes an objective evaluation form to gather feedback on all attorneys who are providing GAL services. The surveys are sent to all CASA agencies, court facilitators, court administrators, and judicial officers throughout Colorado's 22 judicial districts. The survey results allow the OCR to review the competency and quality of attorney services and, as needed, to conduct an inquiry into the validity of concerns raised. The office then requires all attorneys, regardless of whether they have existing contracts or are new applicants, to complete a new application. Every application is considered, as contracts are not automatically renewed.

Each year, the OCR Director and staff visit each of the 22 judicial districts to assess attorney services and to learn how the OCR can better serve its attorneys and each community. This assessment, which has been conducted each year of the OCR's existence, includes meeting with the attorneys who have been providing services and interviewing new applicants. Additionally, in Fiscal Year 2010, the OCR implemented the use of an individual evaluation tool, to be completed by OCR attorney staff in concert with each attorney. The OCR also re-interviews any attorney currently under contract when the OCR has founded a complaint against that attorney or otherwise developed concerns about that attorney's performance. OCR also meets with court personnel, judicial officers, CASA directors, and other stakeholders, as appropriate. Taking the time to personally meet with the stakeholders in each judicial district allows the OCR to learn about the existing provision of services, areas in need of improvement, and ways in which it can serve as a better resource within that community. Upon collecting all of this information, the OCR compiles its annual list of attorneys eligible for appointment in each judicial district, distributes it to judges and court officers in each judicial district by July 1 of the upcoming fiscal year, and prepares yearly contracts for attorneys on its list.

The OCR's annual appraisal process serves as an effective method of monitoring attorney services and ensures only the most qualified attorneys provide legal representation for children. It also helps the OCR address systemic needs within each jurisdictional district, such as the need for additional or fewer attorneys, training on a specific issue, or the facilitation of communication between local actors within the system. Further, data provided from these written and verbal assessments allow the OCR to monitor systemic issues in attorney performance and is a helpful indicator of OCR's progress towards its vision/goals.

OCR's Complaint Investigation Process: One of the OCR's first activities was to establish a formal complaint process. This process remains in existence, and OCR staff attorneys investigate every submitted complaint concerning an OCR contract attorney. Complaint forms are available on the OCR's website, and a complaint must be submitted in writing. While the specifics of each investigation vary depending on the nature of the complaint, the investigation typically involves interviews with the attorney, the complainant and other stakeholders and/or witnesses, including foster parents, judicial officers, county attorneys, parents' counsel, and caseworkers. A review of the case file and other relevant documents is often warranted.

While the majority of complaints have been unfounded, founded complaints may lead to further investigation of the attorney's performance, corrective action plans, termination of the attorney's contract, and/or removal of the attorney from existing appointments. The action taken by the OCR depends on the egregiousness of the attorney's conduct, as well as other factors, such as whether the founded complaint was one instance or instead part of a pattern of poor performance. While the primary purpose of the OCR's complaint process is to allow the OCR to identify and remedy problems with attorney performance, the resolution of complaints also provides helpful information on whether the OCR is continuing to make progress towards meeting its vision/goals.

Audits of GAL Activity: Beginning in Fiscal Year 2005, the OCR implemented an internal audit process to assess attorney compliance with the existing Chief Justice Directive 04-06. The agency selects districts or attorneys on a risk basis and randomly samples a certain number of cases. GALs are then required to provide the date they saw the child in placement as well as contact information for the placements. One of the OCR's Staff Attorneys then contacts the

placements and interviews the care provider regarding the attorney's level of involvement in the case and visitation with the placement. Any findings or problems are followed up by the OCR, and GALs for whom problems have been identified may be provided additional training, undergo probationary status, or have their contracts terminated. The information obtained from the audits also serves as an indicator of systemic progress towards OCR's vision/goals.

Monitoring of GAL Activity through Hourly Billing Statements and KidsVoice Integrated Data System: Review of hourly billing also serves as a mechanism of monitoring attorney activity. The review of billing statements allows the OCR to check every activity or service billed by the attorney, including but not limited to, when the attorney began the case, met with the child, visited the child in foster care, and appeared in court on behalf of the child.

This year, the OCR is in the process of entering into a contract with KidsVoice USA, LLC, a nonprofit organization, to institute a new web-based case management and data system. This system, the KidsVoice Integrated Data System ("KIDS"), allows attorneys to maintain a comprehensive electronic file for each child they serve. Data such as placement location, dates and substance of visits with children and contact with other parties/professionals/witnesses, activity and outcomes of court appearances, school and service provider information, and duration of placements is collected in the system. Attorneys are able to quickly access this relevant information for each individual child, and they are also able to run systemic reports allowing them to achieve efficiencies in their practice (e.g., identifying all children who attend a specific school in order to conduct multiple child meetings with just one visit) and self monitor their compliance with attorney practice standards (e.g., running a report to ensure that all home visits have been conducted within thirty days of placement). The system also allows applicable information to be imported into the file of a sibling, thereby eliminating the need for double-entry.

KIDS will significantly improve the OCR's ability to perform comprehensive systemic monitoring of attorney performance and the OCR's progress towards meeting its vision/goals. Although all of the aforementioned evaluation activities do provide helpful indicators of this progress, to date, it has been extremely difficult for the OCR to obtain accurate and comprehensive reports monitoring key indicators of attorney performance. Subject to attorney work product, KIDS will enable the OCR to run reports on the activity of individual attorneys, all attorneys, or a select group of attorneys (e.g., attorneys in a specific district). Because the OCR is working with KidsVoice to tailor KIDS to the unique oversight needs of the OCR, the reports available through KIDS will allow the OCR to efficiently run reports on key indicators of attorney performance, such as in-placement contact with children, other contacts with children and other parties, court appearances, and attendance at staffings.

The OCR has been able to move forward with implementation of this data system because of the support a private foundation has provided to KidsVoice to subsidize the costs of rolling out this system in three states, including Colorado. Another state that has implemented KIDS reports that up to five hours each week is saved by each attorney's use of this system; such savings will allow the OCR to maintain this system within its existing budgetary allocation. Use of KIDS will begin with all staff office models (2nd, 4th, and 18th Judicial Districts) in approximately March 2011, and rollout for all contract attorneys is anticipated to take place in July 2011. Hence, some benchmark data concerning the OCR's progress towards its goals is anticipated to be available by the conclusion of Fiscal Year 2011/2012. As attorney's use of the system

extends over time, the OCR's ability to run meaningful and comprehensive reports to monitor its progress towards its vision/goals will continue to improve.

III. FACTORS DIRECTLY IMPACTING THE OCR'S 2012 BUDGET REQUEST

Summary of Request

The amount of the OCR's request for Fiscal Year 2011/2012 is itemized below:

Fiscal Year 2011 Appropriation:		\$19,296,168
Caseload Increase	\$257,904	
Leased Space Increase	4,937	
Common Policy Increases	57,487	
Total Fiscal Year 2012 Request:		\$19,616,496

The OCR is appropriated funds to provide best interest representation to children in several different mandated case types. The largest portion of the OCR's attorney services is comprised of D&N cases, as state statute mandates an attorney appointment in every D&N case. This case type represents 81% of the OCR's attorney service expenditures. JD is the next largest case type, representing 14% of the OCR's attorney expenditures. Other case types, including Probate, DR, Mental Health, and Truancy cases, comprise the remaining 5% of the OCR's attorney service expenditures. Ninety-six percent (96%) of the OCR's entire budget is spent directly on these statutorily mandated attorney services.

Because 96% of OCR's budget is spent directly on attorney services, OCR's budget is primarily **case driven**. Any increase or decrease in the number of appointments, ongoing cases (caseload), or the amount of time demanded by cases (workload) directly impacts the budget. This year, the OCR's request for a budget increase is based primarily on the rise in caseload in D&N and JD cases. The OCR is not requesting additional funds as a result of attorney workload.

OCR Caseload Increase

For Fiscal Year 2012, the OCR is requesting an additional **\$257,904** to cover an increase in its caseload. Provided below is a discussion and analysis of the factors contributing to this increase.

What is caseload, and how does the OCR count cases? The OCR caseload count includes any open and active case in which the OCR has been billed, whether it is a new filing in the most recent fiscal year or an open active case that may be several years old. The agency is responsible for services and payment in all active cases. No one case takes greater priority than any other case. The attorney's professional obligations and duties to the child(ren) s/he represents remain the same regardless of the age of the case. In all cases, the attorney is expected to provide ongoing investigation and advocacy in a cost efficient manner and to exercise professional discretion to determine what advocacy is necessary to advance the best interests of the child(ren). When a case is closed, it no longer impacts the OCR budget and falls off the OCR's caseload count.

The OCR does not have control over its caseload. Individual judicial officers make GAL appointments, which are mandatory in D&N cases and discretionary in JD cases. The closure of a case or removal of a discretionarily-appointed GAL is dependent upon a variety of factors that

fall outside of the authority of the OCR. The OCR has no standing to advocate for case closure or for cases to remain open.

Impact of the economic downturn on the OCR's caseload. The primary factor driving the increase in the OCR's caseload for Fiscal Year 2012 is the impact of the economic downturn on children and families.

Statistics on the economic downturn continue to paint a devastating picture regarding the welfare of children and families in Colorado. According to the Colorado Children's Campaign in its annual *KidsCount!* Report, Colorado leads the nation in its childhood poverty growth rate, with a 72% increase between the years 2000-2008. According to the campaign, although more than 179,000 children in Colorado were living in poverty in 2008, the full impact of the current economic crisis on Colorado's rate of childhood poverty has yet to be reflected in its statistics, which are based on U.S. Census data. Unemployment and foreclosure rates remain at historic highs.

Colorado's historic unemployment, poverty, and foreclosure rates place significant stressors on families. Children who grow up in poverty are 6.8 times more likely to be victims of abuse or neglect than their non-impooverished peers. According to the Crimes Against Children Research Center, reports of substantiated physical and sexual abuse and neglect in Colorado increased by 8%, 11%, and 9%, respectively, between 2007-2008. At the same time, the economic crisis has negatively impacted funding streams for county departments of social services.

The pressures placed on families, social service agencies, and other service providers during an economic downturn increase: (1) the likelihood that children will be victims of abuse or neglect; (2) the complexity of the cases families present to courts and departments of social services; and (3) waitlists for services necessary for the successful resolution of cases. The pressures decrease: (1) the availability of services for children and families, as previously available services may no longer exist due to budget cuts; and (2) the ability and willingness of departments of social services to pay for services, as cash-strapped departments face increasingly difficult decisions about which services to prioritize and which contracts to continue.

These factors result in an extended D&N case life. Research demonstrates that intensive provision of appropriate and comprehensive services at the beginning of a case result in more successful and timely resolution of cases. Delays in services or complete unavailability of services postpone and potentially impede the successful resolution of cases. For example, if parental substance abuse causes the filing of a case but the parent cannot access limited substance abuse services until several months into the case, efforts to reunify the child and parent are already set back by several months. However, the impact of that delay is much more complex and exponential than a simple sixty-day or ninety-day day setback, as motivations, attachments, information, and contacts are highest at the beginning of a case, and the early direction of a case often predicts the long-term trajectory of a case. Any time period during which the family does not receive services adds a layer of other issues undermining timely resolution of the case.

The strain on the departments of social services' increasingly limited resources is evident from statewide data showing an increase in child welfare investigations and referrals in Fiscal Years 2009 and 2010 but a decrease in new involvements during those same years. GALs throughout

Colorado continue to report: caseworker shortages and turnover resulting in heavy caseloads and delays in assignment of caseworkers; reduction in necessary services, such as substance abuse monitoring, mental health evaluations, and counseling, resulting in longer waitlists for such services; and delays in providing/refusal to provide therapeutic residential services in instances in which GALs believe that such placements are in the best interests of the child(ren). GALs report that such delay/denial of services requires increased litigation on behalf of children and families. Even when such litigation is successful, the initial delay in services unfortunately extends the length of the case.

This extension in the life of D&N cases is illustrated by Fiscal Year 2009 and 2010 actuals, which reveal, respectively, a 7.7% and 1.5% increase in the OCR's D&N caseload with minimal to no increase in D&N filings.

The same factors driving an increased D&N caseload is also projected to result in a greater JD caseload during Fiscal Year 2012. The appointment of a GAL in a JD case is discretionary, and typically occurs because a youth is without a parent to advocate for his or her best interests in the case, either due to unwillingness, inability, or a conflict of interest, or because the presence of D&N-like factors indicate the need for best interests investigation and advocacy. After observing wide inconsistencies in judicial officers' appointment of GALs in JD cases, the OCR worked with the JBC and General Assembly during the 2009 legislative session to pass legislation promoting consistency in the use of GALs in JD cases and ensuring their appointment only when necessary (SB09-268). This legislation appears to have accomplished its intended purpose, as the OCR's JD caseload decreased by 2.8% during Fiscal Year 2010, after a 14.2% increase in Fiscal Year 2009. However, from its ongoing contact with attorneys, judicial officers, and other stakeholders throughout the state, the OCR has learned that departments of social services are continuing to limit the services they provide to teens through D&N cases, leading to an increasing number of JD cases presenting abuse and neglect issues justifying the appointment of a GAL. Based on this trend, the OCR projects a modest increase of 2.6% in its JD caseload for Fiscal Year 2012

OCR Workload Increase

What is workload, and how does the OCR measure workload? OCR measures workload by the amount of hours billed during a fiscal year. Workload is driven not only by any increase in appointments or open cases, but also by the amount of time each case requires. Attorneys have an ethical responsibility to provide zealous and competent representation, and they must dedicate the appropriate amount of time to each case on which they are appointed.

Factors impacting the OCR's workload: The OCR's workload has increased significantly since its inception. Two main factors drive the increase in the amount of time GALs must dedicate to each case: improved practice by GALs and the increasing complexity of cases resulting from the economic downturn.

The OCR's statutory mandate is to improve the quality of GAL practice. As demonstrated by the 2007 performance audit of the OCR, GALs now consistently visit children in placement and appear in court to advocate on their behalf. *See* Section I.D. at page 7. The transformation of GAL practice in Colorado, however, has implications far beyond increased court appearances and contact with children. GALs now serve as active parties in cases and leaders in the courtroom on all aspects of child safety and well-being, including but not limited to: risk factors impacting child fatality; appropriate transition plans and services for adolescent youth; the implementation of integrated treatment courts; and the benefits of maximizing youth participation in court as required by SB07-226. They are well-versed in current issues in pediatric law, such as adolescent brain development, the benefits of early intervention and comprehensive advocacy, and the need to foster family connections from the outset of cases—and they understand their role in bringing this knowledge to the forefront of their advocacy for the best interests of children. The additional time GALs dedicate to each case through their in-person contacts and requisite travel, consultation with experts and other professionals, and increased advocacy and litigation increases the OCR's workload; however, it provides a critical protection to the safety and welfare of children who have come into contact with Colorado's courts. This investment also serves to save the state money in the long run, as the failure to provide appropriate intervention services in D&N and JD cases ultimately undermines a young person's ability to be an independent, educated, and successful adult and leads to increased rates of homelessness, unemployment, poverty, incarceration, and teen pregnancy

The same factors and pressures that require cases to stay open longer have also impacted the OCR's workload by requiring increased vigilance and advocacy by GALs. Because the GAL's sole responsibility and loyalty is to the best interests of the child(ren) s/he is appointed to represent, the GAL cannot accept delays and denial of services for children and their families. GALs report to the OCR that due to caseworker turnover and shortages, they often have to perform critical caseworker activities, such as finding appropriate treatment programs and community supports. Because of an increasing reluctance to place children in residential facilities, GALs more than ever need to conduct their own investigation of appropriate facilities when they believe residential placement is in the best interests of a child. Budgetary shortfalls have also resulted in an increased number of contested hearings over which services should be provided to children and families. These factors inevitably increase a GALs' workload.

OCR data demonstrates the increased workload for GALs. In Fiscal Year 2008, the average cost per D&N case was \$1,083. Fiscal Year 2009 statistics reveal an average cost of \$1,300 per D&N case. Fiscal Year 2010 statistics reveal an average cost of \$1,418 per D&N case.

Despite the historical increase in the OCR's workload, the OCR is not requesting additional funds to cover this cost. The reason for this is twofold. First, the OCR believes it has already accomplished many of the practice improvements required by GALs, and it is hopeful that the cost per case resulting from these improvements will have leveled out by Fiscal Year 2011 and continue to remain level during Fiscal Year 2012. This prediction is based on the slowdown in the increase in D&N cost per case that occurred during Fiscal Year 2010. Second, although the OCR projects an increased cost per case due to the economic downturn, it is cognizant of the financial constraints faced by the Joint Budget Committee. The OCR has therefore set forth a plan for achieving efficiencies within its current budget that will allow it to absorb these additional costs without compromising the safety and welfare of children. Components of the OCR's long-range cost stabilization plan include:

- **Implementation of Multidisciplinary Staff Offices in the 2nd and 18th Judicial Districts (Denver and Arapahoe County):** Pursuant to its legislative mandate to explore other models of representation and the specific request of the JBC/General Assembly during the 2003 legislative session to study the implementation of a Denver staff office model similar to the OCR El Paso County GAL Office, the OCR has contracted with three offices to pilot multidisciplinary GAL staff offices in Denver and Arapahoe Counties beginning January 1, 2011.

Multidisciplinary law offices are endorsed by the National Association of Counsel for Children and the American Bar Association as a best practice in providing attorney services to children, and they allow the creation of efficiencies in the provision of attorney services while improving the delivery of services. However, the start-up costs of a state office similar to the El Paso office and the requisite creation of new FTE positions was determined to be prohibitive in the current budget climate. After extensive research and exploration of other states' approaches to implementing such offices, the OCR determined the most pragmatic approach to implementing the staff office model was to issue a Request for Proposal (RFP) for multidisciplinary law offices to provide best interest legal representation to children in dependency and neglect and delinquency cases. This RFP process allowed OCR contract attorneys and any other interested attorneys in Colorado to submit a bid. The RFP established specific requirements for both the structure and performance of these offices. Among the structural requirements, the most important mandate was that the office be multidisciplinary with attorneys and social workers working together on the cases. The performance requirements for an office include: 1) the office must adopt the Cornerstone Advocacy approach to case management; 2) each attorney and social worker must be limited to representing the best interests of a certain number of children/cases; 3) the office must follow prescribed contact requirements for the children involved in these cases and; 4) the office must use the KIDS case management system in order to track the activities on each case and to create a system for obtaining data.

From this process, the OCR received ten proposals. A multidisciplinary screening committee was established to evaluate the proposals, and three offices were ultimately selected. One office will provide GAL services in D&N and JD cases in Arapahoe County. The other two

offices will provide services in D&N cases in all three divisions of Denver’s Juvenile Court, with one office covering two divisions and the other office covering the remaining division.

Particularly because these offices will operate in two of the OCR’s historically most expensive jurisdictions, the OCR anticipates it will realize cost savings and cost stabilization from these offices. Importantly, because the savings will be achieved through a multidisciplinary practice—namely, the use of social workers to perform many of the case investigation and out-of-court management functions that GALs have traditionally provided themselves—these savings/stabilization will be realized without compromising the quality of GAL services. In fact, the OCR has set forth expectations for these offices in their contracts more stringent than those set forth for GALs through Chief Justice Directive 04-06. The OCR will be able to monitor and evaluate these offices through their use of its new data management system, KIDS, which is highlighted below and detailed in Section II (page 17).

- **Statewide Implementation of KidsVoice Integrated Data System (“KIDS”):** The OCR’s scheduled implementation of KIDS, a case management and data system, is detailed in Part IV.G. Not only does the OCR expect this system to serve as a helpful evaluation tool; it also anticipates the use of the system will enable attorneys to more efficiently use their time. For example, because the system will allow a GAL to run a report identifying all students who attend a specific school, that GAL can more easily and efficiently plan visits with multiple children on the same trip. Feedback from one state is that up to five hours of case management time is saved per attorney per week. While it is impossible to predict whether identical savings will be achieved for OCR attorneys, the OCR is confident that the use of this system will allow attorneys to spend more time working their cases and less time managing them, enabling better use of limited dollars.
- **Continued Integration of Cornerstone Advocacy Principles into D&N GAL Practice:** The Cornerstone Advocacy model employed by New York’s Center for Family Representation has recently received much national attention for the impressive outcomes it has demonstrated with families involved in the child welfare system, including increased family placement, a shorter length of time in out-of-home care, and lower reentry rates. This model of representation, as adapted by the OCR for GAL practice, mandates intensive advocacy within the first 60 days of a case focused on four cornerstones: appropriate placement, meaningful and frequent visitation, creative and accessible services, and education/life skills. This model requires “small adjustments” in attorney practice, such as taking time at the first visit/court appearance to talk to children and parents about potential visitation “hosts” (appropriate individuals outside of the department of social services who may be able to safely supervise more frequent visitation than department of social services staff can supervise), and requires attorneys to be well-versed in department regulations in addition to the statutes governing the proceedings. The OCR’s multidisciplinary staff office models will engage in this approach from their outset, and the OCR will spread this practice throughout Colorado through trainings and other supports. This model is not only is a best practice tool, but also a potential cost stabilization mechanism, as it will decrease the overall life of the case—ultimately leading to reductions in the OCR’s caseload. The OCR’s supportive approach to the implementation of this model, which will include the provision of practical handbooks, sample motions and letters, and ongoing training and updates, will help minimize the costs of the upfront intensive advocacy.

- **Continued Partnership with Other Agencies to Maximize Availability of Funding Sources and to Promote System-wide Best Practices:** By participating in local and state committees and partnering with local and state organizations, the OCR is able to achieve systemic efficiencies for GALs. For example, in one jurisdiction, GALs were not routinely being invited to certain meetings impacting treatment plans for children and families. Individual GALs were appropriately litigating this issue on a case-by-case basis, incurring costs in each case. The OCR was able to facilitate inclusion of GALs in such meetings without the need for case-by-case litigation by meeting with the Director of Child Welfare in that county. As a more general example, by sitting at the table when new initiatives are planned, the OCR is able to ensure appropriate expectations for the GAL in such initiatives. The OCR will continue to actively engage in such partnerships during Fiscal Year 2012.
- **Domestic Relations Indigency Screener:** The OCR pays for attorney appointments as Child and Family Investigators (CFIs) and Child’s Legal Representatives (CLRs) in DR cases, as well as state-paid GALs in paternity cases. In these case types, a determination that the appointment will be state-paid requires an indigency finding. Traditionally, the court has made this determination for OCR appointments. After observing wide inconsistencies in the number of state-paid appointments among judicial districts, reviewing Fiscal Year 2009 statewide data revealing a 25% increase in indigency-based appointments in domestic cases in one year, discovering significant problems with indigency findings through an audit of metro area appointments, and working at the request of the Joint Budget Committee to craft legislation to clarify the expectation that a court’s indigency finding must take into account both parties’ income and assets while they are married (SB09-268), the OCR contracted with its own indigency screener in Fiscal Year 2010 to conduct an indigency screening process similar to the Office of the Public Defender’s process. The indigency screener focused on three judicial districts: the 2nd, 10th, and 18th. During Fiscal Year 2010, this measure yielded cost savings of approximately one-third of its DR budget (\$265,000), covering the costs of the DR screener and allowing the OCR to cover some of the costs resulting from its increased D&N workload. The OCR has permanently instituted this position/process by including these responsibilities in the job description of its Training Coordinator.
- **Heightened scrutiny of excess fee requests and ongoing training/strategizing with lawyers to achieve efficiencies:** The OCR has always operated with presumptive maximum costs for each case type. If an attorney seeks to work on a case in excess of the maximum, that attorney must obtain pre-approval from the OCR. While OCR staff have always reviewed those excess fee requests, over the last three years, the OCR has reduced the presumptive maximum costs for certain case categories and OCR attorney staff have taken a more active role in reviewing those requests and strategizing efficiencies with contract attorneys. In Fiscal Year 2009, the OCR also began meeting with attorneys in metro area districts and rural districts with high costs per case. From these meetings, the OCR was able to formulate statewide and district-specific strategies to achieve efficiencies without compromising the quality of representation. Examples of such efficiencies include replacing a district-wide appointment system to a county-specific appointment system within specific multi-county rural districts to reduce travel time; promoting increased use of electronic communication (e.g., texting) with teens; and working with courts to reduce attorney wait

time. The OCR has continued such dialogue with its attorneys, and it will continue to do so in Fiscal Years 2011 and 2012.

These measures highlight the efforts of the OCR in its long-term cost stabilization plan. The OCR will continue to work creatively to implement other cost-stabilization measures based on lessons learned from these programs and other developments that occur. The OCR will monitor the impact of these measures on an ongoing basis to ensure that targeted savings are realized and to assess the need for additional measures.

IV. FISCAL YEAR 2012 BUDGET CHANGE SUMMARY

Office of the Child's Representative

	<u>Total</u>	<u>GF</u>	<u>CF</u>	<u>CFE</u>	<u>FF</u>
H.B. 10-1376 - FY 11 Appropriations Bill (Long Bill)	19,296,168	19,296,168	-	-	-
Total FY11 OCR Appropriation	19,296,168	19,296,168	-	-	-
 <u>Prior Year One-time Requests</u>					
	0	0	-	-	-
Total Prior Year One-time Requests	0	0	-	-	-
 <u>FY12 Salary Survey and Anniversary</u>					
Salary Survey	0	0	-	-	-
Anniversary	0	0	-	-	-
Total FY12 Salary Survey and Anniversary	0	0	-	-	-
 <u>FY12 Common Policy Adjustments</u>					
PERA reduction reinstatement	39,810	39,810			
Health, Life, Dental Increase	2,536	2,536	-	-	-
Short-term Disability Increase	239	239	-	-	-
AED/SAED Increase	14,902	14,902	-	-	-
Leased Space Escalator	4,937	4,937	-	-	-
Total Common Policy Adjustments	62,424	62,424	-	-	-
 <u>FY12 Decision Items</u>					
DI 1 - Caseload Increase	257,904	257,904	-	-	-
	0	0	-	-	-
	0	0	-	-	-
<i>Technical and Statewide Requests:</i>	-	-	-	-	-
Total FY12 Decision Items	257,904	257,904			
Total FY 2012 Budget Request	19,616,496	19,616,496	-	-	-
Change from FY11	320,328	320,328	-	-	-
% Change	1.7%	1.7%	0.0%	0.0%	0.0%

V. DEPARTMENT SUMMARY – SCHEDULE 2

**Office of the Child’s Representative
Fiscal Year 2011-2012**

	Actual FY 2008-09		Actual FY 2009-10		Approp FY 2010-11		Estimate FY 2010-11		Request FY 2011-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
	H.B. 08-1375		S.B. 09-259		H.B. 10-1376					
(1) Personal Services										
Total	\$1,666,918	25.8	\$1,865,701	26.8	\$1,895,244	26.9	\$1,895,244	26.9	\$1,935,054	26.9
General Fund	\$1,666,918		\$1,865,701		\$1,895,244		\$1,895,244		\$1,935,054	
(2) Health, Life, and Dental										
Total Funds	\$129,824	0.0	\$139,235	0.0	\$165,272	0.0	\$165,272	0.0	\$167,808	0.0
General Fund	\$129,824		\$139,235		\$165,272		\$165,272		\$167,808	
(3) Short-term Diability										
Total Funds	\$2,017	0.0	\$2,512	0.0	\$2,653	0.0	\$2,653	0.0	\$2,892	0.0
General Fund	\$2,017		\$2,512		\$2,653		\$2,653		\$2,892	
(4) S.B. 04-257 Amortization Equalization Disbursement										
Total Funds	\$23,983	0.0	\$31,595	0.0	\$40,505	0.0	\$40,505	0.0	\$47,072	0.0
General Fund	\$23,983		\$31,595		\$40,505		\$40,505		\$47,072	
(5) S.B. 06-235 Supplemental Amortization Equalization Disbursement										
Total Funds	\$10,889	0.0	\$19,384	0.0	\$29,238	0.0	\$29,238	0.0	\$37,573	0.0
General Fund	\$10,889		\$19,384		\$29,238		\$29,238		\$37,573	
(6) Salary Survey										
Total Funds	\$87,642	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0	0.0
General Fund	\$87,642		\$0		\$0		\$0		\$0	
(7) Anniversary Increase										
Total Funds	\$26,554	0.0	\$0	0.0	\$0	0.0	\$0	0.0	\$0	0.0
General Fund	\$26,554		\$0		\$0		\$0		\$0	
(8) Operating Expenses										
Total Funds	\$197,235	0.0	\$172,112	0.0	\$159,929	0.0	\$159,929	0.0	\$159,929	0.0
General Fund	\$197,235		\$172,112		\$159,929		\$159,929		\$159,929	
(9) Capital Outlay										
Total Funds	\$3,280	0.0	\$3,517	0.0	\$0	0.0	\$0	0.0	\$0	0.0
General Fund	\$3,280		\$3,517		\$0		\$0		\$0	
(10) Purchased Services from Computer Center										
Total Funds	\$1,553	0.0	\$1,553	0.0	\$0	0.0	\$0	0.0	\$0	0.0
General Fund	\$1,553		\$1,553		\$0		\$0		\$0	

VII. DEPARTMENT SUMMARY – SCHEDULE 2 (cont.)

**Office of the Child’s Representative
Fiscal Year 2011-2012**

		Actual FY 2008-09		Actual FY 2009-10		Approp FY 2010-11		Estimate FY 2010-11		Request FY 2011-12	
		Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
		H.B. 08-1375		S.B. 09-259		H.B. 10-1376					
(11) Leased Space											
	Total Funds	\$162,758	0.0	\$144,178	0.0	\$145,443	0.0	\$145,443	0.0	\$150,380	0.0
	General Fund	\$162,758		\$144,178		\$145,443		\$145,443		\$150,380	
(12) CASA Contracts											
	Total Funds	\$520,000	0.0	\$520,000	0.0	\$520,000	0.0	\$520,000	0.0	\$520,000	0.0
	General Fund	\$520,000		\$520,000		\$520,000		\$520,000		\$520,000	
(13) Training											
	Total Funds	\$32,519	0.0	\$36,999	0.0	\$38,000	0.0	\$38,000	0.0	\$38,000	0.0
	General Fund	\$32,519		\$36,999		\$38,000		\$38,000		\$38,000	
(14) Court Appointed Counsel											
	Total Funds	\$15,607,297	0.0	\$15,853,321	0.0	\$16,273,656	0.0	\$16,273,656	0.0	\$16,531,560	0.0
	General Fund	\$15,607,297		\$15,853,321		\$16,273,656		\$16,273,656		\$16,531,560	
(15) Mandated Costs											
	Total Funds	\$34,437	0.0	\$39,717	0.0	\$26,228	0.0	\$26,228	0.0	\$26,228	0.0
	General Fund	\$34,437		\$39,717		\$26,228		\$26,228		\$26,228	
Department Total											
	Total Funds	\$18,506,906	26.8	\$18,829,824	26.8	\$19,296,168	26.9	\$19,296,168	26.9	\$19,616,496	26.9
	General Fund	\$18,506,906		\$18,829,824		\$19,296,168		\$19,296,168		\$19,616,496	

VI. PROGRAM DETAIL - SCHEDULE 3
Office of the Child's Representative

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Personal Services										
Position Detail:										
Executive Director	127,796	1.0	140,295	1.0						
Deputy Director	51,135	0.6	25,719	0.6						
Staff Attorneys	120,498	1.8	144,996	1.8						
Budget/Billing/Office Administration	170,772	2.9	180,552	2.9						
Training Coordinator	52,369	1.0	38,919	1.0						
Subtotal - Administration	522,569	7.3	530,481	7.3						
El Paso County Office Attorneys	836,848	12.3	833,861	12.8						
El Paso County Office Social Workers/Case Coordinators	159,055	4.6	159,712	3.7						
El Paso County Office Administrative/Support Staff	96,821	2.6	122,417	3.0						
Subtotal - El Paso County Office	1,092,724	19.5	1,115,990	19.5						
Temporary Contract Services	0		32,605							
Continuation Salary Subtotal	1,615,293	26.8	1,679,076	26.8	1,737,162	26.9	1,737,162	26.9	1,737,162	26.9
PERA on Continuation Subtotal	143,676		163,906		132,893		132,893		172,703	
Medicare on Continuation Subtotal	22,144		22,719		25,189		25,189		25,189	
Personal Services Subtotal	1,781,114		1,865,701		1,895,244		1,895,244		1,935,054	
Pots Expenditures:										
Health/Life/Dental	129,824		139,235		165,272		165,272		167,808	
Short Term Disability	2,017		2,512		2,653		2,653		2,892	
Salary Survey (non-add)	87,642		0		0		0		0	
Anniversary/Performance Based Pay (non-add)	26,554		0		0		0		0	
Unemployment Compensation	0		0							
AED and SAED	34,873		50,979		69,743		69,743		84,645	
Personal Services Detail Total	1,947,828	26.8	2,058,427	26.8	2,132,912	26.9	2,132,912	26.9	2,190,399	26.9
General Funds										
Cash Funds Exempt										

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
Personal Services Reconciliation Authorization										
Long Bill Appropriation	1,736,920		1,866,763							
Transfer from Judicial										
Allocated POTS:										
Salary Survey	87,642		0							
Anniversary	26,554		0							
Health, Life, and Dental	129,401		163,296							
Short Term Disability	2,086		2,636							
AED & SAED	36,501		54,293							
Special Bill										
Transfer from (to) Operating	(44,015)		(26,250)							
Transfer from (to) Mandated Costs	(1,485)		0							
Transfer from (to) Leased Space	(25,132)		(959)							
Transfer from (to) Court-Appointed Counsel	(644)		(1,352)							
Reversion to General Fund (Rounding)										
Total Personal Services Authorization	1,947,828		2,058,427							
<u>Operating Expenses</u>										
1622 CN PERA	44		0							
1920 Professional Services	50		32							
1960 Personal Services - IT - Hardware	0		0							
2110 Water and Sewer Service	756		1,045							
2160 Custodial Services	3,174		2,580							
2170 Waste Disposal Service	2,644		1,178							
2220 Building Maintenance and Repair	101		0							
2230 Equipment Maintenance and Repair	6,604		4,177							
2231 IT Hardware Maintenance/Repair	3,614		5,153							
2232 IT Software Maintenance	29,653		38,806							
2250 Miscellaneous Rentals	610		0							
2253 Rental of Equipment	5,543		4,478							

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Operating Expenses (cont.)</u>										
2254 Rental of Motor Vehicle	346		801							
2255 Rental of Buildings	0		0							
2258 Parking Fees	0		0							
2510 In-State Travel	132		229							
2511 In-State Common Carrier	185		0							
2512 In-State Employee Subsistence	3,398		2,910							
2513 In-State Employee Mileage	44,543		46,738							
2521 In-State Non-Employee Common Carrier	0		0							
2522 In-State Non-Employee Subsistence	11		133							
2523 In-State Non-Employee Mileage	1,334		0							
2530 Out-of-State Travel	2,217		74							
2531 Out-of-State Common Carrier Fares	1,748		0							
2532 Out-of-State Per Diem	2,160		(151)							
2541 Out-of-State Non-Employee Common Carrier	487		0							
2543 Out-of-State Non-Employee Vehicle Reimbursement	0		0							
2610 Advertising	0		0							
2631 Communication Service - Outside Sources	20,985		17,714							
2680 Print/Reproduction Services	990		920							
2681 Photocopy Reimbursement	73		0							
2690 Legal Services	281		0							
2810 Freight	0		0							
2820 Other Purchased Services	9,171		3,089							
3110 Other Supplies & Materials	990		837							
3114 Custodial Supplies	528		491							
3115 Data Processing Supplies	2,013		2,067							
3116 Purchased Software	1,295		433							
3118 Food & Food Service	4,485		3,799							
3120 Books/Periodicals/Subscriptions	2,787		1,511							
3121 Office Supplies	12,873		11,021							
3123 Postage	2,647		4,655							
3124 Printing/Copies	513		367							
3126 Repair/Maintenance Supplies	27		0							

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Operating Expenses (cont.)</u>										
3128 Noncapitalized Equipment	2,692		3,732							
3132 Non-Capitalized Office Furniture	5,463		815							
3140 Non-Capitalized IT - PC'S	0		0							
3143 Non-Capitalized IT - Other	0		0							
3940 Electricity	4,101		3,989							
3970 Natural Gas	2,682		3,663							
4100 Other Operating Expenses	247		61							
4105 Bank Card Fees	0		0							
4140 Dues & Memberships	4,108		4,698							
4170 Miscellaneous Fees and Fines	6		25							
4180 Official Functions	513		0							
4220 Registration Fees	8,393		45							
4221 Other Educational	20		0							
DI 2 - Replace Computer Server and 3 Computers			0							-
Operating Expenses Total	197,235		172,112		159,929		159,929		159,929	
General Funds										
Federal Funds										
<u>Reconciliation</u>										
Long Bill Appropriation	148,162		151,042							
Reversion to General Fund										
Transfer to Court Appointed Counsel	(423)		(5,180)							
Transfer to Training	(42)		0							
Transfer from Training	5,523		0							
Transfer from Mandated Costs			0							
Transfer from Personal Services	44,015		26,250							
Total Reconciliation of Operating	197,235		172,112							
<u>Leased Space</u>										
2255 Rental of Building	162,758		144,178							
Common Policy Increase - OGAL Lease Escalator									4,937	
Lease Space Expenses Total (GF)	162,758		144,178							

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Leased Space (cont.)</u>										
Reconciliation										
Long Bill Appropriation	137,880		142,738		145,443		145,443		150,380	
Transfer from Personal Services	25,132		959							
Transfer to CAC	(254)		0							
Transfer from Capital Outlay	0		481							
Reversion to General Fund (Rounding)	0		0							
Total Reconciliation of Leased Space	162,758		144,178							
<u>Capital Outlay</u>										
Reconciliation										
Capital Outlay	3,280		3,517							
DI 3-Add'l Billing Admin. Asst. (Office furniture & equipment)										
Capital Outlay	3,280		3,517							
Reconciliation										
Long Bill Appropriation	3,455		3,998							
Transfer to Operating	(175)		0							
Transfer to Leased Space			(481)							
Total Reconciliation of Capital Outlay	3,280		3,517							
<u>Purchase of Services from GGCC</u>										
Reconciliation										
GGCC Services	1,553		1,553							
Purchase of Services from GGCC (GF)	1,553		1,553							
Reconciliation										
Long Bill Appropriation	1,553		1,553							
Total Reconciliation of Purchased Services from GGCC	1,553		1,553							

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Training</u>										
1920 Professional Services	0		0							
2232 IT Software MNTC/Upgrade Svcs			73							
2250 Miscellaneous Rentals	120		0							
2253 Rental of Equipment	0		0							
2254 Rental of Motor Vehicle	55		1,383							
2255 Rental of Building			2,763							
2258 Parking Fees			0							
2511 In-State Common Carrier Fares	7		450							
2512 In-State Employee Subsistence	10,607		4,940							
2513 In-State Employee Mileage	1,476		876							
2521 In-State Non-Employee Common Carrier			338							
2522 In-State Non-Employee Per Diem	2,054		844							
2523 In-State Non-Employee Mileage	1,543		597							
2530 Out-of-State Travel	500		2,314							
2531 Out-of-State Common Carrier	175		0							
2532 Out-of-State Travel Per Diem	239		2,163							
2541 Out-of-State Non-Employee Common Carrier	226		556							
2542 Out-of-State Non-Employee Per Diem	2,263		361							
2543 Out-of-State Non-Employee Mileage Reimbursement			102							
2610 Advertising			0							
2631 Communication Service - Outside Sources	30		23							
2670 Education SRVC FR HE			1,950							
2680 Reproduction Services	1,169		4,894							
2820 Other Purchased Services	1,755		473							
2830 Office Moving-Purchased Services	1,264		0							
3110 Other Supplies & Materials	180		175							
3115 Data Processing Supplies	0		0							
3116 Purchased Software	110		0							
3117 Educational Supplies			98							
3118 Food & Food Service	2,356		2,856							
3120 Books/Periodicals/Subscriptions	301		12							
3121 Office Supplies	2,519		3,776							
3123 Postage	38		67							
3124 Printing / Copy Supplies	203		38							
318 Noncapitalized Equipment			700							

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Training (cont.)</u>										
4100 Other Expenses	10		0							
4140 Dues and Memberships	180		0							
4170 Miscellaneous Fees	35		45							
4220 Registration Fees	3,105		4,130							
Training	32,519		36,999							
General Fund										
General Fund Exempt										
Cash Fund Exempt										
Reconciliation										
Long Bill Appropriation	38,000		38,000		38,000		38,000		38,000	
Transfer to Operating Expenses	(5,523)		0							
Transfer from Operating Expenses	42		0							
Transfer to CAC			(1,000)							
Reversion to General Fund (Rounding)			(1)							
Total Reconciliation of Training	32,519		36,999							
<u>CASA Contracts</u>										
CASA Contracts	20,000		520,000							
Total CASA Contracts	520,000		520,000		520,000		520,000		520,000	
General Fund	520,000		520,000							
<u>Court Appointed Counsel</u>										
Court Appointed Counsel	15,607,297		15,853,321							
DI 1 - CAC Caseload Increase										
Total Court Appointed Counsel (GF)	15,607,297		15,853,321							

ITEM	Actual FY 08-09		Actual FY 09-10		Appropriation FY 10-11		Estimated FY 10-11		Requested FY 11-12	
	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE	Total Funds	FTE
<u>Court Appointed Counsel (cont.)</u>										
Reconciliation										
Long Bill Appropriation	13,160,939		15,506,893		16,273,656		16,273,656		16,531,560	
Transfer from/(to) Personal Services	644		1,352							
Transfer from Leased Space	254		0							
Transfer from/(to) Mandated Costs	(6,549)		(13,489)							
Transfer from Operating	423		5,180							
Transfer from Training	0		1,000							
Transfer from Judicial			449,385							
SB 09-268 - DR Case representation	0		(97,000)							
SB 09-190 - Supplemental Appropriation	1,133,043		0							
FY09 Emergency Supplemental	1,437,229		0							
Reversion to General Fund (Rounding)	(1)		0							
Total Reconciliation of Court-Appointed Counsel	15,725,982		15,853,321							
Over Expenditure of Court-Appointed Counsel	118,685									
<u>Mandated Costs</u>										
Mandated Costs	34,437		39,717							
DI 105 - Increase Mandated Costs										
Total Mandated Costs (GF)	34,437		39,717							
Reconciliation										
Long Bill Appropriation	26,228		26,228		26,228		26,228		26,228	
Transfers from Personal Services	1,485		0							
Transfer from/(to) Court-Appointed-Counsel	6,549		13,489							
Transfer from Capital Outlay	175		0							
Reversion to General Fund (Rounding)	0		0							
Total Reconciliation of Court-Appointed Counsel	34,437		39,717							
Grand Total	18,506,906		18,829,824		19,296,168		19,296,168		19,616,496	
General Fund	18,506,906		18,829,824		19,296,168		19,296,168		19,616,496	
General Fund Exempt										
Federal Funds										
Cash Funds										
Cash Funds Exempt										

VII. SOURCE OF FUNDING - SCHEDULE 5

Office of the Child's Representative

Long Bill Group	Fiscal Year 2009 Actuals	Fiscal Year 2010 Actuals	Fiscal Year 2011 Appropriation	Fiscal Year 2011 Estimate	Fiscal Year 2012 Request
<u>General Fund</u>					
Personal Services	\$1,947,828	\$2,058,427	\$2,132,912	\$2,132,912	\$2,190,399
Operating	197,235	172,112	159,929	159,929	159,929
Capital Outlay	3,280	3,517	0	0	0
Purchased Services from GGCC	1,553	1,553	0	0	0
Leased Space	162,758	144,178	145,443	145,443	150,380
Training	32,519	36,999	38,000	38,000	38,000
CASA Contracts	520,000	520,000	520,000	520,000	520,000
Court Appointed Counsel	15,607,297	15,853,321	16,273,656	16,273,656	16,531,560
Mandated Costs	34,437	39,717	26,228	26,228	26,228
TOTAL	\$18,506,906	\$18,829,824	\$19,296,168	\$19,296,168	\$19,616,496

VIII. BUDGET ASSUMPTIONS AND CALCULATIONS
Office of the Child's Representative
Fiscal Year 2012

PERSONAL SERVICES	FTE	GF
Previous Appropriation (FY11) H.B. 10-1376	26.9	1,895,244
Add: FY12 Salary Survey		0
Add: FY12 Anniversary		0
Add: FY11 PERA reduction reinstatement		39,810
Total FY12 Personal Services	26.9	1,935,054
HEALTH/DENTAL/LIFE		
Previous Appropriation (FY11) H.B. 10-1376		165,272
Add: FY12 Common Policy Increases		2,536
Total FY12 Health/Life/Dental		167,808
SHORT TERM DISABILITY		
Previous Appropriation (FY11) H.B. 10-1376		2,653
Add: FY12 Common Policy Increases		239
Total FY12 Short-term Disability		2,892
AED		
Previous Appropriation (FY11) H.B. 10-1376		40,505
Add: FY12 Common Policy Increases		6,567
Total FY12 AED		47,072
SAED		
Previous Appropriation (FY11) H.B. 10-1376		29,238
Add: FY12 Common Policy Increases		8,335
Total FY12 SAED		37,573
SALARY SURVEY		
Previous Appropriation (FY11) H.B. 10-1376		0
		0
		0
Total FY12 Salary Survey		0

ANNIVERSARY/PBP

Previous Appropriation (FY11) H.B. 10-1376	0
	0
Total FY12 Anniversary/PBP	0

OPERATING EXPENSES

Previous Appropriation (FY11) H.B. 10-1376	159,929
	0
Total FY12 Operating Expenses	159,929

CAPITAL OUTLAY

Previous Appropriation (FY11) H.B. 10-1376	0
	0
Total FY12 Capital Outlay Costs	0

LEASED SPACE

Previous Appropriation (FY11) H.B. 10-1376	145,443
Add: FY11 Common Policy Increases	4,937
Total FY12 Leased Space	150,380

TRAINING

Previous Appropriation (FY11) H.B. 10-1376	38,000
Total FY12 Training	38,000

CASA

Previous Appropriation (FY11) H.B. 10-1376	520,000
Total FY12 CASA	520,000

COURT-APPOINTED-COUNSEL

Previous Appropriation (FY11) H.B. 10-1376	16,273,656
Add: DI-1 Caseload Increase	257,904
Total FY12 Court-Appointed-Counsel	16,531,560

MANDATED COSTS

Previous Appropriation (FY11) H.B. 10-1376	26,228
Total FY12 Mandated Costs	26,228

TOTAL FY12 BUDGET REQUEST	19,616,496
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IX. Schedule 9
Cash Fund Status for: Guardian Ad Litem Fund – 14H
C.R.S. Citation: 13-91-106

Cash Fund Revenue and Expenditure Trend Information

	Actual FY 2008-09	Actual FY 2009-10	Estimate FY 2010-11	Request FY 2011-12	Projected FY 2012-13
Beginning Balance	7,904	0	0	0	0
Exempt Revenue					
Non-Exempt Revenue	185		0	0	0
Total Expenditures ⁽¹⁾	8,089	0	0		
Ending Balance	0	0	0	0	0
Ending Balance—Cash Assets	0	0	0	0	0
Reserves Increase/Decrease	0	0	0	0	0

Fee Levels

	Actual FY 2008-09	Actual FY 2009-10	Estimate FY 2010-11	Request FY 2011-12	Projected FY 2012-13
1. N/A	N/A	N/A	N/A	N/A	N/A
2. N/A	N/A	N/A	N/A	N/A	N/A

Cash Fund Reserve Balance

	FY 2008-09	FY 2009-10	FY 2010-11
Uncommitted Fee Reserve Balance (total reserve balance minus exempt assets and previously appropriated funds; calculated based on % of revenue from fees)	0	0	0
Target/Alternative Fee Reserve Balance (amount set in statute or 16.5% of total expenses)	0	0	0
Excess Uncommitted Fee Reserve Balance	0		
Statutory Deadline for Complying with the Target/Alternative Reserve Balance	N/A		

Cash Fund Narrative Information

Purpose/Background of Fund	The Guardian Ad Litem Fund was established at OCR's creation. Pursuant to C.R.S., 13-91-106, the fund consists of general funds appropriated to the fund by the General Assembly and any moneys received through grants, gifts, donations, and other non-governmental contributions. It is subject to annual appropriation.
Fee Sources	None currently.

Non-Fee Sources	None. Dollars were transferred from the General Fund in the Judicial Department (Mandated Costs line item) to the Guardian Ad Litem Fund in FY 2001 to pay for the creation of the administrative structure. The balance in the fund does not revert and has been left over since OCR's FY 2001. The revenue in the fund is from interest earnings.
Long Bill Groups Supported by Fund	None.
Statutory or Other Restriction on Use of Fund	To fund the work of the OCR relating to the provision of GAL services.
Revenue Drivers	None currently.
Expenditure Drivers	None currently.
Assessment of Potential for Compliance	N/A
Action	<input checked="" type="checkbox"/> Already in Compliance <input type="checkbox"/> Statute Change ¹ <input type="checkbox"/> Planned Fee Reduction ¹ <input type="checkbox"/> Planned One-time Expenditure(s) ¹ <input type="checkbox"/> Planned Ongoing Expenditure(s) ¹ <input type="checkbox"/> Waiver ²
1. If plan is needed to meet compliance deadline, attach Form 11.B. 2. If pursuing a waiver, attach Form 11.C.	

Schedule 9 Cash Fund Status for: Guardian Ad Litem Fund – 14H C.R.S. Citation: 13-91-106					
Cash Fund Expenditure Line Item Detail and Change Requests					
	Actual FY 2008-09	Actual FY 2009-10	Estimate FY 2010-11	Request FY 2011-12	Projected FY 2012-13
Division Name					
Line Item Name					
Training					
Division Subtotal					
TOTAL					

(1) Per S.B. 09-208 Concerning the augmentation of the General Fund through transfers of certain moneys in the 2008-2009 Fiscal Year, the sum of \$8,089 was transferred from the Guardian Ad Litem Fund – 14H to the General Fund.

**X. SUMMARY OF DECISION ITEMS (Schedule 13)
DECISION ITEM REQUESTS for FY 2012**

Schedule 13 Change Request for FY 2011-12 Budget Request Cycle											
Decision Item FY 2011-12		Base Reduction Item FY 2011-12			Supplemental FY 2010-11			Budget Amendment FY 2011-12			
Request Title: FY 2011-12 Change Requests					Dept. Approval by:			Date:			
Department: Office of the Child's Representative					OSPB Approval: N/A			Date: N/A			
Priority Number: Decision Item 1											
		1	2	3	4	5	6	7	8	9	10
	Fund	Prior-Year Actual FY 2009-10	Appropriation FY 2010-11	Supplemental Request FY 2010-11	Total Revised Request FY 2010-11	Base Request FY 2011-12	Decision/Base Change FY 2011-12	November 2 Request FY 2011-12	Budget Amendment FY 2011-12	Total Revised Request FY 2011-12	Change from Base (Column 5) FY 2012-13
Total of All Line Items	Total	15,853,321	16,273,656	0	16,273,656	16,273,656	257,904	16,531,560	0	16,531,560	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	15,853,321	16,273,656	0	16,273,656	16,273,656	257,904	16,531,560	0	16,531,560	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	0	0	0	0	0	0	0	0	0	0
Judicial - Office of the Child's Representative - Court Appointed Counsel - Decision Item 1 - Caseload and Workload Increase	Total	15,853,321	16,273,656	0	16,273,656	16,273,656	257,904	16,531,560	0	16,531,560	0
	FTE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
	GF	15,853,321	16,273,656	0	16,273,656	16,273,656	257,904	16,531,560	0	16,531,560	0
	GFE	0	0	0	0	0	0	0	0	0	0
	CF	0	0	0	0	0	0	0	0	0	0
	CFE/RF	0	0	0	0	0	0	0	0	0	0
	FF	0	0	0	0	0	0	0	0	0	0

Non-Line Item Request:
Letternote Revised Text:
Cash or Federal Fund Name and COFRS Fund Number:
Reappropriated Funds Source, by Department and Line Item Name:
Approval by OIT? Yes: No: N/A: X
Schedule 13s from Affected Departments:

**Office of the Child's Representative
Schedule 10
FY 2011-12 Budget Request**

Priority	Number	Long Bill Line Item	Request	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Decision Items									
1	DI-1	Court Appointed Counsel	Caseload Increase		\$257,904	\$257,904	\$0	\$0	\$0
2					\$0	\$0	\$0	\$0	\$0
3					\$0	\$0	\$0	\$0	\$0
3					\$0	\$0	\$0	\$0	\$0
3					\$0	\$0	\$0	\$0	\$0
3					\$0	\$0	\$0	\$0	\$0
3					\$0	\$0	\$0	\$0	\$0
3					\$0	\$0	\$0	\$0	\$0
Total - Decision Items				0.0	\$257,904	\$257,904	\$0	\$0	\$0
Base Reduction Items									
									\$0
Total - Base Reduction Items				0.0	\$0	\$0	\$0	\$0	\$0
Non-Prioritized Items									
Total Non Prioritized Items				0.0	\$0	\$0	\$0	\$0	\$0
Grand Total November 1, 2010				0.0	\$257,904	\$257,904	\$0	\$0	\$0

XI. DECISION ITEM - SCHEDULE 2D

Priority: 1

Title: DI-1 - Additional Funding for Caseload Increase

Program Assignment: Judicial Branch – Office of the Child’s Representative

Statutory Authority: §13-91-101 *et. seq.* Colorado Revised Statute

Total Request Amount:

	Fiscal Year 2011	Fiscal Year 2012
General Fund	\$ 16,491	\$ 257,904

Short Summary of Request:

This Request is for an increase of **\$257,904** for the court-appointed counsel appropriation. The additional funds are needed due to an increase in projected caseload for court-appointed counsel to provide the mandated services of the Office of the Child’s Representative (OCR). Although it appears the OCR will be underfunded by \$16,491 for Fiscal Year 2010-11, the agency will not be submitting a Supplemental Request.

Background and Appropriation History:

The OCR court-appointed counsel appropriation funds legal representation for children who are involved in the court system due to abuse and neglect, involved in high conflict parenting time/responsibilities disputes, or charged with delinquent acts and without a parent or guardian available to advocate for their best interests. Competent and effective legal representation for these children is provided throughout Colorado by independent guardians *ad litem* (GALs), Child’s Legal Representative (CLRs), and Child Family Investigators (CFIs) under contract with the OCR. These attorney services are legislatively mandated. Historically, approximately 96% of OCR’s budget has been allocated towards attorney services.

The responsibility of an attorney under contract with the OCR is to provide best interests legal representation for children subject to a court case, as appointed by the court. The OCR does not have discretion over when and whether cases are filed, GAL appointments are made, or cases are closed. The OCR contracts with attorneys to cover appointments within specified geographic locations for the determined state hourly rate. Case costs are divided into six case types: Dependency and Neglect (D&N); Domestic Relations (DR); Juvenile Delinquency (JD); Paternity; Probate; Truancy; and Other.

Exhibit A portrays the OCR’s caseload history. Exhibit B portrays the OCR’s expenditure history.

General Description of Request:

The reason for the requested increase in the court-appointed counsel appropriation is an actual increase in the number of cases on which the OCR must pay attorneys.

While the OCR provides court appointed counsel in several case types, its core business is to represent the best interest of children in the child welfare system (D&N cases). Courts are legislatively mandated to appoint a GAL to represent the best interests of each child in every D&N case filed. D&N cases account for over 81% of total court-appointed counsel expenditures incurred during Fiscal Year 2009-2010. DR, JD, Paternity, Probate, and Truancy case types, which comprise the balance of the OCR’s court-appointed counsel expenditures, involve discretionary appointments by the court.

The OCR’s D&N caseload reflects new cases of child abuse as well as ongoing cases. The court-appointed GAL generally has two or more child clients in each D&N case. D&N cases are only closed once a safe, appropriate, and permanent home for each child is legally finalized. Most D&N cases extend beyond the fiscal year the case is filed in order to properly resolve child protection issues for each child in the case. As detailed in the Factors Directly Impacting the Budget Request Section (pages 19-20), the current financial crisis has resulted in an increased D&N case life, increasing the number of D&N cases that remain open each fiscal year.

Similarly, the OCR projects an increased JD caseload. GAL appointments in JD cases are made at the courts’ discretion and normally occur if no parent is available, a conflict exists between the parent and child, or the appointment is otherwise determined to be in the child’s best interest, typically because of circumstances resembling a D&N-type situation. GALs may be appointed at any point during the pendency of a JD case, and they may also be re-appointed on a case after a child has been sentenced if a petition to revoke probation is filed. Each time a GAL is appointed on a JD case, the appointment counts as a new appointment in the OCR’s system. The OCR does not have any authority over the court’s appointment decision in this case type. As detailed in the Factors Impacting the Budget Request Section (page 20), the same factors driving an increased D&N caseload are projected to result in more GAL appointments in delinquency cases.

The following table illustrates the OCR’s actual caseload over the past three fiscal years and estimated caseload for Fiscal Year 2010-11 and Fiscal Year 2011-12:

Type of Case	FY08	FY09	FY10	FY11 est.	FY12 est.
Dependency & Neglect	8,269	8,906	9,038	9,328	9,466
Domestic Relations	606	760	690	670	651
Juvenile Delinquency	3,874	4,423	4,299	4,410	4,524
Paternity	108	138	198	218	224
Probate	73	71	64	62	60
Truancy	514	475	406	375	347
Other	56	70	99	126	160
Total	13,500	14,843	14,794	15,189	15,432

As illustrated by this table, the OCR does not project an increase in caseload in any other case type. Additionally, due to its implementation of a cost-stabilization plan detailed in Section III (pages 22-25) of this request, the OCR is not seeking additional funding to cover an increased workload for GALs.

Assumptions & Calculations:

The Fiscal Year 2011-12 budget projection is based on a per capita methodology. The purpose for utilizing this method is to blend the variance between the number of hours spent on cases and the fluctuation in the number of cases open during the fiscal year. The first step in the budget projection process is to forecast the number of cases utilizing historical caseload amounts, retrieved from the Court-Appointed Counsel System (CACs). Actual expenditures are retrieved from the Colorado Financial Reporting System (COFRS). For each case type, the prior year expenditures are divided by the prior year number of cases paid, resulting in a per capita amount spent on each case. The per capita is increased by either a percentage based on historical averages of per capita changes, a single per capita change between two fiscal years, or a rough estimate based on expenditure projections. The per capita is multiplied by the estimated case load, equaling the estimated expenditure for the fiscal year.

Exhibit A – Caseload History and Forecast

The first objective is to project the future caseload. This exhibit depicts the OCR's historic caseload and future projections. Each of the projections for Fiscal Year 2011-12 is based on percentages change from year-to-year. D&N, JD, and Domestic Relations are the OCR's three primary case types.

The D&N caseload has fluctuated greatly since the OCR's inception, with percent changes ranging from (2.51%) to 15.35%. Due the high fluctuation in this case type, the percentage change between Fiscal Year 2006-07 and Fiscal Year 2007-08 was applied to forecast the Fiscal Year 2010-11 caseload, yielding an estimated growth in D&N cases of 3.21%. It is anticipated caseload will continue to increase in Fiscal Year 2011-12, but at a slower rate. An increase of 1.48%, the percent change between Fiscal Year 2008-09 and Fiscal Year 2009-10, was utilized to project the D&N caseload in Fiscal Year 2011-12.

The JD caseload has also fluctuated a great deal since the OCR's inception. The percent change year-to-year has been as high as 25.60% and as low as (9.41%). Over the past five years, JD caseload percent change has narrowed, with changes between an increase of 14.17% between Fiscal Year 2007-08 and Fiscal Year 2008-09, and a decrease of 2.80% between Fiscal Year 2008-09 and Fiscal Year 2009-10. Historically, a spike in JD cases in one year is followed by a lower rate of increase in subsequent fiscal years. Based on that pattern, the percent change of 2.58% between Fiscal Year 2004-05 and Fiscal Year 2005-06 was applied to project both Fiscal Year 2010-11 and Fiscal Year 2011-12 caseloads. Selecting this modifier provides a gradual and steady increase in caseload.

During Fiscal Year 2009-10, OCR initiated changes in the screening process of indigent clients in Domestic Relations cases. Partially due to these efforts, the number of cases decreased by 9.21% between Fiscal Year 2008-09 and Fiscal Year 2009-10. OCR anticipates the changes will continue to reduce the Domestic Relations caseload, but at a more gradual rate. To forecast both

the current fiscal year and Fiscal Year 2011-12, the percent change between Fiscal Year 2006-07 and Fiscal Year 2007-08 (2.88%) was applied, resulting in a projected decrease in caseload for Domestic Relations.

The remaining case types comprise 5% of the OCR total caseload and have fluctuated greatly since OCR's inception. The "Other" category includes Appeals and GAL representation in Direct File cases. The OCR has experienced a steady increase in these cases since Fiscal Year 2003-2004. Actuals for Fiscal Year 2009-10 reveal an increase of 41.43% primarily in the 2nd and 18th judicial districts. It is anticipated that both the number of Appeals and Direct File cases will continue to increase. The projections in the "Other" category for Fiscal Year 2010-11 and Fiscal Year 2011-12 are based on percent change of 27.27% and 26.99% respectively. Additionally a slight increase of 2.55% is anticipated in the Paternity case type.

Exhibit B – History and Projections of OCR Expenditures

This exhibit depicts the OCR's historic and projected future expenditures, including the percent change year-to-year

Exhibit C – Court-Appointed Counsel Cost per Case

This exhibit calculates a historical cost per case amount for each case type, including a percentage change from year-to-year. The exhibit also includes average percentage increase and/or decrease during specific periods of time. These change percentages are used to calculate any changes in the OCR's workload.

Consequences if Not Funded:

Alternative 1: Approve additional funding to cover the OCR's overall caseload increase. The OCR's budget is driven by new cases filed and increased duration of cases. A majority of the OCR's court-appointed counsel expenditures are based on D&N cases. Statutorily a GAL must be appointed on each D&N case filed. The OCR has no control over the number of cases filed or the duration of these cases. Similarly, the OCR does not have control over the number of appointments made or the length of the appointment in any of the discretionary case types, including the JD cases which are impacting this year's budget request. Once an attorney has been appointed GAL's have a professional obligation to provide diligent and competent representation and to abide by standards set forth in CJD04-06. It is the OCR's obligation to pay its GALs for all time spent advocating for the best interest of the child(ren) they represent.

Alternative 2: Maintain funding at current level. Whenever possible, the OCR has attempted to create efficiencies with the expenditure of public funds. Mandated services must be paid for. If not funded, the OCR will not be able to pay attorney bills. The OCR would attempt to cover the increased costs through the transfer authority in its existing budget. However, because 96% of OCR's FY 2010-2011 appropriation is allocated towards attorney services, the agency does not possess the capacity to absorb these additional costs.

Recommendation:

The OCR recommends **Alternative 1**. The agency must pay its mandated attorney services. The court-appointed counsel budget is caseload driven and as cases increase, so do expenditures. Consequently, OCR is requesting additional funding totaling \$257,904 in order to continue to provide its mandated services. OCR does not recommend Alternative 2 because the agency does not have the ability to meet these costs in its current budget.

OFFICE OF THE CHILDS REPRESENTATIVE

Exhibit A

Case Load History and Forecast

Number of Cases	Dependency & Neglect	Domestic Relations	Juvenile Delinquency	Paternity	Probate	Truancy	Other	TOTAL
FY 01-02 Actuals	5,775	568	3,187	162	334	620	110	10,756
FY 02-03 Actuals	5,630	717	2,887	142	108	505	48	10,037
% Change from FY 01-02	-2.51%	26.23%	-9.41%	-12.35%	-67.66%	-18.55%	-56.36%	-6.68%
FY 03-04 Actuals	6,494	963	2,684	123	112	369	48	10,793
% Change from FY 02-03	15.35%	34.31%	-7.03%	-13.38%	3.70%	-26.93%	0.00%	7.53%
FY 04-05 Actuals	6,975	762	3,371	86	149	280	36	11,659
% Change from FY 03-04	7.41%	-20.87%	25.60%	-30.08%	33.04%	-24.12%	-25.00%	8.02%
FY 05-06 Actuals	7,619	673	3,458	107	137	374	39	12,407
% Change from FY 04-05	9.23%	-11.68%	2.58%	24.42%	-8.05%	33.57%	8.33%	6.42%
FY 06-07 Actuals	8,012	624	3,594	126	105	458	44	12,963
% Change from FY 05-06	5.16%	-7.28%	3.93%	17.76%	-23.36%	22.46%	12.82%	4.48%
FY 07-08 Actuals	8,269	606	3,874	108	73	514	56	13,500
% Change from FY 06-07	3.21%	-2.88%	7.79%	-14.29%	-30.48%	12.23%	27.27%	4.14%
FY 08-09 Actuals	8,906	760	4,423	138	71	475	70	14,843
% Change from FY 07-08	7.70%	25.41%	14.17%	27.78%	-2.74%	-7.59%	25.00%	9.95%
FY 09-10 Actuals	9,038	690	4,299	198	64	406	99	14,794
% Change from FY 08-09	1.48%	-9.21%	-2.80%	43.48%	-9.86%	-14.53%	41.43%	-0.33%
FY 10-11 Projection	9,328	670	4,410	218	62	375	126	15,189
% Change from FY 09-10	3.21%	-2.88%	2.58%	10.27%	-3.13%	-7.64%	27.27%	2.67%
FY 11-12 Projection	9,466	651	4,524	224	60	347	160	15,432
% Change from FY 10-11	1.48%	-2.85%	2.58%	2.55%	-3.23%	-7.47%	26.99%	1.60%

OFFICE OF THE CHILD'S REPRESENTATIVE
Exhibit B
History and Projections of OCR Expenditures

Number of Case Hours	Dependency & Neglect	Domestic Relations	Juvenile Delinquency	Paternity	Probate	Truancy	Other	TOTAL
FY 01-02 Actuals	\$4,317,441	\$424,682	\$1,203,240	\$78,507	\$89,000	\$172,982	\$27,001	\$6,312,853
FY 02-03 Actuals	\$4,509,277	\$488,916	\$981,246	\$57,974	\$51,559	\$113,082	\$14,600	\$6,216,655
% Change from FY 01-02	4.44%	15.13%	-18.45%	-26.15%	-42.07%	-34.63%	-45.93%	-1.52%
FY 03-04 Actuals	\$5,186,898	\$623,407	\$842,540	\$58,007	\$66,707	\$84,480	\$16,084	\$6,878,123
% Change from FY 02-03	15.03%	27.51%	-14.14%	0.06%	29.38%	-25.29%	10.17%	10.64%
FY 04-05 Actuals	\$5,290,761	\$426,186	\$1,338,555	\$27,126	\$87,839	\$68,983	\$19,787	\$7,259,237
% Change from FY 03-04	2.00%	-31.64%	58.87%	-53.24%	31.68%	-18.34%	23.02%	5.54%
FY 05-06 Actuals	\$5,384,490	\$435,775	\$1,333,673	\$64,278	\$102,735	\$65,431	\$28,987	\$7,415,368
% Change from FY 04-05	1.77%	2.25%	-0.36%	136.96%	16.96%	-5.15%	46.50%	2.15%
FY 06-07 Actuals ⁽¹⁾	\$7,778,371	\$525,290	\$2,001,483	\$73,517	\$59,298	\$151,299	\$28,503	\$10,617,761
% Change from FY 05-06	44.46%	20.54%	50.07%	14.37%	-42.28%	131.23%	-1.67%	43.19%
FY 07-08 Actuals ⁽¹⁾	\$8,955,479	\$546,087	\$2,542,716	\$68,343	\$89,856	\$169,856	\$55,869	\$12,428,206
% Change from FY 06-07	15.13%	3.96%	27.04%	-7.04%	51.53%	12.27%	96.01%	17.05%
FY 08-09 Actuals ⁽¹⁾	\$11,578,224	\$801,945	\$2,779,458	\$100,001	\$79,272	\$221,920	\$46,471	\$15,607,291
% Change from FY 07-08	29.29%	46.85%	9.31%	46.32%	-11.78%	30.65%	-16.82%	25.58%
FY 09-10 Actuals	\$12,815,428	\$402,210	\$2,201,105	\$130,359	\$40,748	\$177,414	\$86,052	\$15,853,316
% Change from FY 08-09	10.69%	-49.85%	-20.81%	30.36%	51.40%	-20.06%	85.17%	1.58%
FY 10-11 Projection	\$13,227,104	\$390,610	\$2,257,920	\$143,444	\$37,510	\$147,375	\$86,184	\$16,290,147
% Change from FY 09-10	3.21%	-2.88%	2.58%	10.04%	-7.95%	-16.93%	0.15%	2.76%
FY 11-12 Projection	\$13,422,788	\$379,533	\$2,316,288	\$147,331	\$36,300	\$136,371	\$109,440	\$16,548,051
% Change from FY 10-11	1.48%	-2.84%	2.59%	2.71%	-3.23%	-7.47%	26.98%	1.58%

(1) The court-appointed counsel hourly rate was increased to \$57 an hour for FY 06-07, \$60 an hour for FY 07-08, and \$65 an hour for FY 08-09.

OFFICE OF THE CHILD'S REPRESENTATIVE
Exhibit C
Court-Appointed Counsel Cost Per Case

Per Capita Percent Change	Dependency & Neglect	Domestic Relations	Juvenile Delinquency	Paternity	Probate	Truancy	Other	TOTAL
Total Cases (FY 01-02)	5,775	568	3,187	162	334	620	110	10,756
Per Capita Cost	\$748	\$748	\$378	\$485	\$266	\$279	\$245	\$587
Total Cases (FY 02-03)	5,630	717	2,887	142	108	505	48	10,037
Per Capita Cost	\$801	\$682	\$340	\$408	\$477	\$224	\$304	\$619
% Change	7.13%	-8.80%	-9.98%	-15.75%	79.16%	-19.74%	23.91%	5.53%
Total Cases (FY 03-04)	6,494	963	2,684	123	112	369	48	10,793
Per Capita Cost	\$799	\$647	\$314	\$472	\$596	\$229	\$335	\$637
% Change	-0.28%	-5.06%	-7.64%	15.51%	24.76%	2.24%	10.17%	2.89%
Total Cases (FY 04-05)	6,975	762	3,371	86	149	280	36	11,659
Per Capita Cost	\$759	\$559	\$397	\$315	\$590	\$246	\$550	\$623
% Change	-5.03%	-13.60%	26.49%	-33.12%	-1.02%	7.61%	64.03%	-2.30%
Total Cases (FY 05-06)	7,619	673	3,458	107	137	374	39	12,407
Per Capita Cost	\$707	\$648	\$386	\$601	\$750	\$175	\$743	\$598
% Change	-6.83%	15.77%	-2.87%	90.46%	27.20%	-28.99%	35.23%	-4.01%
Total Cases (FY 06-07)	8,012	624	3,594	126	105	458	44	12,963
Per Capita Cost	\$971	\$842	\$557	\$583	\$565	\$330	\$648	\$819
% Change	37.37%	30.01%	44.39%	-2.87%	-24.69%	88.82%	-12.84%	37.04%
Total Cases (FY 07-08)	8,269	606	3,874	108	73	514	56	13,500
Per Capita Cost	\$1,083	\$901	\$656	\$633	\$1,231	\$330	\$998	\$921
% Change	11.55%	7.05%	17.86%	8.46%	117.96%	0.03%	54.01%	12.40%
Total Cases (FY 08-09)	8,906	760	4,423	138	71	475	70	14,843
Per Capita Cost	\$1,300	\$1,055	\$628	\$725	\$1,117	\$467	\$664	\$1,051
% Change	20.04%	17.10%	-4.32%	14.57%	-9.25%	41.32%	-33.46%	14.22%
Total Cases (FY 09-10)	9,038	690	4,299	198	64	406	99	14,794
Per Capita Cost	\$1,418	\$583	\$512	\$658	\$637	\$437	\$869	\$1,072
% Change	9.07%	-44.76%	-18.47%	-9.19%	-43.00%	-6.43%	30.93%	1.91%

Current Year Projection								
Actual FY 09-10 Base Per Capita Cost	\$1,418	\$583	\$512	\$658	\$637	\$437	\$869	\$1,072
Percentage Selected to Modify Per Capita Cost⁽¹⁾	0.00%	0.00%	0.00%	0.00%	-5.00%	-10.00%	-21.25%	0.00%
Estimated FY 10-11 Base Per Capita Cost	\$1,418	\$583	\$512	\$658	\$605	\$393	\$684	\$1,072
Estimated FY 10-11 Cases	9,328	670	4,410	218	62	375	126	15,189
Estimated FY 10-11 Base Expenditures	\$13,227,104	\$390,610	\$2,257,920	\$143,444	\$37,510	\$147,375	\$86,184	\$16,290,147
Request Year Projection								
Estimated FY 10-11 Per Capita Cost	\$1,418	\$583	\$512	\$658	\$605	\$393	\$684	\$1,072
Percentage Selected to Modify Per Capita Cost	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Estimated FY 11-12 Base Per Capita Cost	\$1,418	\$583	\$512	\$658	\$605	\$393	\$684	\$1,072
Estimated FY 11-12 Cases	9,466	651	4,524	224	60	347	160	15,432
Estimated FY1 11-12 Base Expenditures⁽²⁾	\$13,422,788	\$379,533	\$2,316,288	\$147,331	\$36,300	\$136,371	\$109,440	\$16,548,051

(1) Modifiers were utilized to keep total cost per case static. Case types and percentages were selected based on the case type's highly fluctuating cost per case since OCR's inception.

(2) Estimated base expenditures includes \$16,491 OCR anticipates being underfunded during Fiscal Year 2010-11. (See page 45 for details.)