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## Colorado Office of the Child's Representative

### *Report to the General Assembly for Fiscal Year 2017-18*

### *August 31, 2018*

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### OCR Mission

The mission of the Office of the Child's Representative (OCR) is to provide 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 its attorneys provide these children, Colorado's most vulnerable and marginalized population in the courts, the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

### OCR Values

1. **Accountability:** Colorado's children, attorneys, and taxpayers can count on OCR to ensure that each decision we make and action we take advances our mission in a fair and transparent manner.
2. **Efficiency:** OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.
3. **Empowerment:** OCR cultivates an environment of respect and honesty. We value the experience and expertise of the children we serve, our contract attorneys, and our staff. We invest time to connect, focus on strengths, value feedback, and recognize success. We support each other in our mission to empower children.

## Highlights for Fiscal Year 2018

Fiscal Year 2018 was an incredible year for the Office of the Child's Representative with the completion of multiple large projects, some the culmination of years of planning. This year also marked the last year for the OCR's Executive Director, Linda Weirnerman, who headed the agency for nine years.

Director Weirnerman's goal, prior to retiring, was to secure the first rate increase for OCR contract attorneys in four years. The OCR worked with the Office of Respondent Parent Counsel (ORPC) and the Office of Alternate Defense Counsel (ADC) to seek a rate increase from \$75/hour to \$80/hour for contract attorneys at each agency. This increase brought the attorney rate in line with cost of living increases that occurred since the previous rate was set in fiscal year 2014. The OCR sincerely thanks the Joint Budget Committee and the General Assembly for approving this increase, which went in to effect July 1, 2018.

The OCR also launched its new data management and billing system, known as OCR C.A.R.E.S., on April 2, 2018. This was an extensive project that began in 2016 and culminated in a successful launch this year due in part to the funding granted by the General Assembly in FY16-17. The new C.A.R.E.S. system is more streamlined with updated functions, increased usability, new case alerts, better functioning on mobile devices and built-in search technology. Additionally, the new system will allow the OCR better oversight and reporting of attorney billing.

Another extensive project the OCR diligently worked on this year was a comprehensive update to the Guided Reference in Dependency (GRID), originally published by the OCR in 2013. The GRID is a robust advocacy guide for attorneys in Dependency and Neglect (D&N) proceedings featuring black letter law, hearing checklists, practice tips and more. Throughout 2018 every section of the GRID was updated to reflect new practices, case law, rule revisions and legislation. In addition to these intensive updates, seven new factsheets were added to the GRID. The updated GRID was published online in July 2018 and the physical Guide is slated for publication in September 2018.

These are just a few of the larger projects the OCR tackled this past year while continuing to run our day to day operations which include overseeing 237 contract attorneys who represented the best interests of children in over 3,000 dependency and neglect cases covering all 22 judicial districts, providing extensive training (including our most attended Annual Conference to date), participating in one *amicus* brief, contracting with 28 new attorneys, conducting our robust renewal process on 57 attorneys in nine districts and completing the verifications process for the remainder of OCR Attorneys. All of which was done by our wonderful staff of 10 people in the Denver Office.

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## Board of Directors

The Colorado Supreme Court appoints OCR's nine-member board (Board) in accordance with C.R.S. § 13-91-104(2) which requires Board membership to include three attorneys who have experience in representing children as Guardians *ad litem* or as legal representatives of children, three members who are not attorneys but have experience advocating for children in the court system and three citizens. No more than five members from one political party may serve, and each of the seven congressional districts must be represented on the Board. The Board serves without compensation and advises the OCR's Executive Director regarding fiscal matters, policy and funding decisions. The OCR is fortunate to have a diverse and experienced Board as follows:

### **Al White (Chair)**

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

### **Barbara Shaklee (Co-Chair)**

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

### **Mark Ferrandino**

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

### **Don Moseley**

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

### **Kelvin Nicholson**

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

### **Gwen Schooley**

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

### **Maria Valdez**

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

### **Mary Ann Liston**

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

### **Marc Winokur**

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

### **Victoria Black** (non-voting Youth Advisory member)

Although not statutorily required, the Board includes a non-voting youth advisory member. The youth advisory member is a former beneficiary of GAL services.

## OCR Staff

The OCR employs the following 10 people in the Denver Executive Office, located in the Ralph Carr Judicial Center at 1300 Broadway, Suite 320, Denver, CO 80203, for a total of 9.6 FTE in FY17-18 and 10.6 FTE currently:

### Executive Team

**Chris Henderson**  
Executive Director

**Sheri Danz**  
Deputy Director

**Mark Teska**  
Chief Operating Officer

### Linda Weinerman

Executive Director during FY 17-18  
Retired July 2018.

### Staff

**Ashley Chase**  
Staff Attorney and Legislative Liaison

**Angel Foster**  
Administrative Assistant

**Rebecca Garrison**  
Information Systems Manager

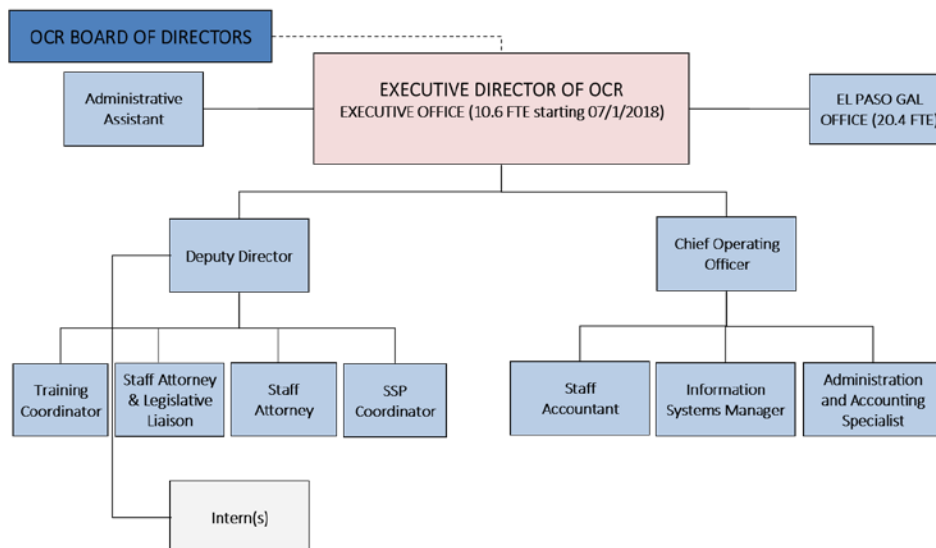
**Katie Irwin**  
Staff Accountant

**Michelle Jensen**  
Training Coordinator

**Brandy Lombardi**  
Administration and Accounting Specialist

**Cara Nord**  
Staff Attorney

**Colorado Office of the Child's Representative (OCR) Organizational Chart**



## Agency Overview

The OCR is an independent agency within the Judicial branch mandated to provide competent and effective legal best interests representation to children involved in the Colorado court system. The OCR was created by the general assembly in 2000 to improve representation for Colorado’s most vulnerable children by establishing minimum practice standards and providing litigation support, accessible high-quality statewide training, and oversight of the practice. At the time of the OCR’s creation, the general assembly had serious concerns about the subpar quality of representation provided to children in Colorado, including: 1) financial barriers to the necessary frontloading of services or ongoing dedication of the proper amount of time to cases; 2) GAL caseloads impairing appropriate case preparation and investigation; 3) insufficient meaningful interaction by GALs with children in their environment; and 4) a lack of participation by GALs in court. As a result, OCR is mandated in C.R.S. § 13-91-101, *et seq.* to:

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

*“She really, really cares about the kids she is advocating for. She goes above and beyond what is expected - she truly loves these kids and wants things to be alright. She does that for all her kids. She really loves the people. I was so honored to have her as my GAL and now as my friend. She is an immaculate person. I would not be as successful without her in my life.*

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

The OCR contracts with approximately 250 attorneys, covering all 22 judicial districts across Colorado, to serve children who have been abused and neglected, impacted by high-conflict parenting time disputes, and/or charged with delinquent acts and without a parent or guardian able to protect the children’s best interests during the proceedings

OCR attorneys are skilled in pediatric and juvenile law, knowledgeable of evidence-based social science research, and trained in child welfare representation best practices. Depending upon the case to which the attorney is appointed, the attorneys are known as Guardians *ad litem* (GALs), Counsel for Children in D&N proceedings, and Child Legal Representatives (CLRs). They provide attorney services at a rate of \$75 per hour (through June 30, 2018).

The court is required to appoint a GAL for every child named in a dependency and neglect case pursuant to C.R.S. §19-3-203. The court has discretion to appoint GALs in juvenile delinquency, truancy, paternity, probate, relinquishment, mental health, and other proceedings when it deems best interest representation necessary. While the statutory roles and responsibilities vary slightly by proceeding, in all case types, the GAL's professional duties flow solely to the best interests of the child. The GAL is appointed to independently investigate the matter, make recommendations that are in the best interests of the child, and advocate for the child's best interests through all stages of the proceedings.

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

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

Currently, the OCR provides attorney services to Colorado's children in one of two ways:

Independent Contractors: In FY17-18 the OCR contracted with 237 attorneys throughout Colorado. These attorneys often own small businesses and include both sole practitioners and law firms. OCR attorneys often live and work in the same communities as the children and youth they serve.

OCR's El Paso County Guardian Ad Litem Office (El Paso County GAL Office): The El Paso County GAL Office was created in 2001 in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This multidisciplinary office is in its seventeenth year of operation. The OCR El Paso GAL Office employs 12 attorneys, five case workers/coordinators, one paralegal, and administrative support staff (budgeted 20.4 FTE). The case coordinators are social service professionals that supplement attorney services by providing, for example, analysis of treatment needs, meaningful participation in case staffings, communication with treatment providers, and observation of parent/child visits. The use of such multidisciplinary staff services is recognized as a promising practice by the National Association of Counsel for Children (NACC).

*"I was treated as an equal.  
That was huge for me. She just  
treated me like I was an adult.  
Everyone else treated me like a  
criminal but she gave me the  
same amount of respect as she  
gave the judge."*

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

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

*"I'm really thankful for her and I think she is incredible at what she does. She has a great balance between understanding the current condition of where the parents are and where the child is and she is great about stepping back and assessing the situation and she is acutely aware of what needs to be done to have the best outcome. She has a great balance of understanding, compassion, and support."*

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

The OCR monitors attorney services throughout the year in a number of ways, including: annual stakeholder surveys, complaint investigations, through the staff attorney district liaisons, reviewing reports from OCR C.A.R.E.S, monitoring caseloads and case costs and through our annual verifications and triannual renewal processes (explained more fully below).

The OCR advocates on a statewide basis through participation in a variety of committees and taskforces related to child welfare law and services. In addition, the OCR serves as a resource to legislators by providing subject matter expertise, answering questions and providing nonpartisan research concerning children and family issues. The OCR welcomes comments and questions from legislators regarding GALs, legislation, or specific issues concerning children or GALs in a legislator's community.



## OCR Vision

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



## OCR Verifications and Triannual Renewal Process

Each year the OCR conducts a verification process regarding its attorneys which assesses: judicial district needs, stakeholder feedback surveys, certification of CJD requirements, certification of training requirements, recent disciplinary history, costs per case data and a 30-day visit report. OCR's executive director, deputy director and two staff attorneys are each assigned five to seven judicial districts where they serve as the District Liaison. Each District Liaison reviews all of this data carefully, identifies any exemplary practices, deficiencies or anomalies and addresses those individually with the OCR attorneys.

In addition, the OCR does a comprehensive triannual renewal process (renewal) for a third of the judicial districts, completing all 22 Judicial Districts every three years. In addition to the verifications outlined above, OCR reviews for each renewal attorney: renewal application, court observation data, reference interviews (from youth/caregivers/parents), a writing sample and activity reports. District Liaisons personally interview each renewal attorney and reviews this information with the attorney in detail. If concerns are identified in this review, the OCR follows up as appropriate and is in the process of developing benchmarks to standardize its practice.

This wealth of information is used throughout the year to assess performance and some components are used as measurement data as referenced in the following sections.

## OCR Performance Goals

The OCR has worked diligently to fulfill its statutory mandates and has been successful in many ways. To continue building on this success, the OCR has committed to three performance goals which encompass its statutory mandates and seeks to continuously improve in each area going forward.

**Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.**

### Engaging and Empowering Youth

OCR launched an Engaging and Empowering Youth Initiative (E&EY) in FY 17-18 with the goal of obtaining direct feedback from children and youth involved in the juvenile court system. The initiative builds on knowledge gained from the OCR's previous youth engagement effort, focusing on "meeting the youth where they are." In FY17-18, OCR collected 114 surveys and conducted three youth focus groups to gather important information from the youth perspective.

Another way the OCR seeks youth input is through its youth reference interviews which are conducted as part of the renewal process. In FY17-18, the OCR conducted 33 youth reference interviews regarding the 57 attorneys up for renewal. This feedback is used in evaluating attorney compliance with OCR practice standards and is discussed with each attorney during his/her renewal interview. (All quotes used throughout this report come directly from the reference interviews conducted in FY17-18).

### Attorney Qualifications and Standards

Expectations for attorneys under contract with the OCR are set forth in statute, Chief Justice

Directive (CJD), OCR manuals and policies (available on our website) and in the OCR contract. CJD 04-06 sets forth practice standards and expectations for OCR contract attorneys, and the OCR makes recommendations to the Chief Justice of the Colorado Supreme Court on necessary changes, updates or modifications to those standards. Currently CJD 04-06 standards require D&N GALs to meet in person with each child whose best interests they represent within the first 30 days and within 30 days of any placement change. The GAL is also required to interview parents, talk to the school if applicable, observe parent and child interactions and other duties necessary to complete an independent investigation regarding the best interests of the child. CJD 04-06 also requires JD attorneys to meet with a child as soon as possible, for children who are in custody within seven days of their appointment, and other activities to complete a thorough and independent investigation.

### Oversight and Evaluation of Attorney Practice

The OCR strives to meet its goals in part by developing and using data-driven practices. However, child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results for one child may not be appropriate for another child. The OCR concentrates its data collection on compliance with practice standards to assess the effectiveness of representation. The OCR's efforts in practice assessment and data collection have received state and national attention.

Every year the OCR establishes lists of attorneys eligible for OCR appointments in each of the 22 judicial districts. OCR uses a comprehensive evaluation strategy to ensure compliance with CJD and OCR practice standards and to establish the eligibility lists as referenced in the verifications and renewal section above.

As part of the verification process, the OCR seeks Stakeholder Feedback for each attorney through an annual survey which is sent to Judicial Officers and various court staff, departments of Human Services staff, CASA agencies, probation officers and attorneys representing other parties in the cases. All responses to the survey are reviewed by the OCR. In FY17-18 the OCR received 1151 survey responses concerning 232 attorneys; these included 293 responses from judicial officers.

As part of the renewal process the OCR conducted 127 reference interviews with either youth, parents or caregivers, concerning the 57 attorneys under evaluation. Court observations were also completed using a standardized form for dependency and neglect proceedings and juvenile delinquency proceedings. In FY 17-18, OCR conducted 327 observations involving 80 attorneys and 530 children/youth. All these data points are used as measures to evaluate attorney effectiveness and advocacy.

*“[The GAL] was one of the most available people on our team and he was very informed and very understanding.”*

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

*“She could communicate that she cared and I felt very pushed and motivated by her. It was nice to have that from someone.”*

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

In addition to the measures listed above the OCR has an established formalized complaint process which provides an additional mechanism to ensure OCR attorneys are meeting practice standards. For each complaint filed, regardless of the factual allegations, the OCR confirms attorney compliance with practice standards and reviews the court’s on-line file and CARES data. Founded complaints lead to further investigation of the attorney’s performance and typically includes an audit of additional case files/activities. In FY17-18, OCR received 36 complaints and investigated 33 of them (1 concerned a GAL who no longer had a contract; 1 pertained to a case that had been closed over 12 months prior and 1 was incorrectly filed). OCR closed 7 as founded, 21 as unfounded, 2 were withdrawn and 1 remains pending at the time this report was written.

### Fair and Reasonable Compensation

C.R.S. §13-91-105 requires OCR to establish fair and realistic rates of compensation to enhance the legal representation of children. The hourly rate paid to OCR contract attorneys remained stagnant between 2015-2018. The OCR, in conjunction with the ORPC and the OADC, worked with the General Assembly and Joint Budget Committee to increase the rate to \$80 beginning this fiscal year. The OCR will continue to monitor these rates to keep pace with cost of living increases and to continue attracting and retaining high quality attorneys.

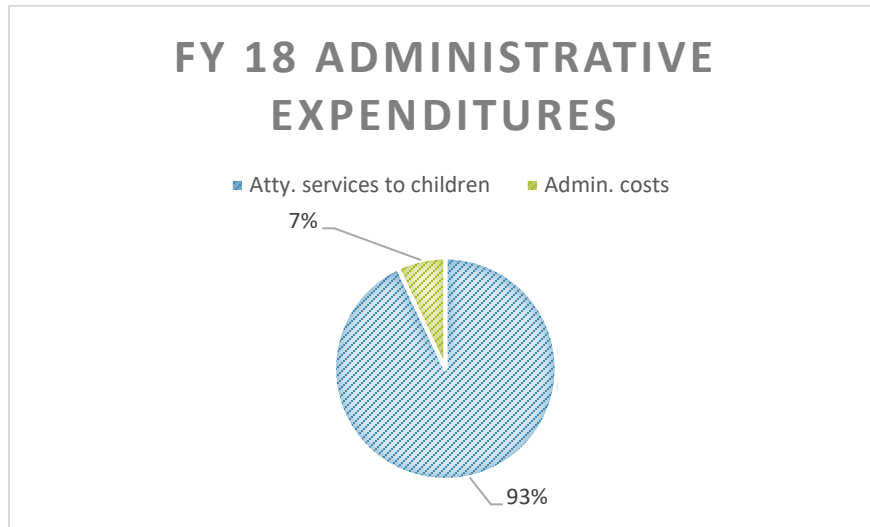
OCR/ADC/RPC Hourly Rates Compared to AGs, CJA, and Private Sector



## Goal 2: Optimize efficiencies in attorney practice and billing.

### Manage Appropriations

The OCR strives to be efficient and effective in utilizing its annual appropriation. The OCR's budget is driven largely by attorney activity and caseloads. In FY17-18, the OCR used 93% of expended funds for attorney services and only 7% for administration. For FY17-18 the OCR expended 97% of its allocation.



### Overview of the OCR Budget

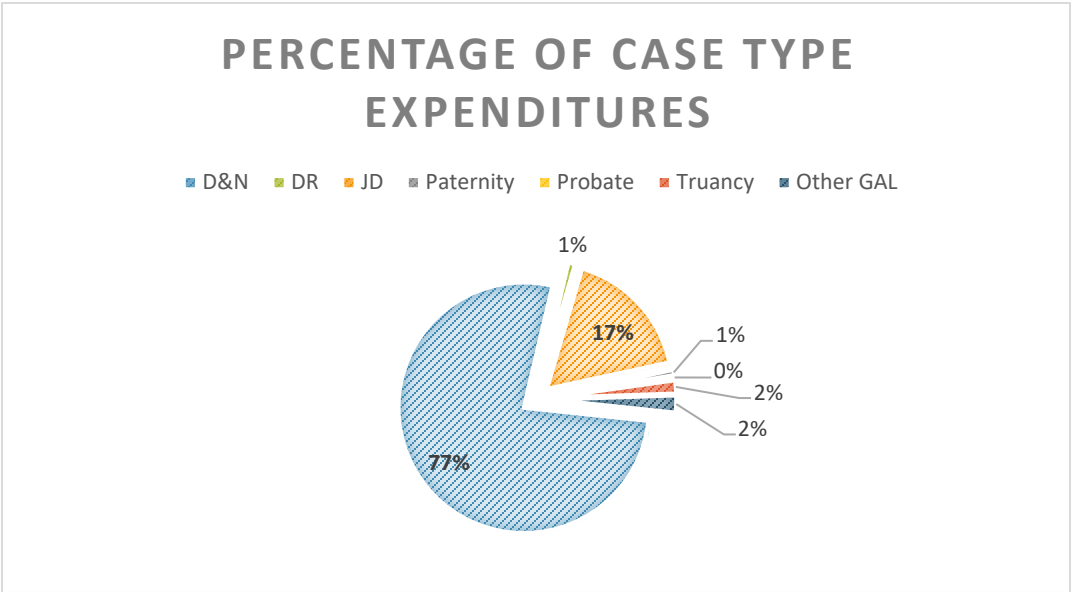
In FY 17-18, the OCR continued its focus on creating efficiencies and securing basic funding to meet the need for attorney services. The following is an overview of the OCR budget and an outline of factors that contribute to the budget.

#### Summary of Appropriations

In FY 17-18, the OCR spent 7% of its budget on its central administrative office, which is dedicated to fulfilling OCR's statutory mandates. The OCR expended \$20,983,922 on attorney services for children and \$85,766 to providing high quality and accessible training to GALs and other stakeholders throughout Colorado. The general assembly passed \$1,050,000 through OCR's budget to Colorado CASA for distribution to local CASA programs.

#### Breakdown of the Mandated Attorney Services Provided by the OCR

OCR attorneys represent the best interests of children in dependency and neglect, delinquency, domestic relations, truancy, relinquishment, adoption, paternity, and appeals. The appointments in dependency and neglect cases account for 77% of attorney services expenditures. The breakdown of expenditures by case type is reflected in the chart below:



Dependency and Neglect and Juvenile Delinquency case types present similar issues concerning family dynamics, placements, and treatment and OCR attorneys continue to report that children served in the juvenile delinquency system in FY 17-18 frequently present issues previously served in D&N matters. Judicial officers and OCR’s courtroom observations confirm attorney reports.

The OCR experienced a 6.0% decrease in D&N case filings in FY 17-18 as compared to the previous fiscal year while expenditures remained the same. Juvenile Delinquency filings were nearly the same as the prior year, however, expenditures increased by over 14%. The OCR continues to train judicial staff and contract attorneys on the requirements of SB 09-268, which amended C.R.S. § 19-1-111 to clarify that GALs are only appointed in certain instances in delinquency matters: if a parent is not present, if there is a conflict of interest between the child and parent, and if the appointment is shown to be in the best interests of the child. The OCR also continues to emphasize that the GAL must not remain on the case indefinitely and the GAL’s appointment terminates upon sentencing when the child is returned home. Contract attorneys and judicial officers report an increased prevalence of abuse and neglect issues in delinquency cases.

In FY 17-18, the OCR’s expenditures decreased 10% in domestic relations (DR) appointments, a 43% increase in expenditures for truancy appointments and a 59% increase in other appointments, primarily due to the sharp increase in expenditures related to appeals.

### Maximize use and effectiveness of OCR's on-line case management and billing system

The OCR began using an electronic billing system in 2011 (OCR C.A.R.E.S) and has continued to assess and improve the functionality of the system and the quality of data it is able to retrieve to monitor attorney performance and progress. In FY 17-18 the OCR received funding through the budget process to replace C.A.R.E.S. The new C.A.R.E.S system was necessary to improve functions for contract attorneys and OCR staff, to reduce support and operating costs and to improve OCR's data collection. The new C.A.R.E.S system launched on April 1<sup>st</sup>, 2018 and is more streamlined with updated functions, better usability, new case alerts, better functioning on mobile devices and built-in search technology. In addition, the new system will group billable activities by CJD requirements to facilitate case management and compliance review. Lastly, contractors will submit invoices through the new system on a monthly basis allowing greater control and clearer guidelines for contractors reconciling billing and predicting payments. The OCR will continue to complete system enhancements through FY18-19 and plans to give all users access to reporting tools it will design to assess CJD compliance and activities.

### Provide Litigation Support

Well supported and trained attorneys are more efficient and effective when representing a child's best interests. The OCR provides the following litigation supports to contract attorneys:

#### Guided Reference in Dependency (GRID)

The GRID is Colorado's first comprehensive advocacy guide for attorneys in dependency and neglect proceedings. First published by OCR with grant funding from the Colorado CJA Task Force in 2012, this robust reference guide has been given to all OCR contract attorneys and is available online. The GRID features 8 hearings chapters, which include before, during and after checklists, blackletter law discussion, practice tips and 29 comprehensive fact sheets covering a wide variety of topics. OCR published a supplement to reflect legislation and case law changes in 2015 and in FY17-18 again received CJA funding allowing a comprehensive rewrite to ensure the GRID remains a high-quality resource for attorneys. The OCR collaborated with the ORPC and the Colorado Court Improvement Project to update the GRID. This updated GRID reflects changes in law, policy and best practices. In addition to the updates, seven new factsheets were added to cover new legal developments and identified practice needs. The updated GRID was released online in July 2018 and the print version is on target for a release in September 2018.

*"She was so much more helpful than I could have imagined. She really helped our grandson a lot to understand things and he was at an impressionable age and she helped him. She helped put him at ease. She sees the big picture and knows how to put it all together. She is a truly good person. I think she was really responsive and she does her job well. I would refer her to anyone who had to go through the same things we had to go through. She did what the child was telling her he wanted and in combination with what's allowed by law."*

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

### OCR Listserv

Each contract attorney is required to join the OCR listserv, which provides an excellent forum for attorneys to discuss difficult case issues, trends in the state, case law updates and more. The OCR uses the listserv to communicate new case processes, inform contractors of recent developments and provide case law and legislative updates. In FY15-16 OCR launched an enhanced listserv which is now easier to use and features a searchable archive. In FY17-18 attorneys sent a total of 428 emails discussing 144 topics.

### Litigation Toolkit

To support attorney efficiency and effectiveness, the OCR has redesigned its motions bank. The OCR's Litigation Toolkit is now available to all OCR attorneys on the OCR website. The Litigation Toolkit is comprised of both litigation forms and litigation resources, giving attorneys a centralized resource when drafting motions, preparing for litigation and researching the multitude of issues impacting cases. Currently the Litigation Toolkit has 16 litigation forms and 26 litigation resources available to attorneys. These 42 documents have been downloaded 551 times this year. OCR will continue to update resources and add additional litigation forms to ensure the Litigation Toolkit remains current and comprehensive.

### Quarterly Newsletters

OCR publishes a quarterly newsletter to ensure all contract attorneys have up to date information regarding case law updates, legislative updates, training announcements and other news relevant to their advocacy.

*“He saw the other party of the case, he saw us, he listened to what everyone had to say and he fought for what he thought was right.”*

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

### Litigation Support List

OCR maintains a list of attorneys with subject matter expertise who are approved to consult on cases to be efficient and effective when dealing with crossover issues such as immigration, education or appeals. Litigation support ensures attorneys have access to specialized knowledge and experience to assist in high quality representation of the child's best interests.

### Social Service Professional (SSP) Program

The SSP pilot program began in FY17-18 in response to information gathered from the OCR's Multidisciplinary Law Office (MDLO) Pilot Program (detailed in the OCR's FY17-18 General Assembly Report). While the MDLO pilot program was ultimately ended due to the high costs of the model, some recommendations came from the evaluation including exploring ways to make SSPs accessible to more GALs and to utilize SSPs to enhance best interest representation without duplicating efforts. The use of SSPs allows additional work on the case at a lower hourly rate. In FY 17-18 the SSP Pilot Project is running in five Judicial Districts. With funding received from the General Assembly, the OCR will hire a SSP coordinator in FY18-19. The SSP coordinator will expand the SSP pilot program, evaluate its effectiveness and assess and implement other ways to support effective and efficient GAL use of SSPs.

### Goal 3: Ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.

In FY 16-17 OCR formalized its approach to cultivating a learning and practice environment that focuses on three areas:

- Accessibility - through the OCR website improve accessibility and availability of resources.
- Community – provide a community for contract GALs to partner in shared learning and practice.
- Human Capital – use the collective competencies, expertise and other intangible assets of its contract attorneys and other key partners in the child welfare and juvenile justice communities.

These areas of focus are the overarching umbrella that helps OCR staff craft and refine its litigation support and training.

*“She gave him a voice. She asked what he wanted and he even talked to the Judge after he felt more comfortable because [the GAL] explained things to him.”*

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

The General Assembly charged OCR with providing high-quality and accessible training throughout the state. All OCR contract attorneys are required to do 10 hours of OCR sponsored or approved training. To support attorneys in meeting these requirements, the OCR hosts an annual conference and provides periodic training throughout the year via webinars, case rounds and brown bag luncheons. In addition, OCR partners with other agencies to provide cross-systems training opportunities. In FY17-18 the OCR provided a total of 81 CLEs as follows:

- Core Competencies I: Orientation for New Attorneys
- Core Competencies II: Advanced Training for New Attorneys



- OCR Annual Fall Conference
- 6<sup>th</sup> Annual Excellence in Juvenile Defense, cohosted with the ADC and CJDC
- National Institute for Trial Advocacy trial skills training for D&N GALs
- Webinars on:
  - Child Mental Health Treatment Act
  - Ethical Issues and the GAL
  - Understanding the Foster Care Provisions in the Every Student Succeeds Act
  - First Look at the New CARES system
  - How to use Westlaw

At the end of FY17-18 the OCR has a total of 286 hours of CLEs available on the training website for easy accessibility to attorneys across Colorado. Each week, the OCR sends out a “Training Tuesdays” email with details about trainings opportunities across the state as well as reminders regarding OCR sponsored/approved trainings.

OCR also began offering contract attorneys access to Westlaw, a comprehensive legal research tool, at no cost to the contractor. To ensure contractors get the most out of this resource, OCR offered three free Westlaw trainings in FY17-18. Lastly, the OCR instituted a mentor program in FY17-18 to partner experienced GALs with new GALs to navigate this complex area of law in their first year of practice. That year the OCR had 15 mentoring pairs covering 10 judicial districts and due to the positive reception, the OCR will continue the program in FY18-19.

## CASA Overview and Update

The OCR works with Colorado CASA to support Court Appointed Special Advocates (CASAs) as required in C.R.S. 13-91-105. While GALs are the child’s legal advocate and parties to D&N cases, CASAs are appointed in 18 of Colorado’s 22 judicial districts by the court to provide additional information and support children and their families. Each program operates under a memorandum of understanding between the program and chief judge. The CASA role and expectations are set out in the Children’s Code at §19-1-201 et seq.

*“She had a lot of experience working with kids, talked with the young man quite a bit, listened to our concerns, and helped work through the issues. She kept an open mind to what needed to be done and how to do it. The child was very responsive to her insights.*

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

Although each local program is unique, similarities do exist. CASA volunteers must meet minimum requirements, pass background checks, and successfully complete a mandatory 30- or 40-hour training program based on the curriculum created by the National CASA Association. Local CASA programs also require additional annual training for volunteers. Most CASA volunteers concentrate their valuable service on one case at a time. Typically, volunteers must commit to 18 months of service, but many volunteers serve throughout the life of a case. In

addition, some local programs require a minimum monthly time commitment from their volunteers.

While GALs and CASA volunteers work collaboratively to advance the best interests of children, their roles differ in significant ways and the Children’s Code requires they each provide independent information to the court. Where the GAL is a licensed attorney, subject to the rules of the profession and ethical code of conduct and is an active party in all litigation related to the best interests of the child; CASA volunteers are non-attorney advocates subject to training and requirements of their local CASA program and the state CASA program. They provide written reports to the court and parties and establish supportive relationships with children, parents, relatives, kin, and placements.

OCR supports CASA in Colorado in a number of ways including serving as the pass-through agency for general fund dollars and providing technical support and consultation to facilitate reimbursement of Title IV-E eligible training costs incurred by Colorado CASA. In FY 17-18, Colorado CASA received \$1,050,000 from the State of Colorado as a pass-through line item in the OCR budget. The state office used a portion of the monies for general program support and the remaining funds supported local CASA programs across the state. In FY 17-18, 1998 citizens volunteered as CASAs and expended 122,555 volunteer hours while serving 4,453 children and youth.

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*“She definitely advocated for me - she really knew the situation and cared about me enough that she got things to go the way it needed. I wouldn't be nearly as successful if [my GAL] wasn't there to advocate for the best situation.”*

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

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## Appendix A

### OCR Legislative Review

OCR continues to be a resource for state legislators by providing subject matter expertise, answering questions and providing nonpartisan research concerning the Children’s Code, child welfare law, juvenile delinquency law and other issues impacting children and families. The OCR either monitored or participated through consultation, stakeholder meetings and testimony on the following bills in the 2018 legislative session:

**HB18-1021 Task force for Youth Experiencing Homelessness**

*Sen. Kefalas, Rep. Landgraf, Rep. Hooten*

**HB18-1044 Colorado Children’s Trust Fund Act**

*Sen. Priola, Rep. Kraft-Tharp*

**HB18-1050 Competency to proceed Juvenile Justice System (Governor signed)**

*Sen. Fields, Rep. Singer*

**HB18-1064 Training Program Prevention Child Sexual Abuse (Governor signed)**

*Sen. Fields, Sen. Coram, Rep. Michaelson-Jenet*

**HB18-1065 DHS Department of Human Services Employee Discipline Harm to Vulnerable Persons (Governor Signed)**

*Sen. Lambert, Rep. Buckner, Rep. Beckman*

**HB18-1094 Children and Youth Mental Health Treatment Act (Governor Signed)**

*Sen. Martinez Humenik, Sen. Moreno, Rep. Wist, Rep. Herod*

**HB18-1104 Family Preservation for Parents with Disability (Governor Signed)**

*Sen. Lambert, Sen. Moreno, Rep. Danielson*

**HB18-1136 Substance Abuse Disorder Treatment (Governor Signed)**

*Sen. Jahn, Sen. Priola, Rep. Pettersen*

**HB18-1156 Limit Penalties for Juvenile Truancy (Governor Signed)**

*Sen. Holbert, Rep. Lee*

**HB18-1198 Best Practices for State Boards and Commissions (Governor Signed)**

*Sen. Donovan, Sen. Smallwood, Rep. Kraft-Tharp, Rep. Saine*

**HB18-1206 Live and Let Live Act**

*Sen. Lundberg, Rep. Humphrey*

**HB18-1233 Consumer Reporting Agency Security Freeze Minors (Governor Signed)**

*Sen. Fenberg, Sen. Gardner, Rep. Duran, Rep. Lawrence*

**HB18-1257 Correction to House Bill 16-1316 Reinsert "Not" (Governor Signed)**

*Sen. Cooke, Rep. Rosenthal*

**HB18-1287 Reauthorize Commission Criminal and Juvenile Justice (Governor Signed)**

*Sen. Cooke, Sen. Kagan, Rep. Weissman*

**HB18-1306 Improving Educational Stability for Foster Youth (Governor Signed)**

*Sen. Coram, Sen. Moreno, Rep. Michaelson Jenet*

**HB18-1319 Services Successful Adulthood Former Foster Youth (Governor Signed)**

*Sen. Gardner, Rep. Singer, Rep. Young*

**HB18-1322 Long Appropriation Act (Governor Signed)**

*Sen. Lambert, Rep. Hamner*

**HB18-1328 Redesign Residential Child Health Care Waiver (Governor Signed)**

*Sen. Lambert, Sen. Moreno, Rep. Young*

**HB18-1344 Relief from Criminal Collateral Consequences (Governor Signed)**

*Sen. Coram, Sen. Moreno, Rep. Sias, Rep. Weissman*

**HB18-1346 Abuse of Youth Under 21 in Care of Institution (Governor Signed)**

*Sen. Kefalas, Sen. Smallwood, Rep. Singer, Rep. Landgraf*

**HB18-1348 Child Welfare Information and Services (Governor Signed)**

*Sen. Gardner, Sen. Kefalas, Rep. Singer, Rep. Landgraf*

**HB18-1390 Safe Family Options for Families in Crisis**

*Sen. Moreno, Sen. Smallwood, Rep. Singer, Rep. Ransom*

**HB18-1430 State Agency Long-Range Financial Plan (Governor Signed)**

*Sen. Lundberg, Rep. Young, Rep. Van Winkle*

**SB18-017 Determinate Sentence for Indeterminate Sex Offense**

*Sen. Lundberg*

**SB18-018 Colorado Commission on Criminal and Juvenile Justice Criminal Sentencing Study**

*Sen. Kagan*

**SB18-050 Free-Standing Emergency Facility as Safe Haven (Governor Signed)**

*Sen. Smallwood, Rep. Coleman, Rep. Catlin*

**SB18-058 Failure Report Child Abuse Statute of Limitations**

*Sen. Fields, Rep. Carver*

**SB18-071 Extend Substance Abuse Trend and Response Taskforce (Governor Signed)**

*Sen. Jahn, Sen. Crowder, Rep. Esgar*

**SB18-084 Protection Minor Victims of Human Trafficking**

*Sen. Kefalas, Rep. Landgraf, Rep. Lundeen*

**SB18-119 False Imprisonment of a Minor (Governor Signed)**

*Sen. Gardner, Rep. Carver*

**SB18-154 Juvenile Planning Committee Crossover Youth Plans (Governor Signed)**

*Sen. Fields, Rep. Salazar*

**SB18-213 Transfer Academic Credits For Division of Youth Services Youths (Governor Signed)**

*Sen. Martinez Humenik, Rep. Herod*

**SB18-224 Subsidization Adoption Special Needs**

*Sen. Smallwood*

**SB18-241 Colorado Children First Act**

*Sen. Lundberg, Rep. Humphrey*

**SB18-254 Child Welfare Reforms (Governor Signed)**

*Sen. Lambert, Sen. Moreno, Rep. Young, Rep. Rankin*

## Appendix B

### OCR Committee Work

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

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

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

**Jefferson County Joint DANSR/FIT Court Advisory Committee:** Jefferson County has been selected as a grant recipient of a Prevention and Family Recovery grant, an initiative undertaken by Children and Families Futures to work with established family treatment courts to integrate and institutionalize evidence-based services into their larger systems of care. OCR’s Deputy Director serves on the advisory committee.

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

**Colorado Improving Outcomes for Youth Task Force:** A partnership between Colorado and the Council for State Governments Justice Center, this bipartisan and interbranch task force has undertaken a data-driven effort to reduce recidivism and improve outcomes for youth involved in the justice system. This task force began meeting in May 2018. OCR’s Deputy Director is a member of the task force.

#### **Colorado Department of Human Services**

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

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

**Family Services Prevention Act Advisory Committee:** This committee is comprised of key stakeholders who are creating a roadmap for Colorado to understand and plan for the implementation of the Family First Prevention Services Act (Public Law 115-123, Title VII). The Staff Attorney/Legislative Liaison serves on the advisory committee, compression planning team and policy subcommittee. The Training Coordinator serves on the services/provider subcommittee.

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

**Children's Code Workgroup:** This group met to identify potential technical changes relating to Dependency and Neglect cases. The Deputy Director served on this group.

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

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

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

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

**Indian Child Welfare Act Task Force.** Discusses and recommends changes to forms, practices, policies, and trainings in order to increase compliance with the Act. OCR's Staff Attorney serves on this committee.

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

**Court Improvement Committee:** OCR is an ex-officio member of the Colorado Court Improvement Committee (CIC) without voting rights. The CIC focuses on improving the justice system for children, especially children in dependency and neglect cases. Specifically, the CIC oversees the federal grant given

to each state that is to be utilized to improve the Dependency Court System. OCR staff also serve on the following subcommittees:

**Permanent Home Workgroup:** The Executive Committee of the CIC appointed the Permanent Home Workgroup to examine and issue recommendations regarding practices and procedures for determining when children in Dependency and Neglect proceedings have been placed in a permanent home. OCR's Staff Attorney/Legislative Liaison serves on the legislative subcommittee.

**ICWA Sub-Committee:** CIC formed the ICWA sub-committee for the purpose of developing an Indian Child Welfare Act (ICWA) compliance action plan. OCR's Staff Attorney serves on this subcommittee.

**Best Practice Court Team & Family Treatment Drug Court Convening Planning Committee:** A multidisciplinary committee convened by the State Court Administrator's Office for the purpose of planning the annual BPCT/FTDC Convening for judicial district teams. OCR's Training Coordinator serves on this subcommittee.

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

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

**Minority Overrepresentation Subcommittee of the Fourth Judicial District's Juvenile Best Practices Committee.** This subcommittee provides trainings addressing minority youth overrepresentation in Colorado's child welfare, school disciplinary, and juvenile justice systems; conducts a study of minority youth overrepresentation in el Paso County's child welfare system; and recognizes El Paso County youth who have overcome adversity and inspired others to do the same through Inspire Awards. OCR's Staff Attorney is a Co-Chair.

**Juvenile Justice Delinquency and Prevention Council.** The Colorado Juvenile Justice and Delinquency Prevention (JJDP) Council is appointed by the Governor as the State Advisory Group pursuant to the federal Juvenile Justice and Delinquency Prevention Act and is charged under the Act to advise and make recommendations to the Governor and the Legislature on juvenile justice issues. The Council reviews and approves applications for federal grant funding through the JJDP Act, monitors and evaluates projects funded, and oversees compliance with the core requirements of the JJDP Act. A Staff Attorney from OCR's El Paso County GAL Office serves on this council.

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

**Professional Development Committee:** The committee is developing a set of core competencies and an action plan for youth serving professionals to establish standard training and a uniform



understanding of core principles needed to work with youth. The committee will also work to increase training capacity and identify the various professionals and stakeholders that should participate in the trainings. The OCR Training Coordinator serves on this committee.

### **Colorado CASA**

**Board:** The OCR's Executive Director served as a community member of the Colorado CASA Board until July 2018.

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

### **Colorado Bar Association**

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

**Colorado Women's Bar Association Public Policy Committee:** OCR's Staff Attorney & Legislative Liaison is a member.

**Colorado Supreme Court Rules of Juvenile Procedure Committee:** The Committee's purpose is to periodically review, correct, update, and improve the Colorado Rules of Juvenile Procedure. The Committee is chaired by the Honorable Karen M. Ashby of the Colorado Court of Appeals, and the Supreme Court Liaison to the Committee is Justice Richard L. Gabriel. OCR's Deputy Director is a member of this committee, and OCR staff also serve on drafting subcommittees for the following rules: Adjudication; Discovery; Indian Child Welfare Act; Termination.

**Colorado Judicial Department Child Welfare Appeals Workgroup:** Established pursuant to 19-1-109(3), this committee considers necessary changes to practices, rules, and statutes in order to ensure that appeals in dependency and neglect cases are resolved within six months of filing. OCR's Deputy Director serves on this workgroup, and OCR's Staff Attorney serves on a subcommittees addressing appellate issues related to the Indian Child Welfare Act.

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

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

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

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

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

**American Bar Association Section of Litigation Children’s Rights Litigation Committee – Right to Counsel Strategy Group.** The strategy group monitors developments impacting children’s right to counsel and works to improve access to justice, engage pro bono lawyers, and improve outcomes for all children who come into contact with the legal system. The Deputy Director is a committee member.