

Evaluation of Multidisciplinary Law Office Pilot Project



Colorado Office of the Child's Representative

March 2017

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

OVERVIEW

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

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

THE EVALUATION

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

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

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

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

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

SUMMARY OF FINDINGS

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

Costs:

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

Time:

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

Stakeholder Perception:

Stakeholder perception of the MDLOs' effectiveness varied.

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

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

Youth Feedback:

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

Court Observation:

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

Youth in Court:

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

Court Data:

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

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

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

File Review:

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

Consistency in Advocacy:

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

CONCLUSION

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

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

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

RECOMMENDATIONS

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

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

FUTURE EVALUATIONS

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

Evaluation of Multidisciplinary Law Office Pilot Project

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I. INTRODUCTION

In Colorado, an attorney Guardian *ad litem* (GAL) is appointed to represent the best interests of each child involved in a dependency and neglect (D&N) proceeding. The Colorado Office of the Child's Representative (OCR) is charged with ensuring competent attorney services to children through a comprehensive and properly funded program. In order to represent the best interests of children as a GAL in Colorado, an attorney must have a contract with the OCR and comply with the duties and obligations in Chief Justice Directive (CJD) 04-06. Colorado is committed to ensuring high quality legal representation for children.

Consistent with this mandate, the OCR has explored various models of providing legal representation. Since OCR's inception in Fiscal Year 2001, all GAL services in Colorado were provided through a system of independent contracts with individual attorneys, with one exception: OCR's El Paso County GAL Office, which provided GAL services through a multidisciplinary structure of state employees. From Fiscal Year 2011 through Fiscal Year 2016, the OCR piloted Multidisciplinary Law Offices (MDLOs) in Arapahoe and Denver counties in an attempt to explore the potential benefits of expanding a formalized law office structure for delivering multidisciplinary representation outside El Paso County. This evaluation analyzes the impact of the MDLO structure on attorney performance, measured through comparative analysis of attorney activities, court observations, case file reviews, and stakeholder perceptions. This evaluation also compares case outcomes for children represented by independent contractor GALs to case outcomes for children appointed MDLO GALs.

II. GUARDIAN AD LITEM REPRESENTATION IN COLORADO

The OCR works to provide competent and effective legal representation to 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 whose interests are represented by its attorneys receive the best legal services available. As Colorado's most vulnerable and marginalized population in the courts, these children need OCR attorneys to protect and promote their safety and well-being and to have their voices heard throughout all aspects of a case.

A. Legislative History

Court-appointed attorney GAL representation is a mandated service in Colorado. Section 19-3-203, C.R.S. states the court shall appoint a GAL in every D&N case and §19-1-111, C.R.S. requires the court to appoint a GAL in delinquency matters and other case types when such appointment is necessary to serve the child's best interests. Additionally, other Colorado statutes provide for the discretionary appointment of an attorney to represent a child's best interests in other case types, such as probate, paternity, and domestic relations; these statutes require the State to pay for such services when the parties are indigent.

At the time of the OCR's creation in 2001, the General Assembly had serious concerns about the subpar quality of best interests legal representation provided to children in Colorado. The General Assembly recognized the existence of financial barriers to adequately frontloading legal services and to dedicating the proper amount of time throughout the life of a case. Additionally, the General Assembly expressed concerns that high GAL caseloads impaired case preparation and investigation, GALs had insufficient contact with children, and GALs did not consistently engage in meaningful court advocacy. The legislation enacting the OCR, House Bill 00-1371, established 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.

The statute creating the OCR sets forth a comprehensive mandate to ensure effective best interests legal representation for children who come into contact with Colorado's court system, as well as specific directives to accomplish this goal.¹ The OCR's paramount obligation is to provide competent attorney services through a comprehensive and properly funded program.

B. Office of the Child's Representative: Oversight & Accountability

State funds are appropriated to the OCR to provide GAL services for children in D&N and other proceedings. The OCR has exclusive authority to select and contract with attorneys to provide state-paid GAL services. It is responsible for providing these attorneys with high quality accessible trainings and for providing oversight of attorney services through performance evaluation and a complaint investigation process.

Budget, Fee Structure & Compensation

With the exception of the MDLO offices evaluated in this report, OCR attorneys are paid at an hourly rate. A presumptive maximum fee allocation which includes mileage is set for each case type. Attorneys must request excess fees on a case to bill beyond the presumptive maximum and obtain OCR preapproval for expert witness fees and extraordinary expenses, such as out-of-state travel.² OCR attorneys can also bill for litigation support, such as consultation with attorneys with appellate, immigration, or education expertise.

¹ See § 13-91-101 *et seq.*, C.R.S. (2016).

² OCR's *Billing Policies & Procedures Manual* is available at: <http://www.coloradochildrep.org/attorney-center/billing>.

Training

CJD 04-06 requires that attorneys possess the necessary “knowledge, expertise and training” to perform their responsibilities.³ GALs are required to obtain 10 hours of OCR-approved training prior to their first appointment. Additionally, each fiscal year, attorneys must receive at least 10 hours of OCR-approved specialty training on the law, social science research, and best practices relating to issues impacting court-involved children.

Oversight

The OCR provides oversight of attorney services through ongoing analysis of attorney activity and billing, investigation of complaints, an annual verifications process, and an in-depth triannual attorney evaluation and contract renewal process.

On an ongoing basis, the OCR reviews hourly billing statements and fee requests submitted by GALs in order to ensure that the work done on a case is adequate and that state dollars are used for only allowable expenditures. The OCR conducts periodic audits of attorney work. Every complaint received by the OCR is thoroughly investigated, and a founded complaint may result in a corrective action plan, termination of a GAL’s contract, or, in extenuating circumstances, removal of the GAL from existing appointments.⁴

Each year, all OCR attorneys must undergo a verifications process in which they certify compliance with applicable practice standards. The OCR reviews attorney-specific billing and case management reports during this process and sends annual electronic surveys aimed at assessing GAL performance to stakeholders in all of Colorado’s 22 judicial districts. The stakeholders include judicial officers, court facilitators, court administrators, CASA agencies, and other professionals in direct contact with GALs. OCR attorney staff also remain in contact with judicial officers in each district throughout the year and set up in-person meetings during the verifications process.

The OCR’s contract renewal process includes a triannual in-depth evaluation of attorney performance. Independent contractors receive three-year contracts which are staggered according to judicial district and case type. When attorneys in a judicial district are scheduled for evaluation, the OCR spends extensive time in each district, collecting at least three structured court observations on each attorney, engaging in meetings with stakeholders, and individually interviewing each attorney. Additionally, the OCR interviews a youth, parent, and caregiver reference for each attorney, reviews a writing sample, and engages in an in-depth analysis of attorney billing and the activities performed on their appointments.

³ CJD 04-06(V)(A). Available at: <http://www.coloradochildrep.org/about-ocr/chief-justice-directive>.

⁴ *OCR 2016 Annual Report to the General Assembly* (September 1, 2016). Available at: <http://www.coloradochildrep.org/about-ocr/general-assembly-information>.

Colorado Attorney Reimbursement Electronic System (CARES)

Colorado Attorney Reimbursement Electronic System (CARES) is the OCR's on-line case management and billing system. All billable case-related work must be entered into the system by all GALs and their staff. The OCR uses this system to process and monitor payments for all independent contract attorneys and to oversee the performance of all attorneys, regardless of the model of representation or office structure under which they work. CARES allows attorneys to maintain a comprehensive electronic file for each child that includes details about placement, visits with the child, contacts with other parties and professionals, outcomes of court appearances, school and treatment provider information, and duration of placements. It promotes best practices in case coordination by allowing attorneys who use social workers in their practice to quickly access all social worker notes related to activities. The data currently available through CARES allows the OCR to run reports on key indicators of attorney performance, such as in-placement contact with children, time dedicated to initial investigation, and percentage of time spent on activity type.

The OCR originally accessed this system through the acquisition of user licenses from KidsVoice, a nonprofit legal entity representing children. A private foundation grant to KidsVoice largely funded the acquisition of user licenses as well as significant modifications to the OCR's version of the system, which were necessary to accommodate GAL practice in Colorado and the OCR's attorney reimbursement procedures. The OCR eventually acquired a perpetual license to the source code and subsequently engaged a series of developers to modify the program. Once significant changes were made, the OCR gave the system its current name.

C. Delivery of GAL Representation

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

- 1) *Independent Contractors*: The OCR contracts with approximately 200 independent contractors throughout Colorado to provide attorney services on all of OCR's case types. These contract entities are small businesses and include solo practitioners and law firms. Contractors often live and work in the same communities as the children and youth they serve. Independent contractors bill the OCR at an hourly rate on a fee-for-service basis. Each case-carrying GAL operating under this model has been selected through a rigorous application and evaluation process to be eligible for an OCR contract and court appointments.

- 2) *OCR's El Paso County Guardian Ad Litem Office*: The OCR's El Paso County GAL Office provides GAL services in D&N and delinquency proceedings in a multidisciplinary office setting consisting of state employees (FTEs). The creation of the office as the Fourth Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. The office graduated from its pilot status in 2004 and is now in its seventeenth year of operation. The OCR El Paso GAL Office employs 12 attorneys, five case 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.

- 3) *OCR's Multidisciplinary Law Office Pilot Program*: The OCR's MDLO pilot program is an endeavor allowing the OCR to implement SB 03-258, Footnote 118, which requested that the OCR study alternative methods of providing GAL services in D&N cases by exploring whether it could implement a multidisciplinary law office in Denver similar to the OCR El Paso County GAL Office. This program was developed after many years of analysis culminating in a Request for Proposal process. The OCR selected two MDLOs in Denver County and one MDLO in Arapahoe County for contracts to pilot the formalized model by providing multidisciplinary legal services in a law office structure. The offices in Denver County provide GAL services in D&N cases alone, while the office in Arapahoe County provides GAL services in D&N and delinquency proceedings. The OCR pays each office a negotiated annual flat fee in monthly installments. While attorneys and social workers must enter all time for billable case-related activity into CARES and OCR reviews that activity as part of its oversight of the offices, payment to the offices is determined by the negotiated rate rather than the amount of case-related time entered. The offices also differ from the independent contractor model as they directly hire case-carrying staff attorneys—under the independent contractor model, each case-carrying attorney is individually selected by the OCR.

D. Chief Justice Directive 04-06

CJD 04-06 outlines the obligations of GALs. In D&N appointments, the practice standards include:

- Consult with the child in a developmentally appropriate manner and consider the child's position regarding the disposition of the matter before the court.
- Attend all court hearings and advocate for the child's best interests; state the child's position on the record; present independent evidence.
- Personally meet with the child within 30 days of appointment and in each of his or her placements.
- Conduct an independent investigation within the first 45 days of appointment.
 - Personally interview the respondent parents with permission from their counsel.
 - When appropriate, visit the child's home of origin.
 - Observe the child's interactions with each parent.
 - Personally meet with placement providers.
 - Review court files and relevant records, reports, and documents.
 - Obtain first-hand information from other persons and professionals to assess and advocate for the child's best interests.
 - Confirm the county department's diligent search for prospective kinship placements or potential tribal affiliation, or independently conduct such investigation if necessary.
- Conduct an ongoing investigation.
 - Maintain contact and ongoing communication with the child, his or her placement providers, and other professionals as needed.

- Continue in-person placement visits with the child within 30 days of any change of placement.
- Ensure the best interests of the child are represented on appeal.⁵

The CJD also contains standards for GALs in delinquency and other case types.⁶

Representation begins at the filing of a D&N case and upon appointment of the court in other case types. In D&N proceedings, the GAL appointment continues until case closure, and each child's interests must be represented by a GAL throughout any appellate proceedings.⁷ In other case types, including delinquency, the GAL appointment ends upon key case events or court order. OCR attorney representation includes attending administrative proceedings and meetings related to the child's well-being.

OCR monitors compliance with the CJD via the oversight procedures detailed in Section II.B. of this report.

III. STRUCTURING AND EVALUATING ENHANCEMENTS TO ATTORNEY REPRESENTATION

In developing the Statement of Work applicable to the MDLO offices and designing this evaluation, the OCR considered national studies and standards pertaining to representation of children and parents in D&N proceedings. This review confirmed that all GALs in Colorado are held to high performance standards that integrate many elements of nationally-recognized best practices. This section identifies the practices OCR sought to further enhance through its MDLO program and the existing research that informed OCR's evaluation plan.

A. Nationally-Recognized Practices for Advancing Effective Attorney Services

Standards of Practice and Structural Considerations

The American Bar Association (ABA) Standards of Practice and the ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings set forth practice standards and identify structural components of an effective attorney representation system. While each expresses a preference for a traditional lawyer-client relationship, their structural considerations and many of the practice standards apply to attorneys serving in either a traditional lawyer-client relationship or a best interests role. They address, for example, the following key components to child representation: appointment of a lawyer for every child who is the subject of a D&N petition that continues until final resolution of the case (including appeal); initial and ongoing training to ensure qualified lawyers; caseload caps; attorney participation in all proceedings; independence from the court,

⁵ C.J.D. 04-06(V)(D). This CJD was modified effective January 1, 2016 to clarify some of the practice standards applicable to GALs in D&N proceedings and to provide more specific practice standards for GALs in delinquency proceedings.

⁶ C.J.D. 04-06(V)(E), (F).

⁷ In Colorado, the D&N court has continuing jurisdiction over children adjudicated dependent or neglected until the age of 21 unless jurisdiction is terminated earlier by court order. § 19-3-205, C.R.S. (2016).

the state, and other parties; eliciting the child’s wishes in a developmentally appropriate manner; and ensuring children receive notice of hearings and opportunity to participate.⁸

The federally-funded National Quality Improvement Center on Child Representation (QIC ChildRep) developed a Model of Child Representation adapted from the ABA 1996 Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases. The model emphasizes the importance of adequate and timely compensation and manageable caseloads. Components of the model include timely appointment, active participation in court proceedings, and out of court activities such as conducting an investigation, meeting with the child, requesting services, engaging in negotiations, and filing pleadings.⁹ The QIC ChildRep Model advocates for attorney independence from the courts and a clear administrative structure for appointment, support, and accountability. Attorneys should receive initial and ongoing training and mentorship from a senior attorney.

As illustrated by the CJD requirements outlined in Section II.D., GALs in Colorado are held to high performance standards that integrate many elements of these nationally-recognized best practices. In the MDLO Statement of Work, the OCR sought to enhance the CJD’s youth engagement requirements. Specifically, CJD 04-06 requires GALs to conduct an in-placement visit with each child within 30 days of appointment and within 30 days of any change of placement, and to maintain contact and ongoing communication with the child.¹⁰ However, the CJD does not specify a frequency with which ongoing contact must occur. The MDLO statement of work specifically requires meaningful face-to-face visits with the child at least once every 90 days, with at least two of four visits occurring at the child’s residence. The Statement of Work also advances youth participation in proceedings by formally requiring the GAL to encourage the child or youth to participate at court proceedings and case events when appropriate.¹¹ Additionally, in Phase II of the Pilot, the OCR sought to advance another nationally-

⁸ *ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (1996). Available at: http://www.americanbar.org/content/dam/aba/administrative/child_law/repstandwhole.authcheckdam.pdf; *ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings* (2011). Available at: https://apps.americanbar.org/litigation/committees/childrights/docs/aba_model_act_2011.pdf.

⁹ *QIC ChildRep Model of Child Representation*, available at: <http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx>.

¹⁰ C.J.D. 04-06(V)(D)(4)(a), (V)(D)(5)(a), (V)(D)(5)(b). The January 2016 amendments to the CJD further clarified the “maintain contact” requirement by adding the following language: “in order to continue to assess the child’s best interests, consider the child’s position as required by Section V.B. and state the child’s position to the court as required by Section V.D.1.”

¹¹ Over the years, the OCR has sought to advance youth participation in court by training GALs, judicial officers, and other key stakeholders about the importance of youth participation and providing practice supports. See, e.g., *Colorado Guided Reference in Dependency: An Advocacy Guide for Attorneys in Dependency Proceedings*, Fact Sheet, “Children in Court,” F29 (2012). Available at: <http://www.coloradogrid.org>. The Colorado Children’s Code requires notice to children of court hearings. §§ 19-3-502(7), 19-3-702(2)(2016). When appropriate, children must be given an opportunity to participate in permanency planning hearings, and the court at a permanency hearing must consult with the child in an age-appropriate manner. §§ 19-3-702(2), (3.7)(2016). GALs must state the child’s position on the record in court, when developmentally ascertainable. CJD 04-06(V)(D)(1). The January 2016 amendments to CJD 04-06 now contain commentary to this provision requiring GALs to “endeavor to maximize the child’s involvement in the court proceedings, when consistent with the child’s best interests, by discussing the court process, ascertaining whether the child wishes to appear in court and identifying and advocating for the elimination of barriers to the child’s attendance at court.”

recognized best practice by establishing a case cap of 100 children per attorney. Although the OCR's hourly compensation structure, recruitment, and monitoring efforts support appropriate caseloads for attorneys, this case cap is not set forth in independent contractor contracts with the OCR.

Cornerstone Advocacy

Cornerstone Advocacy, a practice approach created by the Center for Family Representation in 2004, focuses on intensive advocacy during the first 60 days of a case to help move families toward speedy reunification. Cornerstone Advocacy emphasizes the importance of parent representation focusing on placement options that maintain a child's connection to his or her family and community; service plans uniquely tailored to each family's needs and strengths; engagement and advocacy at department meetings and out of court events; and promoting and supporting frequent visits and opportunities for visits in a family-like setting.¹²

The OCR adopted a slightly modified version of this approach to advocacy in 2009. Consistent with CJD 04-06, the OCR condensed the time frame for the frontloading of investigation and advocacy to the first 45 days after appointment. As GAL practice in Colorado already entailed engagement and advocacy at meetings, the OCR modified that cornerstone to instead focus on educational stability and independent living skills. As modified, the Cornerstone Advocacy model the OCR has advanced in Colorado emphasizes a focus on placement with kin or in the child's community, frequent visits in family-like settings, tailored services to meet individual needs, and advocacy for educational stability and independent living skills. The OCR implemented Cornerstone Advocacy through a required four-day training program in 2010, the creation of a Cornerstone Advocacy Handbook, the integration of the principles in its Guided Reference in Dependency (GRID) and other practice materials, and the identification of Cornerstone Advocacy principles in its Core Competencies for D&N GALs.¹³ Through the MDLO contracts, the OCR sought to further institute this practice by requiring attorneys in the MDLOs to structure their cases based on Cornerstone Advocacy principles and to focus their investigation and advocacy on each of the four cornerstones.

Multidisciplinary Approach to Advocacy

D&N practice involves a hybrid of legal and social work practices. As such, legal services programs have long explored partnering attorneys with social workers to provide a multidisciplinary approach to advocacy.¹⁴

In the respondent parent counsel arena, efforts to measure the impact of quality representation and a multidisciplinary approach to advocacy have pertained to the Center for Family Representation in New York, the Detroit Family Advocacy Center, and the Washington State Office of Public Defense. Each

¹² See Cohen, J., Cortese, M., "Cornerstone Advocacy in the First 60 Days: Achieving Safe and Lasting Reunification for Families," *ABA Child Law Practice* 28(3) (2009).

¹³ The GRID can be accessed at: www.coloradogrid.org.

¹⁴ See National Association of Counsel for Children, "Multidisciplinary Practice," *Child Welfare Law Office Guidebook: Best Practice Guidelines for Organizational Legal Representation in Children Abuse, Neglect, and Dependency Case*, Guideline C-4 (2006).

project invested in various interventions such as establishing training requirements, implementing practices standards, adopting case load caps, and frontloading advocacy.¹⁵ A multidisciplinary approach to advocacy was a commonality across all three projects. While focused on representation for parents, these programs achieved results indicating multidisciplinary representation can be linked to permanency.¹⁶ Specifically, these studies found that investing in high quality advocacy led to decreased time to permanency, increased reunification, and increased adoption. The Detroit Center for Family Advocacy also credits the multidisciplinary approach with forming trusting relationships between a parent and his or her team members and better engaging child welfare case workers to assist families.¹⁷

While these studies support the effectiveness of engaging multidisciplinary teams in the legal representation of parents, limited information is available regarding the effectiveness of multidisciplinary teams in delivering representation to children. As part of the QIC ChildRep, a study was designed and conducted to evaluate a multidisciplinary team approach to representation in Flint, Michigan.¹⁸ The study addressed the process for designing and implementing a multidisciplinary approach to child representation; compared outcomes for children represented by a multidisciplinary team to those for children represented by an independent attorney; and identified key elements of a successful model. The study involved five lawyers and two social workers. It evaluated outcomes for 406 children from 216 families. Cases were randomly assigned as having a social worker assisting the attorney or as not having this support. Attorneys and social workers reported that they believed the intervention had a positive impact in cases. Outcomes demonstrated included quicker case resolution and improved preservation of family connections.¹⁹ Vital components to the effectiveness of the team approach included establishing attorney respect for the social worker skillset, having the social worker provide intensive advocacy early on in the case, and supporting social worker collaboration with the child welfare agency.²⁰ The study noted the difficulty in building an environment conducive to a team approach; in this case, the attorneys and social workers essentially worked the cases separately and came together for consultation. Although professionals in both roles valued the model and the

¹⁵ See Cohen & Cortese, *supra* note 12; Courtney, M., Hook, J., Orme, M., “Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care,” *Partners for Our Children Discussion Paper*, Vol. 1 Issue 1 (Feb. 2011). Available at: http://partnersforourchildren.org/sites/default/files/2011_evaluation..._impact_of_enhanced_parental_legal_representation...discussion_paper.pdf; Sankaran, V., Raimon, M., Center for the Study of Social Policy, *Case Closed: Addressing Unmet Legal Needs & Stabilizing Families* (2014). Available at: <http://www.cssp.org/reform/child-welfare/Preventive-Legal-Representation.pdf>.

¹⁶ See Courtney et al., *supra* note 15; Cohen et al., *supra* note 15; Sankaran et al., *supra* note 16.

¹⁷ Sankaran, V., Rideout, P.L., Raimon, M., Center for the Study of Social Policy, *Strange Bedfellows: How Child Welfare Agencies Can Benefit from Investing in Multidisciplinary Parent Representation* (2015). Available at: <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1086&context=other/>.

¹⁸ Robbin, P., “The Flint MDT Study: A Description and Evaluation of a Multidisciplinary Team Representing Children in Child Welfare,” *CHILDREN’S JUSTICE: How to Improve Legal Representation of Children in the Child Welfare System*, Chapter 12 (May 2016).

¹⁹ *Id.* at 190.

²⁰ *Id.*

attorneys expressed an interest in continuing with a team approach, the partnership ceased at the end of the study.²¹

Multidisciplinary advocacy is achieved in Colorado through a billing structure that permits attorneys to employ social workers and bill the OCR for social worker time for case-related activity. CJD 04-06 designates which investigative activities must be performed by the GAL of record and which activities may be delegated to qualified staff. The OCR has also provided training and guidance on attorney-social worker collaboration. The MDLO statement of work formalizes the use of an office structure and requires the assignment of social work staff to each case. Specifically, the MDLO statement of work initially required a social worker to be assigned at the outset of every case and remain active through case closure. In 2014, this statement of work was modified to permit the offices to assign social workers “inactive” status on certain cases, allowing the social worker to step back from active engagement in the case but remain available if needed.

B. Evaluating Different Models of GAL Representation

Assessing the value of legal representation is a challenging endeavor. As discussed above, the OCR monitors GAL compliance with the practice standards set forth in CJD 04-06 through analysis of billing activity, complaint investigation, annual stakeholder surveys, annual verifications, and a robust tri-annual renewal process that includes court observations and one-on-one attorney meetings.²² However, defining and measuring the impact of attorney representation, beyond compliance with practice standards, is often nebulous.²³ Existing research measuring the impact of interventions on attorney performance and case outcomes in D&N proceedings informed the OCR’s evaluation plan.

The Adoption and Safe Families Act directs child welfare agencies and courts to focus on three primary goals: safety, permanency, and well-being.²⁴ These goals create a framework for national efforts to achieve positive outcomes for court-involved children. Since the early 2000s, federal funding has been dedicated to defining performance measures.²⁵ Extensive efforts have gone into defining, monitoring,

²¹ *Id.* at 203.

²² See OCR Applications & Verifications. Available at: <http://www.coloradochildrep.org/attorney-center/applications/>.

²³ See Peters, C., First Focus and State Policy Advocacy and Reform Center, *Measuring the Impact of Children’s Rights to Counsel: Advancing Child Due Process and Well Being in the Juvenile Court Ecology* (2016). Available at: <http://childwelfaresparc.org/measuring-the-impact-of-childrens-rights-to-counsel-advancing-child-due-process-and-well-being-in-the-juvenile-court-ecology/>. See also Johnston-Walsh, L., Kinnevy, S., Lerner, A., Pokempner, J., *Assessing the Quality of Child Representation in Dependency Proceedings in Pennsylvania* (Oct. 2010). Available at: <https://dickinsonlaw.psu.edu/sites/default/files/Assessing-the-Quality-of-Child-Advocacy.pdf> (citing Abrams, D., “The Luck of the Draw: Using Random Case Assignment to Investigate Attorney Ability,” 74 *U. Chi. L. Rev.* 1145, 1146-47 (2007)); ABA Center on Children and the Law, *Indicators of Success for Parent Representation* (2015) at 8.

²⁴ Adoption and Safe Families Act of 1997. Public Law 105-109. 111 Stat. 2115.

²⁵ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Court Performance Measures in Child Abuse and Neglect Cases: Key Measures* (2009). Available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/223567.pdf> (noting that following the 2004 report *Building a Better Court* the Children’s Bureau funded the ABA, NCSC, and NCJFCJ to provide technical assistance and support to courts to help them improve handling of child welfare cases and the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency

implementing, and measuring best practices to improve dependency court outcomes.²⁶ The Child and Family Services Reviews were established to assess state performance through examining child welfare agency outcomes and developing improvement plans to achieve improved outcomes.

In his recent publication, *Measuring the Impact of Children's Rights to Counsel*, child welfare researcher Clark Peters recognizes how the unique structure of dependency court jurisdiction presents challenges to evaluating the impact of attorney performance.²⁷ Peters notes the difficulty in "identifying the meaningful indicators of performance and zeroing in on the cause of any measurable changes in court and agency performance."²⁸ As a child's attorney is just one of many professionals involved in D&N proceedings, the attorney "at best . . . will usually have an attenuated influence on many of the outcomes they hope to affect."²⁹ Peters identifies case-level outcomes and system-level outcomes potentially associated with attorney representation; while case-level outcomes include indicators of due process and child well-being, examples of system-level outcomes include legal advancements or increased availability of services in a jurisdiction.³⁰ Peters recommends the utilization of measures that account for the protracted nature of D&N proceedings and that assess child engagement in court proceedings.³¹

The QIC ChildRep, the leading example of evaluation of attorney services for children, was charged with designing an intervention aimed at improving the quality of practice for attorneys in dependency cases and evaluating how the intervention impacted attorney activity and case outcomes. As discussed above, this effort began with establishing the practice standards in the QIC Best Practice Model for Child Representation. The intervention, implemented in Georgia and Washington, involved an initial two-day training and ongoing reaffirmation of content through quarterly coaching and pod meetings.³² Six core skills served as the basis for the implementation of the Best Practice Model: enter the child's world; assess child safety; actively evaluate needs; advance case planning; develop case theory; and advocate effectively.³³ An evaluation was designed to determine whether the attorneys who participated in its intervention provided better child representation and whether the group of children represented by

Prevention provided these partners with funding to assist with implementing automated management information systems in six states, including Colorado).

²⁶ ABA Center on Children and the Law, National Center for State Courts, National Council of Juvenile and Family Court Judges, *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (2004). Available at: <https://www.ncjfcj.org/sites/default/files/Building%20a%20Better%20Court.pdf> (proposing measures from "Attaining Permanency for Abused and Neglected Children Project," conducted jointly by the ABA Center on Children and the Law, NCSC, and NCJFCJ); Flango, V., "Measuring Progress in Improving Court Processing of Child Abuse and Neglect Cases." *Family Court Review* Vol. 39, pp.158–169 (April 2001).

²⁷ See Peters, *supra* note 23.

²⁸ *Id.* at 4.

²⁹ *Id.*

³⁰ *Id.* at 7-8.

³¹ *Id.* at 5.

³² Orlebeke, B., Zhou, X., Skyles, A., Zinn, A., *Evaluation of the QIC-ChildRep Best Practices Model Training for Attorneys Representing Children in the Child Welfare System, Chapin Hall at the University of Chicago* p. 57 (2016). Available at: <http://www.improvechildrep.org/Portals/0/QIC-ChildRep%20Chapin%20Hall%20Evaluation.pdf>.

³³ *Id.* at 11.

attorneys who participated in the intervention experienced better outcomes compared to those in the control group.³⁴ Four domains were used to measure attorney behaviors: “frequency of contact with individuals related to the case, time spent on selected activities, frequency of occurrence of certain events, and relationship and advocacy activities.”³⁵ Analyzed outcome measures included permanency, kinship placement rates, and placement moves.³⁶ Of these outcome measures, only one was statistically significant: in Washington, children represented by attorneys who had received the intervention were 40% more likely to achieve permanency within six months than children represented by attorneys who had not received the intervention.³⁷ The evaluation relied on attorney self-reporting to assess attorney behaviors and administrative data to assess outcomes.

An evaluation of the provision of attorney services for children in Palm Beach County also focused on key aspects of attorney performance and case outcomes. Relying on the Florida Department of Children and Families’ administrative database, physical court files, qualitative interviews of professional stakeholders, and qualitative interviews of youth and parents, the evaluation measured components of attorney advocacy such as filing motions, outcomes including rates of permanency and type of permanency achieved, and perceptions regarding the impact of the representation and the juvenile court process in general.³⁸ This study found that children represented by the attorney program evaluated achieved higher rates of permanency through adoption and long-term custody; notably, these outcomes were not offset by lower reunification rates.³⁹ While the intervention in this study was the attorney service itself, versus a hypothesized enhancement to existing attorney services, the study’s outcome measures and methodology provide a framework for a multifaceted approach to measuring the impact of attorney services.

The ABA *Indicators of Success for Parent Representation*, a publication documenting the work of Federal Region VI states in advancing their continuous quality improvement efforts through the Federal Court Improvement Program, suggests four measures to assist states’ assessment of parent representation systems: reasonable caseloads; access to multidisciplinary staff; out of court representation; and decreased time to safe permanency.⁴⁰ It also identifies indicators of engaged advocacy for Respondent Parent Counsel: front-loading services; advocating for appropriate services and visits; number of motions filed; providing persuasive legal arguments through motions, briefs, or other pleadings; offering factual alternatives through the presentation of evidence; and engaging in discovery.⁴¹ Existing evaluations of parent representation programs have considered length of placement as well as rates of

³⁴ *Id.* at 21.

³⁵ *Id.* at 71.

³⁶ *Id.* at 79.

³⁷ *Id.* at 81.

³⁸ See Zinn, A. E., Slowriver, J., *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County* (2008). Available at: https://www.chapinhall.org/sites/default/files/old_reports/428.pdf. See also Zinn A., Peters, C. M., “Expressed-interest Legal Representation for Children in Substitute Care: Evaluation of the impact of representation on children’s permanency outcomes.” *Family Court Review* 53 (4), 589-601 (Oct. 15).

³⁹ Zinn and Slowriver, *supra* note 38, at 1.

⁴⁰ *Indicators of Success for Parent Representation*, *supra* note 23, at 1.

⁴¹ *Id.* at 8.

case dismissal, removal, various permanency outcomes achieved (remain home, adoption, and guardianship), and reentry.⁴² While largely consistent with the best interests of children, these outcomes associated with effective parent representation may not fully capture the panoply of outcomes potentially associated with effective child representation. Notably, the role of the GAL is distinct from that of Respondent Parent Counsel, as a GAL is charged with advocating for the best interests of each child based on the attorney's independent investigation. While the GAL's investigation and advocacy initially focuses on services and supports that will allow a child to remain home with parents or to safely return home, a GAL's independent investigation and assessment of safety and well-being may ultimately support advocacy for permanency options other than return home or reunification. Similarly, length of case alone may not fully portray the effectiveness of GAL advocacy. While timely permanency is important and GALs advocate for services, supports, and case planning to achieve timely permanency in the best interests of children, the GAL plays a critical role in ensuring that return home and case closure decisions are not made prematurely and contrary to the best interests of the child. As such, return and remain home and a focus on timeframe to length of case alone may not necessarily correspond to the full range of goals of the GAL's legal advocacy.

Informed by existing examples of evaluation of representation for children and parents, the OCR sought to maximize its use of available data and to access additional data to engage in a comprehensive and multifaceted evaluation of the MDLO's impact on attorney performance and case outcomes. As will be discussed in detail in Section V, the OCR's evaluation of the MDLO pilot compared independent contractors to MDLO attorneys on several measures: time spent on cases, time spent frontloading investigation and advocacy, and time dedicated to key activities, such as contact with children; stakeholder perception of attorneys' relationship with children, independent investigation, and advocacy; youth perception of attorney services, as well as youth voice and youth in court data; and data obtained from structured observations of court hearings. The OCR also considered whether children represented by attorneys from the MDLOs experienced different removal rates, case lengths, and case outcomes. These measures allowed the OCR to evaluate the impact, if any, of the MDLO model on attorney performance and case outcomes.

IV. COLORADO'S MULTIDISCIPLINARY LAW OFFICE PILOT PROJECT: HISTORICAL OVERVIEW

A. Background

In 2003, the General Assembly instructed the OCR to study alternative methods of providing GAL services in D&N cases.⁴³ Specifically, the OCR was directed to explore the possibility of implementing an MDLO in Denver similar to its existing El Paso County GAL Office, employing both attorneys and professionals with social work or related backgrounds.

⁴² See, e.g., studies cited in footnotes 16 and 17, *supra*.

⁴³ See Senate Bill 03-258, f.n. 118, 64th General Assembly.

The OCR issued RFPs for the creation of MDLOs in Denver and Arapahoe counties, ultimately entering into contracts with three entities to serve as pilot MDLOs. The two Denver County MDLOs provide GAL representation in D&N proceedings, while the office in Arapahoe County provides representation in both D&N and JD proceedings. The offices are compensated on a flat fee basis and use CARES for time keeping and case management. To comprehensively evaluate formalized MDLO services in Colorado, the OCR included its existing El Paso County GAL office in its statement of work requirements and evaluation plan.

The initial pilot implementation period was January 1, 2011 through June 30, 2014 (Phase I). After an initial assessment of two years of data, the contracts were extended to June 30, 2017 to allow additional time for implementation and evaluation of the model (Phase II).

B. Phase I (January 1, 2011 through June 30, 2014)

Structure

Through a Statement of Work applicable to the MDLOs, the OCR established specific requirements for office structure and attorney performance. Each child was assigned a team (Child's Team) of an attorney GAL and a social service professional. MDLOs were required to hire support staff, ensure attorneys receive initial and ongoing training, comply with reporting and evaluation requests, abide by negotiated case caps, and provide supervision. The performance requirements mandated that attorneys comply with the requirements of CJD 04-06, the principles of Cornerstone Advocacy, and a specific requirement to meet with children in person every 90 days.⁴⁴

Hypothesis

The OCR anticipated that the use of multidisciplinary staff and additional investment in time and resources would improve attorney performance and ultimately lead to improved case outcomes. OCR hypothesized that over time, enhancing overall advocacy through multidisciplinary services could lead to cost savings. OCR's hourly reimbursement rate for attorney services is significantly higher than the hourly rate for social work services.⁴⁵ The OCR projected that the Child's Team approach would allow the dedication of additional hours of case-related work in a manner that would maximize the benefits of using social workers and enhance the amount of information available to a GAL at a cost less than if billed at the attorney rate alone. The OCR also projected that entering into flat fee contracts with the pilot offices would result in more predictable costs, as court appointed counsel costs often vary from year to year and between jurisdictions.

⁴⁴ See, Appendix A - Statement of Work.

⁴⁵ At the time of the pilot's inception, attorneys were compensated at a rate of \$65 dollars per hour and social workers at \$25 per hour. In Fiscal Year 2015, those rates increased to \$75 per hour and \$30 per hour, which remain the current compensation rates.

Evaluation

OCR partnered with the University of Denver Graduate School of Social Work to evaluate the effectiveness of the MDLO as a model for delivering legal services to children in juvenile court proceedings. The evaluation specifically focused on understanding how the MDLOs functioned and the impact, if any, on attorney performance and case outcomes. The evaluation compared MDLO GALs to independent contractors in three judicial districts deemed comparable to the MDLO districts in terms of size and resources. The evaluation was designed to enable the OCR to compare its attorney service models in terms of time spent in contact with children, in the courtroom, and on independent investigation. The OCR also sought to compare the MDLO model to the independent contractor model on outcome measures such as average number of placements throughout the life of a case and average length of case.

Findings

The MDLOs spent more time on case activity than independent contractors. However, the additional time did not appear to decrease attorney time nor did it appear to impact attorney performance or case outcomes. Court observation revealed that GALs from MDLOs were comparatively similar to independent contractors in other judicial districts. Notably, child presence in court was low for both groups. GALs in both groups regularly stated a position in court. MDLO supervision practices were found to be less robust than those mandated by the OCR and desired by staff. The MDLOs tended to have higher rates of turnover, and qualitative interviews yielded commentary on burnout. Lower salaries, limited benefits, and slower mobility were factors associated with turnover at the offices.⁴⁶

Conclusions and Next Steps

Despite the OCR's inability to quantify improvements in attorney performance or case outcomes during Phase I, the model continued to enjoy broad support from attorneys practicing in MDLOs and from the courts. The OCR determined that two years of available data did not allow sufficient time to fully implement the practice changes or to measure outcomes. Additionally, the evaluation's findings indicated that supervision and role definitions within the MDLOs needed further clarification and implementation in order to increase organizational effectiveness. The OCR extended the pilot to June 30, 2017, incorporating lessons learned from Phase I into modified goals and objectives applicable to Phase II.

C. Phase II (July 1, 2014 to June 30, 2017)

Goals and Hypothesis

Phase II of the MDLO project, which began July 1, 2014, was designed to continue to implement and evaluate the MDLO model of representation with emphasis on:

⁴⁶ For a detailed summary of OCR's evaluation of Phase I, see *15th Bi-Annual ABA National Conference on Children and the Law, Effective & Efficient? An Evaluation of Multidisciplinary Law Offices in Colorado* (Compiled by Donnelly, A.). Available at: <http://www.coloradochildrep.org/wp-content/uploads/2013/09/ABA-2013-Paper-An-Evaluation-of-Multidisciplinary-Law-Offices-in-Colorado.docx.pdf>.

- Improving the delivery of best interests legal representation to children;
- Informing OCR's standards of practice;
- Augmenting OCR's oversight capacity; and
- Identifying efficiencies that promote quality representation.

The OCR hypothesized that it could realize the performance and outcome improvements it sought to advance through the MDLO by allowing more time for the model's implementation and by incorporating lessons learned into a modified Statement of Work that more specifically defined the OCR's expectations for the delivery of a multidisciplinary approach to best interests advocacy and each office's individual obligations.

Structure

The OCR engaged the offices in developing a modified Statement of Work that maintained the same core values while clarifying certain components of the practice to improve efficiencies and meet the OCR's expectations. Offices were also required to develop policies, procedures, and employment contracts identifying the respective roles and responsibilities of the GAL and social worker, as well as the GAL's authority and ethical obligation to direct the case and make ultimate case decisions. During Phase II, OCR imposed a case cap of 100 children per attorney across all MDLOs.

The modified Statement of Work governing Phase II and applicable to this evaluation included requirements related to law office operations and engagement in a multidisciplinary approach to case management. Key components of the modified Statement of Work included:

- Office Structure
 - Establish an institutional presence.
 - Provide access to a legal research tool.
 - Set a goal for number of hours per week in CARES (34 to 35 hours/week for each office) and monitor compliance with that goal.
 - Hire attorneys and social services staff with knowledge and experience who reflect the demographics of the populations served.
 - Maintain a supervision structure adequate to case load and organization size and ensure that supervisors have extensive experience.
- Delivery of Multidisciplinary Approach
 - Engage in Cornerstone Advocacy by focusing on placement, visits, services, and education and life skills.
 - Ensure face-to-face visits with the child at least every 90 days, at least two of which shall occur at the child's residence.
 - Encourage participation of the child at court proceedings and case events, such as staffings.

- Supervision
 - Provide training, mentorship, and supervision to staff on an ongoing basis.
 - Establish a system of direct court observation.
 - Solicit feedback from children, when appropriate, and families.
 - Maintain a system to obtain feedback from other attorneys, placement resources, department of human services' social workers, and court personnel in order to assess attorney and social service staff performance.

- Caseloads
 - Maintain defined caseloads and case cap of 100 children per attorney.

The three pilot offices were contractually obligated to structure their offices and operations in compliance with the Statement of Work, and the OCR also required the El Paso County GAL Office to comply with the Statement of Work. In addition to the Statement of Work, all GALs working in the MDLOs continued to be governed by the rigorous practice standards set forth in CJD 04-06.⁴⁷

V. EVALUATION

A. Research Questions and Goals

The OCR's assessment of the value of MDLOs focused on the following question: ***How do a law office environment and multidisciplinary approach to case management contribute to improving delivery of best interests legal representation to children?***

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

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

⁴⁷ See Section II.D., *supra*.

In addition to measuring these attorney performance outcomes, the OCR, through a data sharing agreement with Colorado’s Office of the State Court Administrator, was able to access court data regarding removal rates, length of case, and case outcomes for children represented by MDLO attorneys and independent contractors.

B. Approach

Sources of Information

Phase II of the evaluation relied on multiple sources of information to compare MDLOs to independent contractors on measures relating to attorney performance and case outcomes.

During Phase II, the OCR monitored compliance with contractual obligations, including the Statement of Work, through financial analysis, review of quarterly reports, quarterly meetings with MDLO managing attorneys, and analysis of CARES reports regarding office activity and rates of youth participation at hearings. Additionally, the OCR reviewed annual verification forms, stakeholder feedback, and court observation data on an ongoing basis. For the assessment, this information was supplemented with MDLO focus groups, judicial focus groups and surveys, a youth focus group and survey, and court data regarding removal of child, length of case, and case outcomes.

The OCR also partnered with the National Council of Juvenile and Family Court Judges (NCJFCJ) research staff to examine the effectiveness of the MDLO program. In addition to assisting with the design of judicial and youth survey instruments, NCJFCJ researchers developed and implemented a court file review process to compare the MDLO offices to independent contractors in the same counties and designed a survey to assess program satisfaction and understanding amongst attorney and social work staff in the MDLO offices and independent contract attorneys’ offices.

These sources of information were intended to provide a multifaceted assessment of the MDLO model’s impact on attorney performance and case outcomes. To ensure the evaluation’s comprehensiveness, OCR began the Phase II evaluation with an informal meeting of attorneys and social workers from across Colorado to discuss their perceptions of the Child’s Team approach to case management. This attorney and social worker feedback informed the assessment and survey design. OCR also held meetings with each multidisciplinary law office to provide an opportunity for MDLO staff to provide feedback on whether they believe the multidisciplinary approach has a unique impact on cases and how that impact might be measured. Those meetings served to ensure that the OCR’s evaluation plan was designed to address all potential benefits of the MDLO model and also provided qualitative information relevant to the evaluation, discussed below under “MDLO Office Visits.”

Samples for Quantitative Analysis

When possible, the OCR compared MDLO attorneys to independent contract attorneys in the same county. Colorado has 22 judicial districts and 64 counties. Denver County is the only county in Colorado’s Second Judicial District, and all Denver D&N cases are handled in Denver Juvenile Court. However, El Paso County is one of two counties in Colorado’s Fourth Judicial District and Arapahoe

County is one of four counties in Colorado's Eighteenth Judicial District. As Colorado has a state-supervised, county-administered child welfare system and judicial officers are typically assigned to handle cases in specific counties, examining county-level data helped limit the possibility of other external influences on court practices, stakeholder perception, and case outcomes. Though this evaluation could not logistically have a truly randomized scientific control group, the comparison contractors worked in the same counties on the same case types as the MDLO attorneys and were therefore the best control group available in this Phase II evaluation. When county-level data could not be meaningfully analyzed due to its lack of availability or the small sample size it would yield, the OCR relied on district-level or state-level data as appropriate.

Cost and time comparisons analyzed differences between MDLOs and independent contractors within their counties and statewide. OCR compared court performance through court observation data pertaining to the MDLO attorneys and other attorneys within their counties. Similarly, a sample of court files involving MDLO attorneys were compared to the files of cases on which independent contractors were appointed. Stakeholder surveys were analyzed comparing MDLO attorneys to other attorneys within the MDLO counties and to attorneys statewide. OCR used CARES reports to analyze attorney activity and time, comparing MDLO activity to that of independent contractors assigned to the D&N appointment lists in their respective counties. All data was analyzed for Fiscal Years 2015 and 2016. As Colorado fiscal years begin on July 1 of the previous calendar year and end on June 30 of the identified fiscal year, relevant dates of analysis included July 1, 2014 through June 30, 2016.

The length of case and case outcomes analyzed from the court's dataset pertained to cases closed between January 1, 2014 and March 31, 2016. Cases receiving MDLO representation were compared to cases receiving independent contractor representation in the same county.

C. Findings

1. *Adherence to Statement of Work*

Adherence to the Statement of Work was monitored through quarterly reports to the OCR that included budget to actuals and staffing plans and OCR's ongoing monitoring of contractual compliance detailed in Section II.B. As part of its formal evaluation of Phase II, the OCR requested documentation of any policies, programs, or practices intended to either implement or ensure compliance with the Statement of Work. The OCR engaged in discussions with offices as needed to understand materials. Materials reviewed and discussed included, but were not limited to:

- Job descriptions for attorneys and social service personnel
- Job postings and advertisements
- Employee handbooks
- Training schedules
- Personnel Policies
- Office policies & procedures

- Forms used for routine practice, such as case contact sheet, home visit form, and a hearing form
- A list of tasks for all new cases
- Office timesheets
- Performance evaluation forms and schedules
- Staff meeting agendas and templates
- Face-to-face contact requirements and monitoring
- Team meeting email protocol outlining materials to be provided prior to meetings
- A list of committees

Across the board, offices had policies and practices in place to ensure initial and ongoing training, provide supervision and mentorship, and monitor compliance with the CJD 04-06 and quarterly face-to-face contact requirements. Each office had a formal process for new attorneys to complete trainings, shadow other attorneys, and practice under supervision. The offices also had expectations for weekly entries into CARES, processes for monitoring staff compliance with office expectations, and procedures for monitoring case assignments and workload. The offices held routine supervision meetings and regular staff meetings. Additionally, offices demonstrated an institutional presence through their involvement in judicial district committees and best practice teams. Offices also engaged in regularly scheduled performance reviews, which included a formal process for court observation. Each office indicated that it regularly received feedback from other stakeholders, including judicial officers, department personnel, and probation officers. The offices uniformly lacked any formal processes for obtaining feedback from families and youth.

2. Cost Analysis

As part of its cost analysis, the OCR considered CARES data and amounts paid under the contract with the MDLOs and allocated to the El Paso County FTE office. The OCR compared MDLO costs to independent contractors throughout the state in Fiscal Years 2015 and 2016. For the two offices that provided legal representation on case types in addition to D&N cases, the OCR used an allocation formula based on actual expenditures to isolate D&N costs. Following are some of the key findings of the OCR's cost analysis:

- With the exception of the El Paso County GAL office, the MDLO's actual cost per D&N appointment, measured by the total number of dollars paid during the fiscal year divided by appointments handled during that time, was significantly higher than the statewide average for independent contractors.⁴⁸ In Fiscal Year 2015, the average cost per appointment for the MDLOs exclusive of the El Paso office was \$2,531, compared to \$1,890 for the independent contractors, a difference of \$641 per appointment. In Fiscal Year 2016, the average cost per appointment for the MDLOs exclusive of the El Paso office was \$2,481, compared to \$1,755 for the independent contractors, a difference of \$726 per appointment. The OCR attributes these

⁴⁸ The El Paso County GAL office average cost per appointment was \$129 less than the statewide independent contractor average in Fiscal Year 2015 and \$105 more than the independent contractor average in Fiscal Year 2016.

additional costs to the increased hours dedicated to each appointment (see *Time Analysis* below) as well as the additional dollars invested in the office structure.

- The OCR’s investment in the MDLO office structure, measured by the differential between the time entered for case-related work and the amount paid under the contract, varied from office to office.⁴⁹ In Fiscal Year 2016, for example, the most efficient office’s billing for case-related activity amounted to 96% of the dollars OCR paid on its flat fee contract, while the least efficient office’s case-related billing amounted to 77% of what was paid under the contract.
- While the MDLO costs, measured by amount paid under the contract, remained predictable comparing Fiscal Year 2015 to Fiscal Year 2016, this stability did not result in cost savings to the OCR, as the independent contractor cost per case decreased during this time period.
- Efficiencies in wait time costs were observed in one county and were not consistent.

In summary, the MDLO model of representation performed under the Phase II Statement of Work required a significant investment of state dollars as compared to the independent contract model of representation. The remainder of this evaluation focuses on whether that additional investment of state dollars resulted in any quantifiable differences in attorney performance or case outcomes.

3. *Time Analysis*

Annual Appointment Data

With the exception of the El Paso County GAL Office, MDLOs spend considerably more time on D&N appointments than independent contractors.⁵⁰ In Fiscal Year 2015, the MDLOs (exclusive of the El Paso County GAL Office) dedicated an average of 39 hours to each appointment, while the independent contractors in the state dedicated an average of approximately 25 hours to each appointment. In Fiscal Year 2016, the MDLOs (exclusive of the El Paso County GAL Office) dedicated an average of 35 hours to each appointment, while the independent contractors in the state dedicated an average of approximately 23 hours to each appointment. Note that this measure is based on all appointments billed during a fiscal year regardless of when the case opened or closed during the fiscal year, rather than the hours dedicated from appointment inception to termination and therefore does not provide information about the average number of hours dedicated throughout the life of a case.

Frontloading Investigation and Advocacy Analysis

The OCR compared the amount and type of activities performed by MDLO attorneys to independent contractors during the first 45 days of appointment. OCR’s CARES “Activity in Timeframe” report enables the OCR to access data on the number of hours of case-related activity entered from

⁴⁹ As independent contractors may only bill for case-related time, the differential between the time entered and amount paid serves as another representation of the investment of dollars required by the model.

⁵⁰ Hours used for this analysis include both attorney and social worker hours. While OCR was able to quantify the actual hours input by both attorneys and social workers in the MDLO offices, OCR’s method of calculation for independent contractors (cost per case exclusive of mileage divided by attorney rate) fails to account for the lower social worker hourly rate, slightly deflating the number of hours per appointment. However, as only a small percentage of independent contractors used social workers during this period, the OCR believes this is approximate number of hours per appointment provides a valid basis for comparison.

appointment inception to a specified day within the appointment. The report provides data on the number of hours entered by attorney staff and non-attorney staff, as well as the percentage of time spent on activity categories. The OCR can run this report for individual attorney offices and for groups of attorneys. Using this reporting function, the OCR compared each MDLO's activity during the first 45 days of appointments commencing in Fiscal Years 2015 and 2016 to the activity of independent contractors in their same counties with regard to four data points: average amount of time dedicated to the first 45 days of appointment; percentage of time spent in contact with children; percentage of time conducting an independent investigation through meetings/contacts with involved parties/professionals; and social work time.⁵¹

Following are OCR's findings:

- MDLO offices spent significantly more time during the first 45 days of appointment than independent contractors in their counties.⁵² The difference between the average number of hours entered during the first 45 days differed by office and ranged from 3.42 to 6.82 additional hours per appointment in Fiscal Year 2015 and 2.11 to 5.67 additional hours per appointment in Fiscal Year 2016.
- MDLO offices and independent contractors spent a comparable percentage of their time during the first 45 days visiting children.
- Whether MDLO offices spent a greater percentage of time at staffings and meeting with involved persons during the first 45 days varied significantly by office, and no conclusions about the model could be drawn from this data point.
- Social workers in the MDLOs billed for 17% to 41% of activities during the first 45 days in Fiscal Year 2015, depending on the office, and 16% to 40% in Fiscal Year 2016.⁵³

In summary, MDLOs spent more time during the first 45 days of appointment than independent contractors. In contrast to independent contractors, MDLOs used social workers to perform some of their investigative activities. However, MDLOs did not spend a greater percentage of their time in contact with children. The OCR was unable to draw any conclusions about the percentage of time spent in meetings and staffings.

⁵¹ For the purpose of this analysis, the OCR assumed that all non-attorney time entered was attributed to social work staff. However, it is possible that the activity of other professionals, such as paralegals, may comprise some of the time entered during the first 45 days.

⁵² This measure includes attorney and social worker hours combined.

⁵³ OCR was unable to meaningfully compare aggregate information about independent contractors in the comparison county groups due to the low number of attorneys using social workers. However, it is notable that social worker time reflected less than one percent of independent contractor activity in all but one county during Fiscal Year 2015 and ranged from one percent to 14% of independent contractor activity during Fiscal Year 2016.

4. Focus Groups and Surveys of Attorneys, Social Workers, Youth, and Judicial Officers

MDLO Office Visits

OCR met with the four MDLOs to identify strengths and areas for future study. All MDLO staff were invited to the meetings. Attendees included attorneys, social workers, and support staff. Across the offices, there was a uniform perception that GALs working in multidisciplinary law offices engage in more proactive advocacy. More specifically, attorneys and social workers from these offices reported that:

- GALs do a better and more thorough job with their investigation responsibilities because they operate in a team setting and have the additional resources of social workers who provide a clinical perspective.
- GALs are able to provide better advocacy services to children and have more knowledge and information about psychological, behavioral, and educational needs of these children because of the multi-disciplinary setting. Additionally, MDLO attorneys reported that it is their impression that the offices engage in more legal advocacy in terms of written motions (e.g. privilege, emergency, and visitation) and that they are able to successfully argue motions due to the increased information they have from working in a multidisciplinary team.
- GALs are better able to work with family, caregivers, and service providers because of the assistance of the social worker who can help bridge potential communication barriers between GALs and others.
- The model benefited children's safety, permanency, and well-being because GALs were equipped with information about a child's placement and therapeutic needs that assisted them in their courtroom advocacy.
- The MDLOs have an increased ability to better participate in local Court Improvement Program-sponsored best practice court teams and other innovations throughout their communities because they had the resources to commit staff to be involved in the planning and delivery of these programs.
- The MDLOs believed they attended more out of court staffings, meetings, and related events.

Attorney and Social Worker Survey

NCJFCJ researchers designed a survey to assess implementation of the Statement of Work and how the MDLO staff perceived implementation of the model. This survey was distributed to all MDLO attorney and social work staff, all independent contractors in the MDLO counties, and independent contractors across the state who had billed for social worker time.

Based on analysis of the survey results, NCJFCJ researchers concluded MDLO GALs were equally likely as independent contract GALs to indicate that they "often" or "very often" filed motions, petitions, and requests on their client's behalf; were able to be present at hearings (other attorneys rarely substituted); and were given sufficient notice to have enough time to prepare for court. MDLO GALs and independent contract GALs were also equally likely to "agree" or "strongly agree" that the GALs and

their social work staff communicate well with one another, that they achieve an institutional presence, and that this institutional presence helps in their ongoing advocacy.

The process for disseminating this survey and analysis of the survey results are detailed in the *NCJFCJ Evaluation*, Appendix B.

Youth Focus Groups

The OCR attempted to schedule youth focus groups in each of the MDLO counties. Unfortunately, the Arapahoe County focus group scheduled for November 9, 2016 was cancelled by the youth, and the OCR was unsuccessful in rescheduling. Additionally, OCR's attempts to schedule a youth focus group in Denver County were unsuccessful. A youth focus group was conducted in El Paso County on November 20, 2016. Seventeen youth attended the focus group. While the focus group was held in El Paso County, youth attending represented several judicial districts, including each of the MDLO counties.

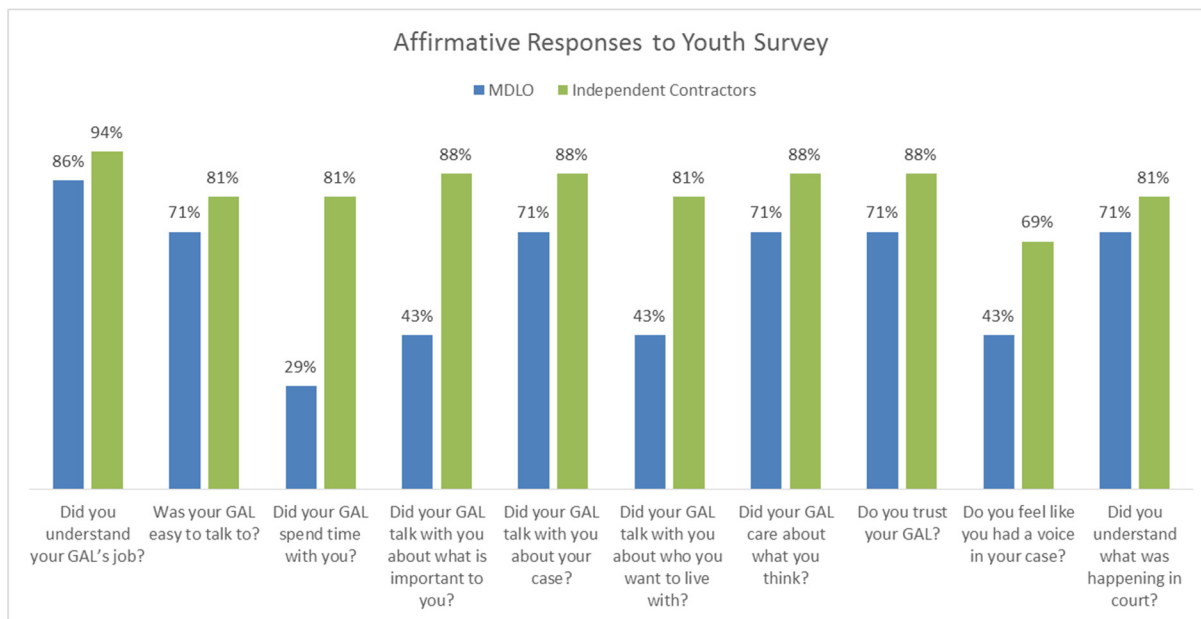
Youth expressed an understanding of the role of their GAL and the limitations of that role. They noted that they appreciate it when their GAL does not share information if the GAL does not have to share it. The vast majority of the youth (15 out of 17) expressed positive feelings about their GAL. Most indicated that they had attended court and had mixed feelings about future attendance. When this reservation was explored, several of the youth expressed how hard it is to return to their home town for court hearings but not be able to see their friends or family. Similarly, a few youth noted how difficult it is for them to see loved ones at court but not be allowed to hug them or talk to them. Another youth noted that she is often the only sober person from her family at court hearings and that it is difficult to see her parents take positions that are not rational. Overall, the youth lacked a sense of understanding about why they were placed in foster care and what needs to happen for them to return to their families. Many youth expressed frustration that they were being punished for their parents' mistakes.

Youth Surveys

The OCR analyzed 23 responses to a survey from youth aged 11 to 21, with a median age of 16. Fifteen came from youth who had participated in the focus group, as they were given the option of completing the survey at the focus group. The OCR also emailed an electronic version of the survey to a list of approximately 65 department, CASA, and agency staff identified by OCR as providers for older youth. Additionally, hard copies were sent by request to staff at two Denver metro area agencies with programs focused on engagement with older youth. From these efforts, OCR obtained ten additional survey responses, resulting in a total of 25. Two responses did not identify the name of the GAL; the OCR did not include these survey results in the comparative analysis that follows.

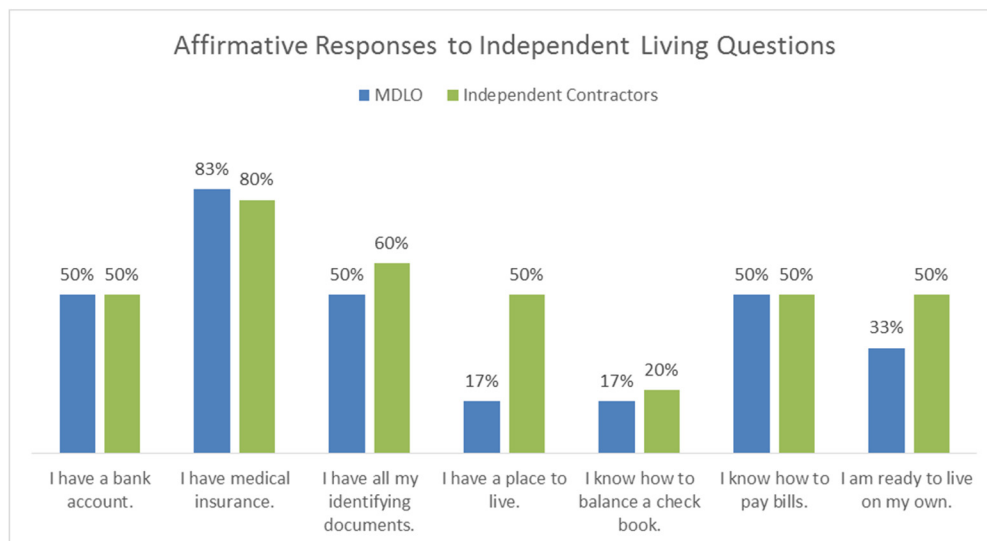
Respondents included seven youth represented by a GAL from an MDLO and sixteen youth represented by an independent contractor. Due to the low sample size, the OCR was unable to perform any within-county comparison, and limited analysis can be drawn from the survey results. Nevertheless, the results of these surveys provide some information about GAL representation from the perspective of the most important stakeholder and demonstrate the value of including youth feedback in evaluation of attorney services.

Youth respondents were given the option of answering “yes,” “no,” or “not sure” to a series of questions. The chart that follows indicates the percentage of respondents who answered “yes” to the questions about their relationship with their GAL and their voice and understanding in the court process.



While limited comparative analysis can be drawn from these data points due to the small sample size, it is notable that the MDLO attorneys did not receive more positive feedback from youth in response to any question.

Youth who indicated they were preparing for independent living (16 of the 23 youth responses analyzed) were also surveyed about their preparedness for independent living. The chart below depicts their responses to the independent living preparedness questions.



Again, while limited comparative analysis can be drawn from this small sample of youth, it is notable that youth whose interests were represented by MDLO attorneys did not indicate greater preparedness for independent living than youth represented by independent contract attorneys. The overall results of this survey indicate an ongoing need to improve services and supports essential to preparation for independent living.

Judicial Focus Groups

The OCR met with judicial officers who presided over D&N cases during the pilot to obtain feedback about the MDLO and its multidisciplinary approach to case advocacy. The majority of judicial officers reported very positive views about both MDLO offices and independent contractors.

Judicial officers in all three MDLO counties recognized the value in having an MDLO to help train and mentor new attorneys. The majority of judicial officers commented on the quality of training that was provided to MDLO attorneys and praised the MDLO supervising attorneys for their supervision and mentoring to new attorneys. Although they acknowledged turnover issues, they felt that the benefits to new attorneys were significant. Additionally, judicial officers in El Paso County, where the MDLO has existed since 1999, stated that many of their best independent contractors were trained in the MDLO. Judicial officers also noted that MDLO offices help provide a continuous and systemic presence in the county, which helps with local innovations and the work of local best practices teams.

Judicial officers also praised the MDLOs for their scheduling and coverage protocols and for maintaining a level of professionalism that has positively impacted their courtrooms. Some judicial officers reported that the MDLO attorneys were “too busy” in contrast to the independent contractors. Judicial officers gave mixed reviews concerning the higher standard under the MDLO Statement of Work that requires quarterly visits with children. Many of the judicial officers found value in the increased contact with children; however, the delegation of GAL to social worker for visits caused some concerns about over-utilization of the social worker. While judicial officers valued having the MDLOs, they equally valued the attorneys providing GAL services through independent contracts.

Judicial Survey

In addition to the judicial focus groups, the OCR surveyed judicial officers about their impressions of the MDLO model. Sixteen judicial officers heard D&N cases in the three MDLO counties during the study timeframe. Of those, 14 responded to the survey: seven from El Paso County, three from Arapahoe County, and four from Denver Juvenile Court. The survey scale ranged from Strongly Agree to Strongly Disagree and included options for neutral and unknown.

The survey design mostly assessed whether judicial officers agreed with positive assertions about the MDLO model or the use of social workers. Of those questions, judicial officer affirmative responses outnumbered negative and neutral responses on the following assertions:

- Having an MDLO office in my county is beneficial for children.
- MDLO attorneys have established an institutional presence in my county.

- Having a social worker working with the GAL enhances the quality of information presented in court.
- MDLO attorneys are more likely to focus attention on the educational needs of each child, including supporting school stability and success.
- MDLO attorneys promote and support family visits, as appropriate, including advocacy to increase the frequency and length of visits in settings that most closely mimic family life.

Judicial officers provided mixed responses on the following questions comparing MDLO contractors to independent contractors in terms of investigation and advocacy:

- MDLO attorneys provide me with more complete information than do independent contracting attorneys.
- I receive more recent information about the child from MDLO attorneys compared to independent contract attorneys.
- I receive more information about the child’s physical well-being from MDLO attorneys than independent contract attorneys.
- I receive more information about the child’s mental well-being from MDLO attorneys than independent contract attorneys.
- MDLO attorneys are more likely to advocate for placements that support a child’s connection to his or her community, such as family, kin, neighborhood, etc.
- MDLO attorneys advocate more often for services that are tailored to meet the individual needs of the child and family than independent contractors.

Two questions were designed to identify issues with continuity of representation and coverage. Judicial officers provided mixed responses with regard to the following assertion: “Substitution of Counsel, or GAL turnover, occurs more often in the MDLO than with independent contractors.” However, more judicial officers responded affirmatively than non-affirmatively to the following assertion designed to assess potential issues with coverage created by the MDLO structure: “MDLO attorneys are more likely to have coverage for a hearing than independent contractors.”

Two open-ended questions allowed judicial officers to identify benefits of both the MDLO model and the independent contractor model.

In response to the question “What, if any, benefits do you see to the MDLO model?” judicial officers from all three counties noted the value of the model. The following comments illustrate feedback received:

- “An institutional presence at committees. The setting of an appropriate standard of advocacy. A training vehicle for young GALs.”
- “Profound system change for the better.”
- “Consistency, professionalism, better advocacy, more in-depth child specific recommendations.”

Similar responses were elicited from the open ended question “What, if any, benefits do you see of the independent contractor model for delivering GAL representation?” The following comments illustrate this feedback:

- “Many of the independent contractors are excellent, and truly independent, not constricted by anyone else in the model.”
- “Independence.”
- “They may have more time to dig into complex issues and more motivation to litigate.”

These judicial responses indicate that judicial officers regard the MDLO model and the use of social workers as beneficial but do not uniformly perceive attorneys in the MDLOs as outperforming independent contractors.

5. Stakeholder Surveys

As discussed in Part II.B, the OCR conducts stakeholder surveys on an annual basis as a component of its attorney evaluation and oversight. The stakeholders include judicial officers, court facilitators, court administrators, CASA agencies, county attorneys, respondent parent counsel, county child welfare staff, and other professionals in direct contact with GALs. The questions contained in the survey are designed to elicit stakeholder’s perceptions on important aspects of the GAL role. In providing oversight, the OCR uses stakeholder perception data as just one of many indicators of GAL performance. Stakeholder feedback does not always align to actual attorney performance, and negative feedback from stakeholders will typically result in further examination of an attorney’s practice rather than be treated as dispositive. The Stakeholder Survey provides a relatively large sample size, and the survey itself does not identify attorneys as MDLOs or independent contractors, reducing the possibility of motivated reasoning in favor of or against the MDLO model, if any such bias exists.

Sample Analyzed and Stakeholder Survey Questions

The OCR compared Fiscal Year 2015 and Fiscal Year 2016 Stakeholder Survey results pertaining to MDLO attorneys to: a) results pertaining to independent contractors in MDLO counties (“Comparison Contractors”) and b) statewide results exclusive of the MDLO results (“All State”). The “Number of Surveys Analyzed” table shows the number of surveys included in the analysis. Note that specific questions may have fewer responses than shown above if a respondent opted to skip a question.

Number of Surveys Analyzed			
	FY15 Surveys	FY16 Surveys	Total
MDLO	223	158	381
Comparison Contractors	143	115	258
Statewide D&N (all independent contractors)	1009	923	2009

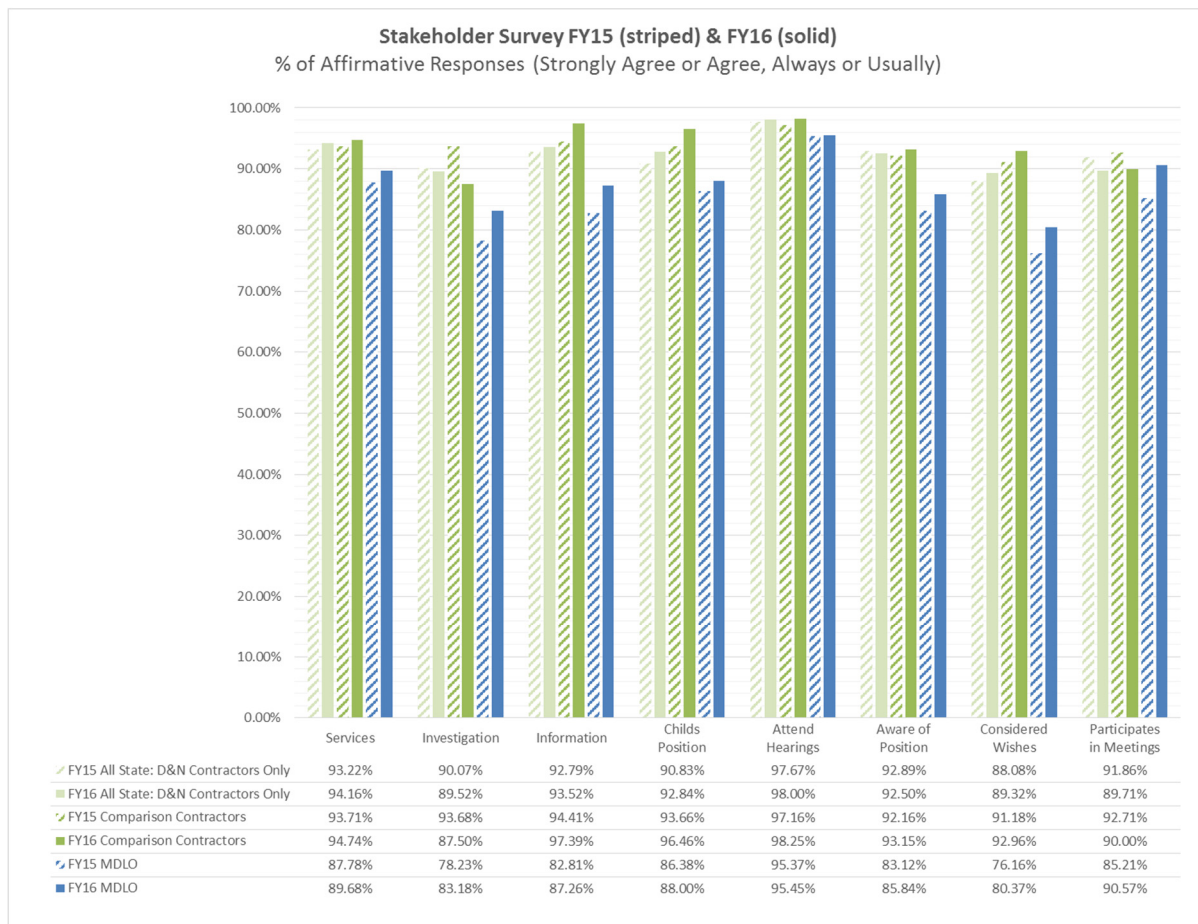
The table that follows identifies the measures relevant to this analysis and the shorthand used to refer to each measure in the graphs and analyses that follow.

Shorthand	Questions Considered in this Report
Services	This OCR attorney is familiar with services available in the community for children, youth and families.*
Investigation	This OCR attorney conducts an initial independent investigation to determine what is in the child’s best interest.
Information	This OCR attorney provides accurate and current information directly to the court.*
Child’s Position	This OCR attorney advises the court of the child's position.*
Attend Hearings	How often does this attorney personally attend court hearings?*
Aware of Position	In my observations of this OCR attorney, I am aware what his/her position is at each court hearing.
Considered Wishes	In my observations of this OCR attorney, I am aware that s/he has considered the child’s wishes when formulating his or her position.
Participates in Meetings	This OCR attorney routinely participates in conferences, staffings, case plan meetings, and facilitated family meetings.

* Question asked of all roles including judicial officers.

Stakeholders are given a range of five potential responses to each question: “Strongly Agree, Agree, Disagree, Strongly Disagree, NA” or “Always, Usually, Sometimes, Never, NA,” depending on the question. The graph that follows shows results for the top two affirmative responses (“Always” and “Usually” or “Strongly Agree” and “Agree”).

Analysis of Stakeholder Survey Results



MDLO results improved from Fiscal Year 2015 to Fiscal Year 2016. However, with the exception of the Participates in Meetings measure for Fiscal Year 2016, on which the feedback was essentially even, the MDLOs received less positive feedback than comparison contractors on every measure in both fiscal years.

To compare MDLO responses to comparison contractors within the MDLO counties, OCR performed a Chi-square test on each question’s top two responses. A Chi-Square Test of Independence can be used to determine p-values and, thereby, the statistical significance of the results. OCR used a commonly-accepted significance threshold of .05 for p-values. Questions with a Chi-Square p-value of *less than .05* are considered to be statistically significant—in other words, their results show a dissimilarity between the groups that is unlikely to be due to chance.

The Chi-square test revealed statistically significant differences favoring comparison contractors within MDLO counties to MDLO attorneys on the several measures, depicted in the chart below.

Year	Question with Statistically Significant Results	Comparison Contractors: Top 2 Affirmative	MDLO: Top 2 Affirmative	P-Value
FY15	This OCR attorney conducts an initial independent investigation to determine what is in the child’s best interest.	93.68%	78.23%	.0013
FY15	This OCR attorney provides accurate and current information directly to the court.	94.41%	82.81%	.0011
FY16	This OCR attorney provides accurate and current information directly to the court.	97.39%	87.26%	.0030
FY15	This OCR attorney advises the court of the child's position.	93.66%	86.38%	.0298
FY16	This OCR attorney advises the court of the child's position.	96.46%	88.00%	.0142
FY15	In my observations of this OCR attorney, I am aware what his/her position is at each court hearing.	92.16%	83.12%	.0369
FY15	In my observations of this OCR attorney, I am aware that s/he has considered the child’s wishes when formulating his or her position.	91.18%	76.16%	.0022
FY16	In my observations of this OCR attorney, I am aware that s/he has considered the child’s wishes when formulating his or her position.	92.96%	80.37%	.0199

The OCR did not perform statistical significance testing with regard to the MDLO-State comparison, as the comparison contractors within the MDLO counties constitute the most relevant comparison group and provide a sufficient sample size to compare affirmative responses with statistical significance. However, it is notable that the percentage of affirmative response analysis favored the State independent contractor control group with regard to all but one measure (Fiscal Year 2016 Participates in Meetings), in which the two groups received a nearly equal percentage of affirmative responses.

In summary, the stakeholder perception data does not indicate that the model achieved the attorney practice enhancements it sought to achieve, at least from the perception of the stakeholders who responded to the surveys.

6. Court Observations

OCR conducts court observations throughout each year as part of its tri-annual renewal process and used this data to compare MDLO attorney performance to the performance of independent contractors within MDLO counties.

Court Observation Questions and Sample Analyzed

OCR compared Fiscal Year 2015 and Fiscal Year 2016 court observation results pertaining to MDLO attorneys to: a) results pertaining to independent contractors in MDLO counties (“Comparison Contractors”) and b) statewide results exclusive of the MDLO results (“All State”). The table below identifies the measures relevant to this analysis and the shorthand used to refer to each measure in the graphs and charts that follow:

Shorthand	Measure	“N/A” Options
GAL Appear	Did GAL of record appear?	
*Child Present	Was Child present? (incl. any electronic means)	Child under 5 years old
*Address Court	Was Child given the chance to address the Court?	Child under 5 years old
Ind. Info.	Did GAL provide current, independent information about Child?	
*Last Contact	Did GAL state last contact with Child?	Child present; Contest Hearing
State a Position	Did GAL clearly state a position?	
*State Childs Position	Did GAL state Child’s position?	Child under 5 years old

** Question includes an “N/A” option.*

Court observers enter “yes” or “no” to each data point with regard to each child on the case. For the asterisked measures that allow observers to answer “N/A” in lieu of “yes” or “no,” only the “yes” and “no” results were analyzed.

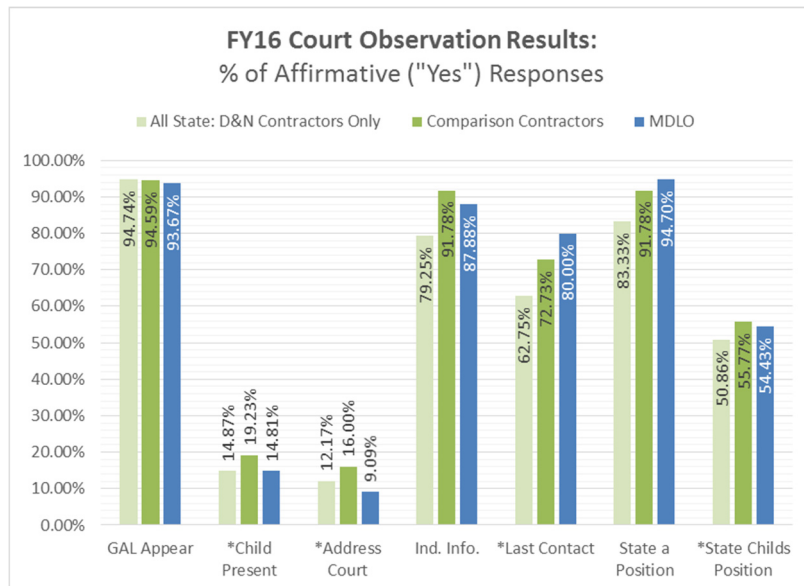
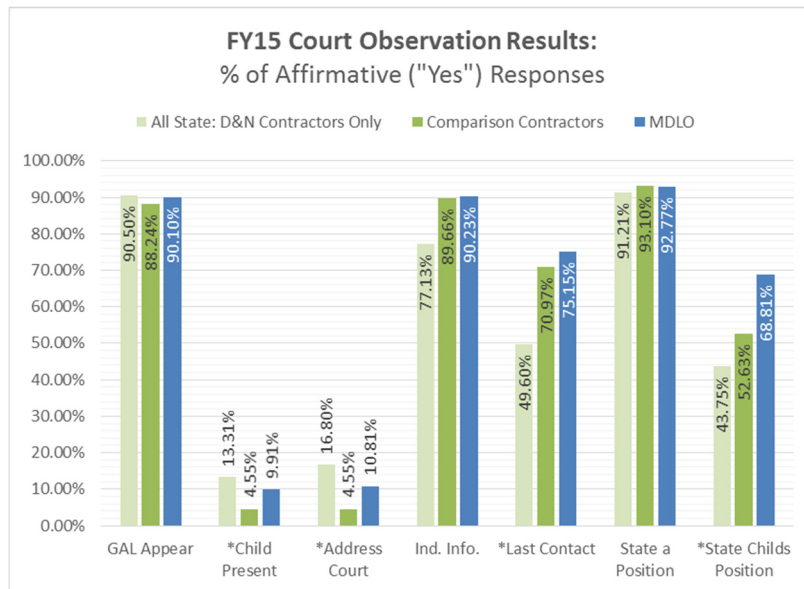
The “Number of Court Observations Analyzed” table below shows the number of observations included in the analysis.

Number of Court Observations Analyzed			
	FY15 Observations	FY16 Observations	Total
MDLO	101	79	180
Comparison Contractors	17	37	54
Statewide D&N (all independent contractors)	221	342	563

As the OCR observes different groups of attorneys scheduled for evaluation each fiscal year, the two years of state data reflect observations of attorneys in different judicial districts year-to-year and only two-thirds of the state overall. Similarly, the breakdown of court observations pertaining to MDLO

attorneys indicates differential representation by each office depending on fiscal year. For example, while one MDLO comprised 53% of the MDLO court observations in Fiscal Year 2015, that office comprised only nine percent of the Fiscal Year 2016 court observations. Therefore, the OCR limited its analysis of comparison of court observation data within each fiscal year and did not rely on data to identify any temporal trends.

The graphs that follow show results for affirmative (“Yes”) responses each fiscal year.



MDLOs data exceeded comparison contractor (“CC”) and/or state independent contractor results by notable percentages on four measures:

- Did GAL state last contact with Child? (FY15 - MDLO 75.15%, State 49.60%; FY16 - MDLO 80.00%, State 62.75%, CC 72.73%)
- Did GAL provide current, independent information about Child? (FY15 - MDLO 90.23%, State 77.13%; FY16 - MDLO 87.88%, State 79.25%)
- Did GAL state Child’s position? (FY15 - MDLO 68.81%, State 43.75%, CC 52.63%)
- Did GAL clearly state a position? (FY16 - MDLO 94.70%, State 83.33%)

As Fiscal Year 2015 data includes only 17 observations of independent contractors in the MDLO districts, those comparisons between MDLO attorneys and independent contractors in the same districts are limited. Additionally, the OCR performed a Chi-square test on each measure’s responses to determine P-values and, thereby, the statistical significance of the results. The OCR set the significance threshold at .05. Across the board, none of the differences observed were statistically significant. No measure approached the significance threshold—the lowest P-value was .1140 (Fiscal Year 16 Child Present); the highest was .9490 (Fiscal Year 15 State a Position).

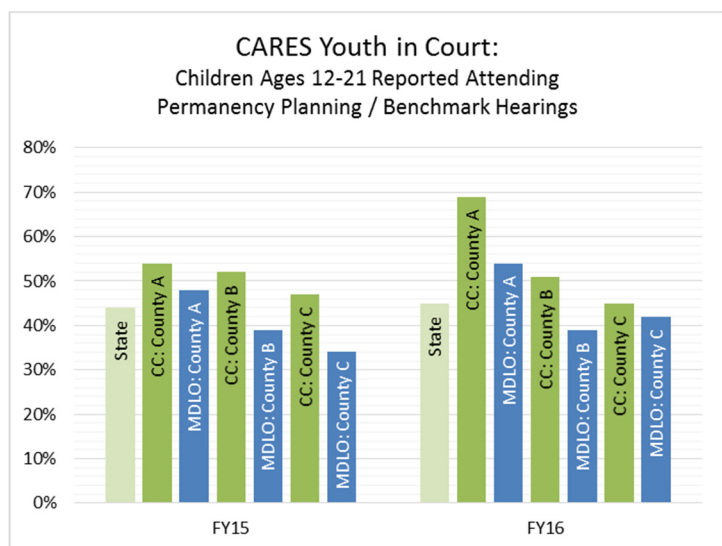
OCR’s comparison of observation data between the MDLO offices, while not detailed in this report, indicated that court performance is not consistent across offices and that no single office consistently outperformed other offices. This makes it challenging to conclude that differences in court observation results are caused by the model itself as opposed to normal variations among personnel.

7. Youth in Court Report

The OCR hypothesized the MDLO Statement of Work could serve as a mechanism to implement practice changes regarding inclusion of youth in court in a more timely manner. As explained in Section III.A, the MDLO Statement of Work specifically required MDLO attorneys to encourage youth to attend court when appropriate.

In addition to the court observation data discussed in Section V.C.6 and youth surveys discussed in Section V.4, the OCR analyzed its CARES “Youth in Court” report as a measure of this practice. The Youth in Court report captures hearing events in which the GAL recorded that a youth age 12 or older attended a Permanency Planning or Benchmark Hearing. As jurisdictional practices have a significant impact on youth attendance at court, the OCR performed a within-county analysis as well as an analysis of statewide data to compare rates of youth participation. The Youth in Court Report results are detailed in the table at right.

This data indicates that the MDLO rate of youth participation in the measured court



hearings did not exceed that of the independent contractors in their counties (“Comparison Contractors” or “CC”). With the exception of the MDLO office in one county (County A), the MDLOs achieved lower rates of youth participation than independent contractors statewide. The one office that trended higher than its MDLO counterparts had a higher percentage of participation than the state average but did not exceed the rates of participation for comparison contractors in its county in either fiscal year. All MDLOs achieved a lower rate of youth participation than comparison contractors in their counties.

8. Child Outcomes Data

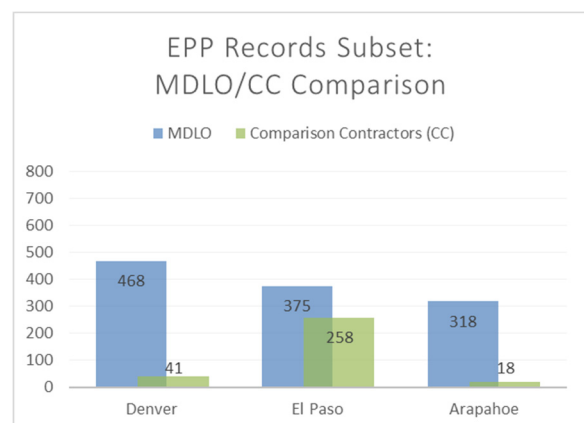
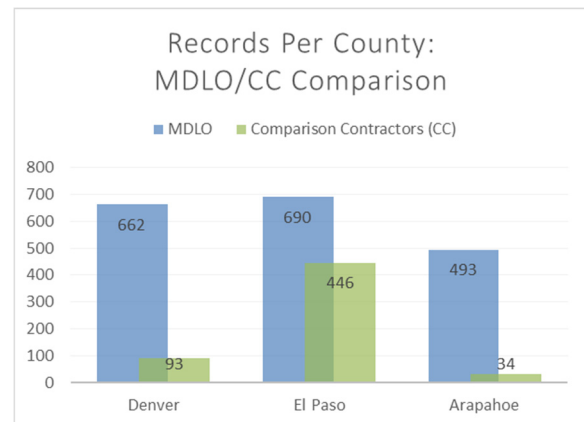
The OCR entered into a data sharing agreement with the Office of the State Court Administrator to obtain reports from the Colorado Court’s Family Justice Information System (FAMJIS). FAMJIS contains data entered by court staff and is designed to facilitate the collection and sharing of information.

As Colorado D&N cases often involve multiple children, child-specific data was obtained and analyzed and is referred to below as “child record.” The dataset contained information on 2,418 child records, 573 of whom were appointed an independent contractor as a GAL and 1,845 were appointed a GAL from an MDLO. Due to the structure of MDLOs serving as the designated entity for new filings in these judicial districts, the majority of child records in the case sample were appointed an MDLO attorney as GAL.

The charts at right illustrate the composition of the dataset analyzed.

The removal rate, length of case, and case outcomes analyzed through FAMJIS pertained to child records closed between January 1, 2014 and March 31, 2016. Child records receiving MDLO representation were compared to child records receiving independent contractor representation in the same county (“Comparison Contractors”). Child records from cases in which representation was provided by both an MDLO attorney and an independent contractor due to a conflict of interest among the children in the case were eliminated due to the inability to definitely attribute outcomes to either attorney. Child records from cases filed prior to January 1, 2012 were eliminated from this sample as non-representative of cases handled during the MDLO time period.

The OCR examined Expedited Permanency Planning (EPP) records, records involving a child aged six or

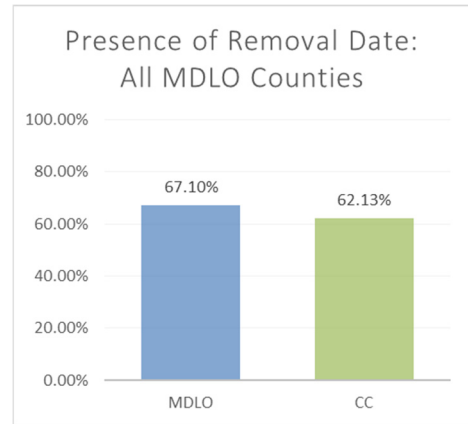


younger, separately to explore whether there were any variations in that subset of the sample with regard to case length: 1,478 of the 2,418 total records fell within the parameters for expedited permanency planning.

The OCR analyzed the following child outcome measures: whether the child was removed from his or her home of origin; how many days the case was open; and the coded reason for case closure.

Removal of Child from Home of Origin

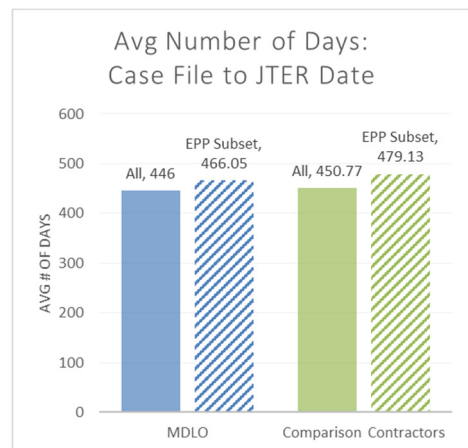
The OCR examined frequency of removal as a potential indicator of implementation of Cornerstone Advocacy principles and advancement of the Children’s Code’s intent to ensure the provision of reasonable efforts to prevent out of home placement have been made.⁵⁴ Specifically, the OCR analyzed whether the record contained a removal date pertaining to the child. The chart at right illustrates the comparison between MDLOs and comparison contractors (“CC”) with regard to this data point.



Approximately 66% of the child records in the sample had a date of removal. Children in MDLO offices experienced a higher rate of removal according to this data point: 67% compared to 62% of child records appointed a comparison independent contractor. To ascertain whether these differences are statistically significant, OCR performed a Chi-square test to determine the P-value, setting the significance threshold at .05. The results with regard to this data point are considered to be statistically significant by conventional criteria, with a P-value of .0283.⁵⁵

Length of Case

The average number of days between the date the petition was filed and the date the court terminated jurisdiction was similar between MDLOs and comparison contractors. Similar to what was observed for children in all D&N cases, the average length of case for children in the EPP subset was nearly equal between MDLOs and comparison contractors.

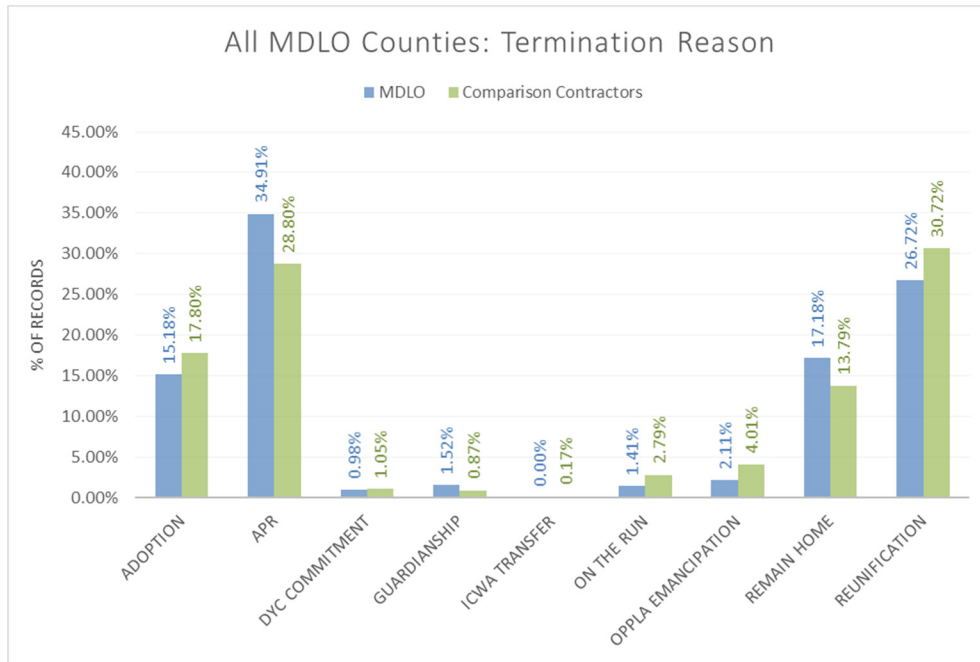


⁵⁴ § 19-3-100.5(3) (2016).

⁵⁵ Some children had a date of an out of home placement order associated with their name but not a removal date (163 children). The OCR was unable to identify the reason for the discrepancy between these two data points, as each removal of a child should be accompanied by an out of home placement order. It is possible that this discrepancy may be a result of user input. Regardless, analysis of both data points leads to the same comparative conclusion regarding rates of removal. Specifically, while 75.89% of children in the sample had either a removal date *or* out of home placement order date associated with their name, children in MDLO offices had a higher rate of removal according to this combined data point (77.40% compared to 71.03% for independent contractors) and Chi-square testing indicated this difference was statistically significant (P-value = .001851).

Termination of Jurisdiction Reason

The OCR analyzed termination of jurisdiction codes to assess whether children whose best interests were represented by MDLO attorneys experienced different case closure reasons than those represented by comparison contractors. The following chart illustrates the percentage of child records experiencing each potential case closure reason.

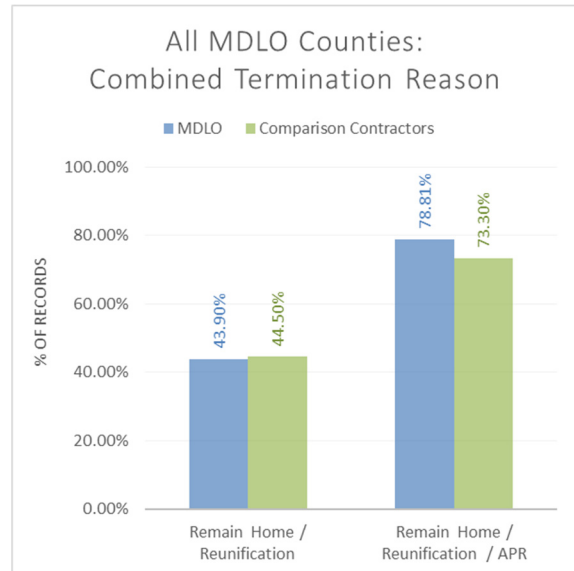


The OCR specifically analyzed whether children experienced different rates of Adoption, On the Run and Other Permanent Planned Living Arrangement (“OPPLA”) outcomes, or outcomes indicative of family reunification.

With regard to adoption, while children represented by MDLOs experienced a lower rate of adoption as a case outcome than those represented by comparison contractors, Chi-square analysis using a significance threshold of .05 indicated that these results are not statistically significant (P value = .1324). OCR also analyzed the differences in the rates of child records closing with a code of OPPLA or On the Run. This analysis favored the MDLOs, as fewer child records associated with the MDLOs had case closures associated with these two outcomes. While these results were statistically significant (P-value .0269 for On the Run and .0119 for OPPLA), the limited number of case records associated with these outcomes and lack of analysis relating to the age of children in the overall records sample or within the records associated with these outcomes makes it difficult to draw conclusions from these differences.

To analyze case outcomes associated with family preservation, the OCR combined outcomes indicative of this goal. Specifically, as return home and remain home are both outcomes consistent with family

preservation, the OCR considered those outcomes combined. The OCR also examined the combination of allocation of parental responsibilities (APR), remain home, and reunification outcomes. Without further breakdown of the APR rulings, the OCR is unable to definitely equate APR as a proxy for return home or remain home—parental responsibilities can be allocated to a parent, a relative or kin, or a foster parent. However, APR is typically used to finalize permanency in a familial (parent, relative, or kin) placement as opposed to foster care placements, and is therefore a likely indicator of a family preservation outcome. Children whose best interests were represented by MDLO attorneys and comparison contractors achieved nearly equal rates of the combined reunification/remain home outcomes, with no statistically significant difference in this combined outcome (P-value = .8004). Children represented by MDLOs achieved a higher rate of the combined reunification/remain home/APR outcomes (5% difference). Chi-square testing indicated that this difference was statistically significant (P-value=.0058).



9. Court File Review

In addition to the attorney and social worker surveys referenced in Section V.4, the NCJFCJ Research staff provided court file review analysis to address the following question:

Do cases with MDLO representation differ from comparison cases in terms of case outcomes, placement, services provided for children, timeliness of case processing, number of continuances, and number of motions filed by the child’s attorney?

Researchers modified a standardized court file review instrument to collect data points related to court activities and outcomes. NCJFCJ researchers and OCR staff collected data on 210 cases using the tool.

Key Findings from Court File Review

- MDLO and Independent Contract GALs did not differ in time between hearings or time to case closure.
- MDLO and Independent Contract GALs advocated for similar services.
- MDLO and Independent Contract GALs were equally likely to be present at hearings.
- MDLO and Independent Contract GALs were equally likely to file motions.

The NCJFCJ Research team concluded

...though it does appear as though there are some differences between MDLO GALs and Independent Contract GALs with regards to filing motions, rates of reunification, and perceptions of collaboration and engagement in advocacy behaviors these differences are ultimately non-significant. Rather, the data

appears to suggest that MDLO GALs and Independent Contract GALs are equally likely to provide quality legal representation to the children they serve. This could explain why the results did not follow the prior literature: children all received quality legal representation, and thus there were no differences to be found between the two models. (8)

Please see Appendix B for the complete NCJFCJ evaluation.

VI. SUMMARY OF FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

Consistent with its legislative mandate to enhance GAL legal representation for children and the General Assembly's request in SB 03-258, Footnote 118 that the OCR study alternative methods of providing GAL services through a MDLO structure similar to the OCR El Paso County GAL Office, OCR contracted with three law offices in Denver and Arapahoe counties to implement and study an MDLO structure. This evaluation analyzed the impact of the MDLO structure, as implemented through the Statement of Work applicable to the three pilot offices in Denver and Arapahoe County and the El Paso County GAL Office, on attorney performance, measured through comparative analysis of attorney activities, court observations, case file reviews, and stakeholder perceptions. This evaluation also compared case outcomes for children represented by GALs who are independent contractors to case outcomes for children appointed attorneys from MDLOs.

A. Summary of Findings

The OCR's comparison of attorneys in MDLO offices to independent contractors across Colorado and to comparison independent contractors within the MDLO counties did not provide conclusive data supporting the MDLO office as an enhancement to existing attorney services in Colorado. Specifically:

- **Costs:** Annual appointment costs for the MDLO offices were significantly higher than the statewide average cost per D&N appointment. The average cost per D&N appointment for the MDLOs in Denver and Arapahoe counties amounted to \$641 more per appointment than the statewide independent contractor average in Fiscal Year 2015 and \$726 more per appointment in Fiscal Year 2016. The El Paso County GAL average annual cost per appointment was closer to the statewide average cost per appointment, amounting to \$129 less in Fiscal Year 2015 and \$105 more in Fiscal Year 2016. Similarly, while the investment in the MDLO structure varied depending on the offices, the MDLO model did require an investment in the office structure itself. This investment, measured by the differential between the number of case-related hours billed and the amount paid under the contract or allocated to the El Paso County GAL Office ranged from four percent to 23% of the amount paid to each office in Fiscal Year 2016. While OCR did achieve predictability in costs through the MDLO structure, this predictability did not ultimately provide an efficiency as independent contractors' D&N cost per appointment decreased during the time period studied.

- Time:** The MDLOs did dedicate additional time to their overall legal investigation and advocacy and to frontloading that investigation and advocacy, as compared to independent contractors. Specifically, MDLOs dedicated approximately 14 additional hours on average to each D&N appointment in Fiscal Year 2015 and approximately 12 additional hours in Fiscal Year 2016, as compared to the statewide average for independent contractors. Additionally, as compared to comparison independent contractors within their own counties, MDLOs dedicated 3.42 to 6.82 additional hours on average during the first 45 days of appointment in Fiscal Year 2015 and 2.11 to 5.67 additional hours on average during the first 45 days of appointment in Fiscal Year 2016.
- Stakeholder Perception:** Stakeholder perception on the MDLOs' effectiveness varied. The attorneys and social workers within the MDLO offices identified multiple benefits to the MDLO model, including but not limited to attorneys' ability to access specialized knowledge and additional resources, bridging barriers, and enhancing advocacy. However, a survey administered to both attorneys and social workers in MDLO offices and independent contractor offices employing social workers during the study time period revealed no statistically significant differences in responses relating to collaboration, institutional presence, communication, and advocacy. While judicial officers did express support for the MDLO model in focus groups, the judicial officers also expressed support for the independent contractors who appeared in their courtrooms. Results from a survey administered to judicial officers in MDLO counties indicated that judicial officers valued the training opportunity provided and the use of social workers but largely rated MDLOs neutral compared to independent contractors on key aspects of attorney performance; a greater number of judicial officers also identified court coverage as occurring more frequently in MDLO offices. Comparative analysis of annual stakeholder survey results OCR routinely administers to multiple stakeholders in D&N proceedings, including judicial officers, counsel for other parties, CASA volunteers, and department personnel, revealed that stakeholders rated MDLOs lower than comparison independent contractors in their counties on the following measures: conducting an independent initial investigation; providing accurate and current information directly to the court; advising the court of the child's position; and making stakeholders aware of the attorney's position at each court hearing and that the attorney has considered the child's wishes in formulating a position.
- Youth Feedback:** While the OCR was able to obtain youth feedback from a small and likely non-representative sample of youth, this feedback did not rate MDLO attorneys as equal to or better than independent contractors on any single measure assessed.
- Court Observation:** A comparison of court observation data regarding MDLO attorneys and other attorneys in the state yielded notable differences favoring MDLOs in the following courtroom performance measures: stating last contact with child; providing current, independent information about the child; stating the child's position; and clearly stating a

position. However, these differences were not statistically significant and the MDLO sample set used for this analysis was small and likely non-representative of the MDLO offices overall.

- **Youth in Court:** An analysis of data comparing attendance at benchmark and permanency hearings for youth ages 12 and over receiving MDLO representation to youth receiving representation from independent contractors in the MDLO counties demonstrated a lower rate of youth attendance at benchmark and permanency planning hearings for MDLO-represented youth. This was true in every MDLO county and for both fiscal years.
- **Court Data:** Analysis of child records from cases closed between January 1, 2014 and March 31, 2016 indicated that children represented by MDLOs experienced a statistically significant higher rate of removal than children represented by comparison independent contractors in the MDLO counties. The same comparison indicated no significant difference in length of time that cases were open. A comparison of outcomes revealed a slightly lower but statistically insignificant rate of adoption for children whose interests were represented by MDLO; lower rates of on the run and OPPLA for records associated with MDLO attorneys that, while statistically significant are inconclusive due to the limited number of children and lack of further analysis regarding the age of children in the comparison groups; and a five percent difference favoring the MDLOs with regard to family preservation outcomes, measured by return home, remain home, and allocation of parental responsibilities combined.
- **File Review:** A comparative review of 210 files in the MDLO counties performed by the National Counsel of Juvenile and Family Court Judges revealed no significant differences in key indicators of attorney advocacy or case outcomes.
- **Consistency in Advocacy:** Analysis of time spent frontloading investigation and advocacy, court observation data, and youth in court data did not demonstrate consistent advocacy across the MDLOs. The Statement of Work, as implemented, does not appear to have achieved the consistency in advocacy the OCR had sought to achieve through the MDLO structure.

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

B. Conclusion

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

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

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

C. Recommendations

1) *The OCR should consider establishing a system for providing mentorship to new attorneys and direct monitoring in the field.* OCR has established core competencies for new attorneys and instituted numerous practice supports and trainings, but the agency is not in a position to provide direct supervision and does not have a structured mechanism for providing and overseeing mentorship to new attorneys in the field. The evaluation results indicate that the MDLOs were able to supervise, train, and mentor new attorneys while achieving similar performance and case outcomes as independent contractors. MDLOs were recognized by judicial officers and stakeholders as an effective training ground for attorneys entering this area of practice. As OCR has a continued interest in ensuring on-going high quality representation, the agency should explore methods of implementing supports such as mentoring, case consultation, and heightened supervision for attorneys entering GAL practice and should continue to enhance its practice supports available to all attorneys.

2) *The OCR should explore ways to make social workers accessible to more GALs and to utilize social workers in a manner that enhance best interests representation without duplicating efforts.* Attorneys working with social workers, social worker staff, and judicial officers all articulated numerous benefits to the use of social workers in GAL practice. CJD 04-06 supports the GAL's use of social work staff by identifying the specific tasks that must be performed by the attorney of record and the tasks that may be delegated to the attorney's staff. While the use of social workers does appear to be increasing and many attorneys have expressed an interest in being able to use social workers on select cases, not all attorneys believe they have the caseload or office structure to employ a social worker. The OCR should explore ways to maximize the availability of social workers to independent contractors and continue to work to identify the optimum use of social workers to enhance best interests representation without duplicating efforts.

- 3) *The OCR should consider alternative methods to ensure a GAL institutional presence within judicial districts.*** Judicial officers and MDLO staff believed that the MDLO offices established an institutional presence within the MDLO counties and that this presence benefited children and families. The OCR did not formally assess institutional presence in non-MDLO counties but is aware that in many districts GALs do participate without compensation. The OCR's investment in the MDLO structure supported MDLO attorneys' presence at system-level meetings, in contrast to independent contractors who can only bill time for case-related work. Particularly in Colorado, where the Court Improvement Program encourages the use of Best Practice Court Teams as a method for addressing systemic issues in counties and engaging in continuous quality improvement in the processing of D&N cases, GAL presence at system-level meetings serves to promote youth voice and a focus on children's best interests in the prioritization and implementation of systemic improvements. The OCR should explore means of supporting and standardizing GAL involvement in local system-level meetings, such as compensation for time spent at those meetings and protocols to ensure that the compensated GAL representative advances a collective GAL view rather than only his or her individual perspective.
- 4) *The OCR should continue to assess its ability to implement the MDLO office structure in a cost-neutral manner.*** The requirements set forth in the Statement of Work required an additional investment of state dollars that did not result in improvements in attorney performance or case outcomes. Given the value of the use of social workers and the MDLO structure in supervising and training new attorneys, the OCR should continue to explore whether modifications to the Statement of Work would support further expansion of the MDLO structure in a cost-neutral manner. For example, the El Paso County Office of the GAL continues to appear to be a promising and potentially sustainable model. The office is able to maintain a cost per case closely aligned to that of independent contractors while providing the additional support and supervision of an office environment and access to social workers on a case-by-case basis. Any modifications to the Statement of Work must remain consistent with the practice standards set forth in CJD 04-06.
- 5) *The OCR should continue to work on benchmarking efforts and the evaluation of case caps.*** This evaluation indicated that the MDLOs' additional dedication of case-related hours did not result in significant differences in attorney performance or case outcomes, at least as measured by the evaluation. While the MDLOs were bound to case caps of 100 children per attorney during Phase II, the OCR was unable to evaluate the impact of this formalized case cap due to the relatively comparable caseload of many independent contract GALs. OCR should continue to work on benchmarking time associated with effective representation during each phase of a D&N proceeding and evaluating case caps that support effective representation.
- 6) *The OCR should build on its efforts to establish a systematic process for obtaining youth feedback.*** Youth are the ultimate consumer of GAL services, yet their voice remains largely unheard. OCR should explore a process of obtaining feedback as part of the case process and upon closure.

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



Contract for Multidisciplinary Law Office

Exhibit A

STATEMENT OF WORK

CONTRACTOR DUTIES AND RESPONSIBILITIES

Contractor shall use a multidisciplinary model to provide best interests legal representation to children who are the subject of dependency and neglect (“D&N”) and delinquency cases pursuant to Title 19 of the Colorado Revised Statutes (“C.R.S.”) in Denver Juvenile Court.

1. GENERAL REQUIREMENTS

Contractor will ensure the following:

- 1.1. Establish an institutional presence in its judicial district.
- 1.2. In Dependency and Neglect cases each child shall initially be assigned a team of workers which shall include one Attorney and one social service staff member (the “Child’s Team”) who shall be primarily responsible for frontloading the investigation, advocacy and representation of the child’s best interests. A continued team approach to case management and formulation of case goals and the use of social service staff members is utilized at the discretion of the Contractor as required by the case;
- 1.3. The use of a social service professional on other case types shall be discretionary by Contractor;
- 1.4. The Attorney will strive to ensure that all legal rights and entitlements of the child are protected and that issues affecting the child’s well-being are addressed through all appropriate proceedings;
- 1.5. Contractor will assist in identifying and advocating for appropriate resources and community based services to meet the child’s needs and improve case outcomes;
- 1.6. Commence best interests representation and/or services upon notification of court appointment and continue such until termination of the court’s jurisdiction over the Minor Child(ren) pursuant to applicable statutes, order of the Court terminating contractor’s appointment, or notice that OCR has terminated this agreement in whole or in part.
- 1.7. Attorneys and social service employees will consider the child’s position and advise the court of the child’s position regarding the disposition of the matters addressed at the hearing, as required by C.J.D. 04-06;
- 1.8. Utilize OCR’s case management/billing system, Colorado Attorney Reimbursement Electronic System (OCR CARES), to timely input all case information and activity. Case information at minimum shall include:

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- (a) Appointment information including appropriately opening appointments, ending appointments, ending assignments, and closing cases;
- (b) Placement information;
- (c) All contacts with Child(ren);
- (d) Child attendance at court hearings;
- (e) Hearing outcomes.

1.9. PROGRAM SITE/OFFICE SPACE-- Contractor will:

- (a) Maintain an office situated to serve the District Court;
- (b) Operate, at a minimum, during regular business hours Monday through Friday 8:00 a.m. to 5:00 p.m.; and
- (c) Provide a phone answering system during regular business hours and after business hours and maintain procedures to address emergencies after business hours.

1.10. LIBRARY FACILITIES/TRAINING-- Contractor will:

- (a) Have access to a law library physically on the premises and/or provide on-line research capabilities for legal staff;
- (b) Utilize OCR's training programs and provide any additional training and supervision to staff to ensure competency and performance consistent with the Performance Requirements and the Multidisciplinary approach to legal representation; and

1.11. APPEALS

- (a) Ensure the best interests of the Minor Child(ren) are represented on appeal by either (i) arranging for substitute appellate counsel from the approved list of OCR attorneys within two days of receipt of the Notice of Appeal/Designation of Record or (ii) participating in the appeal in a manner that ensures the Minor Child(ren)'s interests are competently represented during the appeal.
- (b) Contractor will provide OCR copies of all appellate petitions, responses, replies, and briefs Contractor submits/files, including those pleadings that Contractor submits/files jointly with another party. Contractor will inform OCR of scheduled oral argument(s) and pending petition(s) for *certiorari* with the Colorado Supreme Court and/or the United States Supreme Court.
- (c) Participation in the appeal of a final order to the Colorado Court of Appeals or Supreme Court is not covered by this Agreement. Contractor may opt to participate in such appeal and receive additional compensation at the OCR attorney rate as billed in compliance with the OCR's Billing Policies and Procedures.

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2. **STAFFING REQUIREMENTS**

2.1 **HIRING**-- Contractor will:

- (a) Endeavor to hire staff, including Attorneys and social service professionals, who represent the demographics of its county; and
- (b) Use reasonable efforts to hire staff who speak Spanish.

2.2 **ATTORNEYS**-- Contractor will:

- (a) Employ attorneys licensed or permitted to practice law and in good standing in the State of Colorado;
- (b) Ensure that at least 25% of the Attorneys have experience in D&N proceedings or other substantially related work, including trial experience;
- (c) Employ attorneys with the knowledge, expertise and training necessary to provide thorough, competent legal representation in the best interests of minor children and endeavor to employ attorneys with experience in other areas of family or social service advocacy, such as, but not limited to, custody proceedings; educational advocacy; medical and welfare benefits; developmental disability and mental health entitlements; family violence, housing and delinquency matters;
- (d) Ensure that prior to an Attorney's first appointment, such Attorney shall have received ten (10) hours of relevant legal training and that each such Attorney will obtain ten (10) hours of OCR sponsored training per year thereafter;
- (e) Ensure each Attorney is in compliance with Chief Justice Directive ("CJD") 04-06 and/or any subsequent CJDs; and
- (f) Ensure its attorney representation is consistent with the Colorado Rules of Professional Conduct and applicable statutes.

2.3 **SOCIAL SERVICE STAFF**-- Contractor will:

- (a) Use professionals with substantial experience in the social service fields and/or with a master's degree in social work;
- (b) Ensure that social service staff have expertise in areas relevant to best interests representation, including but not limited to: child protection, child development, behavioral and mental health, developmental disabilities, medical needs, sexual abuse, substance abuse treatment, special education and family violence; and
- (c) Ensure that social service supervisory staff has experience with proceedings in juvenile court.

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- (d) Ensure that social service staff members obtain on-going training appropriate and relevant to their role.

2.4 SUPPORT STAFF

Contractor will provide administrative staff sufficient to support the work of the representation teams and the office, including the ability to meet data submission and audit compliance requirements.

2.5 SUPERVISION REQUIREMENTS

Contractor shall provide staff with appropriate training and supervision. In particular, Contractor shall:

- (a) Provide supervisory staff at a level appropriate to case load and organizational size;
- (b) Provide supervision by a professional with extensive experience in the child protection field;
- (c) Provide training, mentoring and supervision for staff to increase knowledge of relevant areas of the law and child development;
- (d) Maintain a supervisory structure that ensures equitable case distribution and when possible case assignments based upon the area of staff expertise and issues identifiable in pleadings;
- (e) Ensure that supervisory staff will be available to assist on an ongoing basis and provide formal performance reviews for all staff members and maintain records of such reviews;
- (f) Ensure that Attorney supervisory staff has extensive experience in child protection litigation in juvenile court; and
- (g) Provide direct observation in court and/or in the field and solicit feedback from children, when appropriate, and families. Maintain a system to receive feedback from other attorneys; placement resources; department of human services' social workers; and court personnel in order to assess Attorney and social service staff performance.

Notwithstanding the foregoing, OCR and the State of Colorado reserve the right to assess and audit all Attorneys and investigate and resolve all complaints filed against any staff member, including any Attorney. OCR reserves the right to direct Contractor not to use certain Attorneys or staff members to provide the services required under this Statement of Work based upon unsatisfactory audit or investigative findings.

3. PERFORMANCE REQUIREMENTS FOR MULTIDISCIPLINARY LAW OFFICES

DEPENDENCY AND NEGLECT

3.1 CORNERSTONE ADVOCACY

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Each Attorney shall structure his/her D&N cases based upon the principles of Cornerstone Advocacy for GALs. This requires that each Attorney focus on the following areas:

- (a) *Placement*: securing the appropriate placement which supports a child's connections to family and the people and institutions that the child was connected to before placement, including biological parents, kin and kin-like placements where appropriate;
- (b) *Visits*: where appropriate, using visiting resources to increase the frequency and length of visits with parents, guardians, and siblings and encourage the utilization of settings that most closely mimic family life;
- (c) *Services*: ensuring appropriate strength-based treatment plans and services for the child and the respondent parents which are specifically tailored to each child and family;
- (d) *Education and Life Skills Planning*: assisting in the formulation and execution of a plan which focuses attention on the educational needs of each child and which supports school stability and success including maintaining a child in his/her home school, ensuring that when a school transfer is necessary the child is promptly enrolled in the new school and her/his educational records including IEP are promptly transferred, and ensuring that a child is assessed for an IEP when necessary; and assisting with transition planning if the child will still be in care upon turning 18 years of age, including helping to secure a life-long permanent family connection.

3.2 CONTRACTOR SHALL ABIDE WITH THE REQUIREMENTS SET FORTH IN C.J.D. 04-06.

- (a) While it is anticipated that the social services staff member of a Child's Team may be assisting with the investigation, the Attorney remains responsible for all activities specifically assigned to the GAL by CJD 04-06.
- (b) While it is anticipated that the social services staff member of a Child's Team might attend the majority of the outside meetings held on a case, the assigned Attorney shall personally attend at least 20% of the meetings and conduct a portion of the outside investigation, and the staff who attend a meeting must be in a position to advance the advocacy goals.

3.3 ENHANCED REQUIREMENTS

Contractor shall ensure:

- (a) The Attorney, or child's team if assigned, in every D&N case shall attempt to establish a trusting and age-appropriate relationship with the child;
- (b) A member of the Child's Team or other social service staff member shall have meaningful face-to-face visits with the child at least once every 90 days;
- (c) Two of the four minimum annual visits shall occur at the child's residence;
- (d) The assigned Attorney will attend two face-to-face visits annually with at least one occurring at the child's residence;

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- (e) In cases in which the child is living or placed more than 150 miles from the District Court, the requirement to meet face-to-face with the child is waived;
- (f) A member of the Child’s Team, preferably the assigned Attorney, shall contact the child, or the child’s caregiver if the child is unable due to age or disability to discuss his/her case, prior to each court date either by phone, e-mail, text or in person and document the child’s position when ascertainable;
- (g) The Attorney, or child’s team if assigned, when appropriate, shall encourage the participation of the child or youth at court proceedings and case events;
- (h) The Attorney, or child’s team if assigned, will advocate for prompt implementation of court orders, agreements, service plans, and referrals.
- (i) The Attorney, or child’s team if assigned, will monitor psychotropic medications

3.4 FOR ALL OTHER CASE TYPES, CONTRACTOR SHALL:

- (a) Abide with the requirements set forth in C.J.D. 04-06.
- (b) Use social service staff members and the “child’s team” approach to enhance best interest representation as appropriate.
- (c) Employ and develop best and promising practices in its provision of best interest representation;
- (d) Document its protocol for handling other case types in its Office Policies.

4. CASE LOAD/ CHILD CAPS

4.1 Contractor will work with OCR to ensure the efficient use of state dollars. Contractor will handle ___ D&N cases. Deviations in actual caseload may result in adjustments to the office staffing, budget, and payments.

4.2 Caseloads

- (a) For attorneys carrying a D&N only caseload, the attorney shall be limited to ___ D&N cases.
- (b) Each social service staff member shall be limited to ___ cases when they are carrying a mixed caseload of active and inactive Dependency and Neglect cases

4.3 Contractor will maintain staff to meet case load limits.

5. REPORTING/ EVALUATION/AUDIT REQUIREMENTS

5.1 REPORTING

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- (a) Contractor shall maintain an Employee Handbook and or Office Policies which include:
Documentation of the processes for utilization of the “child’s team” approach to case management, assignment of social service staff members, and employee training, supervision and oversight provide to OCR as Attachment E (“Office Policies”).

Within 30 days of the end of each quarter, Contractor will submit to OCR:

- (a) A staffing report including the name and position of all employees, current caseload, start date, and exit date.
- (b) Unaudited financial statements including a balance sheet as of the last day of the quarter and an income statement for such quarter, which income statement shall set forth the amount and percentage variance for each line item from the budget submitted by Contractor to OCR.
- (c) Notification of any changes to Office Policies impacting the use of the “child’s team” approach to case management, assignment of social service staff members, and employee training, supervision and oversight

5.2 EVALUATION

Contractor will cooperate with monitoring and evaluation of its office. The OCR will monitor the office’s compliance with the Statement of Work and implementation of the multidisciplinary team approach.

Projected outcomes include, but are not limited to:

- (a) Increased in person contact with youth as compared to independent contractors;
- (b) Consistent contact with youth prior to court hearings;
- (c) Increased attendance at relevant meetings and proceedings as compared to FY13;
- (d) Increased frequency of the statement of a child’s position regarding the disposition of the matters addressed at the hearing;
- (e) Consistently stating child’s position at court hearings
- (f) Youth Satisfaction: GAL got to know me, GAL knows me well enough to represent BIC, I know how to contact my GAL (youth survey questions)
- (g) Increased participation of children in case events;
- (h) Pending caseloads and annual caseloads per Attorney;
- (i) Prompt implementation of court orders
- (j) Aggregate information regarding represented children

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- 5.3 AUDIT: Contractor shall cooperate with all periodic performance audits requested by OCR or any other appropriate state agency.

APPENDICES

- 1) Chief Justice Directive 04-06 - http://www.courts.state.co.us/Courts/Supreme_Court/Directives/04-06revised3-19-13withattArev3-14.pdf
- 2) MDLO Logic Model
- 3) MDLO Measures

RESEARCH REPORT

EVALUATION OF COLORADO'S MULTI-DISCIPLINARY LAW OFFICE PROGRAM



The National Council of Juvenile and Family Court Judges® (NCJFCJ), affiliated with the University of Nevada, Reno, provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation's children and families.

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Executive Summary

Few studies have been conducted to examine the ways in which quality child legal representation impacts outcomes of dependency court cases (Zinn & Peters, 2015). The few studies that have engaged in such an examination have demonstrated the benefits of child representation in dependency court cases (Zinn & Peters, 2015). Colorado provides attorney-GAL representation for all children in dependency and neglect cases and currently has multidisciplinary law offices (MDLOs) in three counties in the state. These offices are different from more traditional law offices that deal with dependency cases in that each child is assigned both an attorney and social worker at the beginning of his or her case. An evaluation was conducted to determine how MDLOs perform compared to Independent Contract offices in the state of Colorado. While a small percentage of independent contractors employ social workers in their practice and applicable practice standards provide some guidance as to the appropriate use of social workers, the MDLO structure formalizes this practice through a specified statement of work.

Data was collected via court file reviews and surveys with attorneys and social workers. Court files were reviewed in three counties in Colorado (Arapahoe, Denver, and El Paso). Surveys were distributed to stakeholders in multidisciplinary law offices and to Independent Contracts who employ social workers.

Key Findings from Court File Review

- **MDLO and Independent Contract GALs did not differ in time between hearings or time to case closure.**
- **MDLO and Independent Contract GALs advocated for similar services.**
- **MDLO and Independent Contract GALs were equally likely to be present at hearings.**
- **MDLO and Independent Contract GALs were equally likely to file motions.**

Key Findings from Surveys

- **MDLO GALs were equally likely as Independent Contract GALs to indicate that they “often” or “very often” filed motions, petition, and requests on their client’s behalf; were able to be present for their client’s hearings (other attorneys rarely substituted); were given sufficient notice to have enough time to prepare for court; and were present at the Initial Hearing than Independent Contract GALs.**
- **MDLO GALs and Independent Contract GALs were equally likely to “agree” or “strongly agree” that the GALs and Social Service Professionals (SSPs) communicate well with one another, that they achieve an institutional presence, and that this institutional presence helps in their ongoing advocacy than Independent Contract GALs.**

Introduction

Child abuse and neglect cases, also known as dependency cases, can be exceedingly complex and lengthy (Hardin, 1998). The Federal Child Abuse Prevention and Treatment Act (CAPTA) requires states to document provisions for providing child advocates to children who enter dependency court (Child Welfare Information Gateway, 2014). Despite this requirement, states are often left to determine exactly when a child will receive such an advocate (Child Welfare Information Gateway, 2014). The National Council of Juvenile and Family Court Judges (NCJFCJ) recommends that children receive a child advocate (such as an attorney) at the preliminary protective hearing, and that this advocate engage in quality legal representation (National Council of Juvenile and Family Court Judges, 1995). Quality legal representation can be defined as children being represented by attorneys who have received specialized training (e.g., training specifically regarding the unique needs of children in dependency courts, how to engage children, etc.) and who have more strict requirements on how to handle dependency cases (e.g., requirements on how often to meet with clients, when to bring up services, etc.).

Research has demonstrated that providing a child with quality legal representation early on in the case is associated with more positive outcomes (Zinn & Peters, 2015; Zinn & Slowriver, 2008). Results from one study indicated that children who received quality legal representation were more likely to achieve permanency than the comparison group (children who did not receive such representation due to legal conflicts; Zinn & Slowriver, 2008). Another study found children who received quality legal representation reached permanency at a rate 1.59 times higher than comparison children (Zinn & Peters, 2015). Permanency in this case was less likely to be reunification with parents, but more likely to be adoption or long-term custody (i.e., a child is placed with a fit and willing relative for a long-term period; Zinn & Peters, 2015).

Zinn and Peters (2015) further discovered that the reason children with an attorney were more likely to reach permanency was due to the timing between hearings. More specifically, the authors noted that children with an attorney were found to transition from disposition to permanency at twice the rate of the comparison children (Zinn & Peters, 2015). In other words, children with quality legal representation experienced less time between the disposition and permanency hearings than did children without quality legal representation. Moreover, children with quality representation were found to transition from the disposition hearing to the TPR hearing at 4 times the rate of children without quality representation.

Other studies have demonstrated similar effects (Duquette & Ramsey, 1986). In this instance, training program representatives in what defines quality legal representation was associated with an increase in “advocacy” behaviors (Duquette & Ramsey, 1986). This, in turn, led to expedited times between case hearings (i.e., there was less time between case hearings) and increased court orders for treatment and assessment (Duquette & Ramsey, 1986).

Study Overview

One particular state that promotes high quality representation early and throughout the dependency court process is Colorado. In Colorado, all children are appointed an attorney at the beginning of the dependency court process (Donnelly, 2013). Currently, the Office of the Child's Representative (OCR) offers children an attorney through two different routes: (1) independent contracting attorneys, or (2) attorneys in multidisciplinary law offices (MDLOs). The OCR contracts with approximately 230 licensed attorneys to provide legal representation to children in the state of Colorado. These independent contract attorneys are often sole practitioners (Donnelly, 2013). Independent contractors can bill OCR for paralegal, social worker, and associate time. The MDLOs, however, are legal offices that house both attorneys and social workers and children are assigned a team (i.e., attorney and social worker) at the start of their case. Currently, El Paso, Denver, and Arapahoe counties have MDLOs.

The MDLOs are unique in the type of representation that they give children. Not only are MDLOs comprised of both attorneys and social workers, but they are required to have more frequent face-to-face contact with children (Donnelly, 2013). While applicable practice standards require every GAL to visit children within 30 days of appointment and each change of placement, and to maintain contact with children, the MDLO statement of work specifically requires quarterly face-to-face contact with children. All GALs in Colorado are governed by the Chief Justice Directive which is intended to provide well-rounded and balanced representation of children in dependency court cases. The MDLO enhances this by providing each child with a team (i.e., an attorney and a social worker). Furthermore, both the attorney and social worker work together to provide more comprehensive representation for children in the child's best interests.

Purpose of the evaluation

This report is part of a larger evaluation of the MDLO model; it is not meant to assess adherence to practice standards, but rather help determine if there are any benefits to the MDLO model. Thus, the purpose of this evaluation is three fold. First, this evaluation will attempt to determine if MDLOs are better at achieving certain outcomes. Some of these outcomes include, but are not limited to: increased attorney preparedness, increased requests for services for children, decreased continuances requested by GALs, and faster permanency decisions (case closure).

The second purpose of this evaluation, which is intimately tied to the first, is to help stakeholders determine if MDLOs should continue to receive funding. The OCR is committed to providing best interests legal representation in a fiscally responsible manner (Donnelly, 2013), it is necessary to determine if MDLOs are more effective than independent contract attorneys and are thus worth the financial investment they would require.

Finally, this program evaluation seeks to add to the literature on the impacts of a multidisciplinary approach to child representation. Few studies have been conducted to examine how child representation impacts the outcomes children experience in dependency court cases. Thus, there is

a need for information about how multidisciplinary law offices perform and compare to other (e.g., independent contract) offices.

Method

Sample and Procedure

Evaluators collected data from 3 counties in Colorado: El Paso, Denver, and Arapahoe. Evaluators, with the help of the court administrative staff and the OCR, compiled a list of all dependency cases that were opened on or after January 1, 2012 and closed between July 1, 2014 and March 31, 2016. Furthermore, evaluators, again with help from the OCR, randomly selected 210 cases for data collection via case file review (60 cases in Arapahoe and El Paso Counties and 90 cases in Denver county). These cases were equally divided between independent contracting attorneys and MDLO attorneys. Since there are two multidisciplinary law offices operating in Denver, 30 cases were pulled for each of those offices and compared to 30 independent contractor cases. NCJFCJ research staff spent three and a half days on site collecting information in Denver and Arapahoe counties; OCR staff collected data from El Paso County.

A total of 63 stakeholders (a mixture of attorneys, social service professionals (SSPs), and other administrative staff) completed a survey about best practices, experiences working in their offices, and other information. NCJFCJ created the survey while the OCR helped to distribute the survey. Participants were given two weeks to complete the survey; a reminder email was sent to all stakeholders asking them to complete the survey if they already had not.

Surveys

Surveys were distributed to GALs and SSPs at MDLOs and Independent Contract offices that employ social workers. These surveys were used to answer questions pertaining to: relationships between social workers and attorneys, knowledge of best practices, attitudes towards collaboration, and how much supervision they receive.

Court File Review

A court file review tool was designed to answer the following outcomes: the number of continuances requested by GALs, the attorney engagement in case activity, whether there were faster permanency decisions, and whether there was increased timeliness.

In order to answer concerns pertaining to decreased continuances, faster permanency decisions, and increased timeliness the court file review tool included questions pertaining to the following: the date of each hearing (preliminary protective, adjudication, disposition, initial permanency, and termination of jurisdiction), whether the case was closed, the outcome of the child's placement (i.e.,

was the child reunified with parents, adopted, placed in long-term care, etc.), and how many continuances were due to GALs.

In order to assess the level of advocacy the attorney engaged in, the court file review tool included a series of questions pertaining to activities that attorneys should be doing across the life of the case in order to assure best interest representation. This included: whether the attorney engaged in legal activity (e.g., filing motions), whether the attorney advocated for certain placements (e.g., sibling or fit and willing relative), whether the attorney discussed visitation for the child with the parent(s) or other siblings, and how often the placement of the child changed during the entirety of the case.

Finally, to assess the attorney's engagement in the case, a series of questions were asked pertaining to GAL advocacy for various assessments, treatment or services for the child or his or her family. Finally, for educational well-being the tool asked questions regarding school changes.

Data will be analyzed using a combination of inferential and descriptive statistics. Descriptive statistics will be run to answer a majority of the questions (e.g., differences in caseload, supervision, requested services). Inferential statistics, such as t-tests and regression, will be used to analyze whether certain variables (e.g., time between cases and presence at hearings) are different between MDLO and Independent Contract GALs.

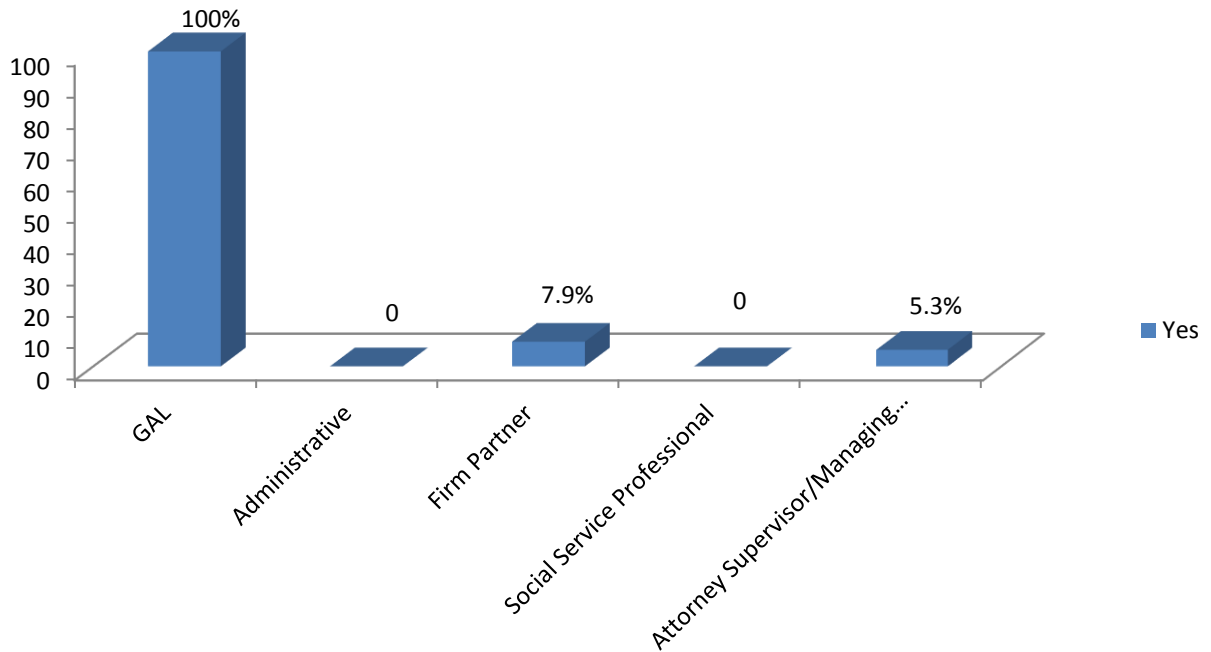
Results

GAL Survey

A total of 38 participants completed the GAL survey. Surveys were sent to GALs who work in MDLOs and independent contractors who use a social worker on their D&N cases. Participants were asked about their position and were told to choose all positions that applied to them. As indicated in Figure 1 below, 100% of participants indicated they were GALs, 7.9% indicated they were firm partners, and 5.3% indicated they were attorney supervisors or managing attorneys.

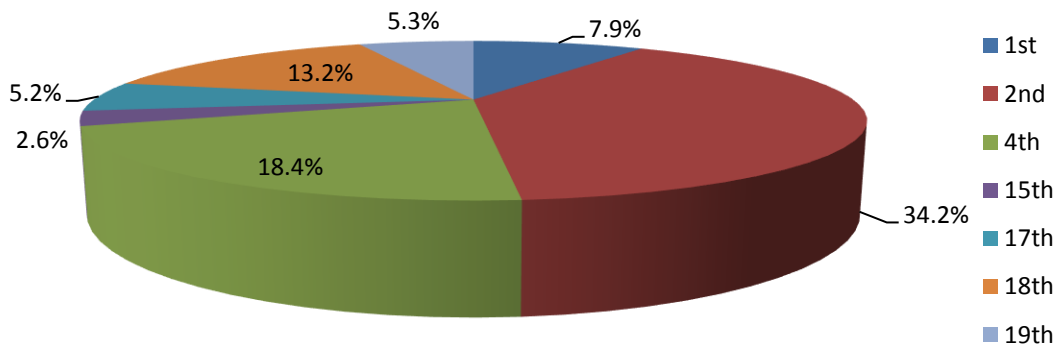
Of those who indicated they were GALs, 64.7% indicated they worked in an MDLO office (n = 22), 11.8% indicated that they did not work in an MDLO office (n = 4), and 23.5% indicated they worked in an office that uses social work staff but does not have a specific MDLO contract with the OCR (n = 8). A total of 4 participants did not indicate whether or not they worked in an MDLO office.

Figure 1. Position



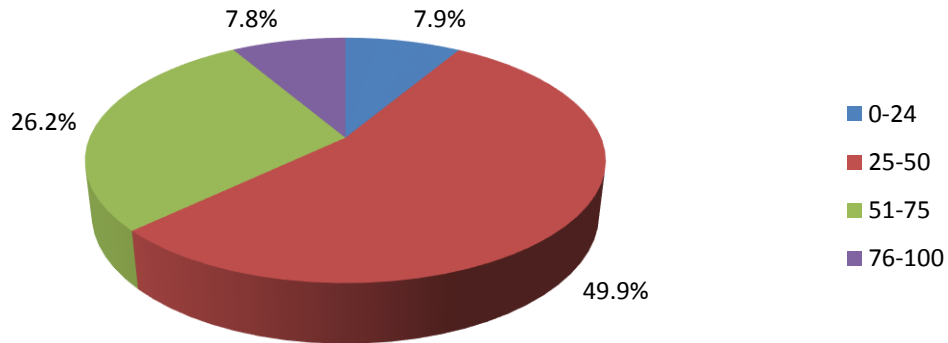
Participants were also asked what judicial district they worked in. As evidenced in Figure 2, the majority of the participants were from the 2nd judicial district (34.2%). Other participants were from the 4th (18.4%), 18th (13.2%), and 1st (7.9%) judicial districts.

Figure 2. Judicial District



Participants also indicated how many cases they were currently assigned to. The majority of participants, as depicted in Figure 3, indicated they had between 25 and 50 cases (49.9%). Roughly 26.2% of participants indicated they had between 51 and 75 cases.

Figure 3. Caseload



Caseload was broken down by whether a participant was an MDLO GAL or an Independent Contract GAL. For MDLO GALs, the majority of participants (58.8%) indicated they had between 25-50 cases. About 22.6% indicated they had between 51-75 cases and 13.5% indicated they had between 76-100. For Independent Contract GALs, the majority of participants (41.6%) indicated they had between 25-50 cases. About 25% of participants indicated they had between 51-75 cases, 16.7% indicated they had 0-24 cases, and 16.6% indicated they had 76-100 cases.

Participants were also asked about how many hours they receive supervisions, whether they believe the supervision they receive is appropriate to their caseload, and whether they have a system of supervisory observation in court and in the field. With regards to MDLO Gals, 31.7% indicated that they receive roughly 2-3 hours of supervision a month; roughly 27.2% of MDLO GALs indicated they receive between 0 and 1 hours of supervision per month. The majority of Independent Contract GALs indicated they did not receive any supervision (58.3%); about 8.3% of Independent Contract GALs indicated they receive twelve hours of supervision a month.

Furthermore, the majority of MDLO GALs either agreed (31.8%) or strongly agreed (31.8%) that they receive supervision appropriate to their caseload. Only 9.1% strongly disagreed that they receive supervision appropriate to their caseload. With regards to Independent Contract GALs, 12.5% agreed that they receive supervision appropriate to their caseload; another 12.5% strongly agreed with this statement. The remaining Independent Contract GALs (75%) indicated the neither agreed nor disagreed that they receive supervision appropriate to their caseload.

Finally, 50% of MDLO GALs indicated that they have a system of direct supervisory observation in court; 18.2% of MDLO GALs indicated that they have a system of direct supervisory observation in the field. With regards to Independent Contract GALs, 100% indicated they did not have a system of direct supervisory observation in court and 33.3% indicated they did have a system of direct supervisory observation in the field.

Participants were asked about their knowledge and familiarity of the four principles of Cornerstone Advocacy (i.e., placements, visits, services, and education and life skills). Roughly 97.1% of participants indicated that they were familiar with the four principles of Cornerstone Advocacy; 2.9% of participants indicated that they were unfamiliar.

Participants were also asked about how often they engage in specific behaviors. For example, participants answered questions such as “I am given sufficient notice to have enough time to prepare for court” and “I meet with my clients outside of court.” Participants answered these questions on a five point scale from 1 (Never) to 5 (Very Often). Table 1 depicts the means of the answers to these questions based on whether a participant is part of an MDLO firm or not. Participants who previously indicated that they either did not work in an MDLO office or did not have a specific contract with the OCR (n = 12) were grouped together.

As demonstrated in Table 1, the means between MDLO GALs and Independent Contract GALs were very similar for the advocacy questions. Indeed, significance testing indicated that MDLO GALs and Independent Contract GALs were not significantly different from one another on these measures. This non-significance should be taken with caution, however, as the sample size is small and each group does not have equal sample sizes (i.e., there are more participants in the MDLO group than in the Independent Contract group). If sample sizes are equal, it is possible the results would be similar to, or different from, the current results.

Table 1. Mean Agreement Advocacy Questions

	MDLO	Independent Contract
I file motions, petitions, and requests on my client’s behalf.	4.09	3.91
I am able to be present for my client’s hearings (e.g., other attorneys rarely substitute for me).	4.77	4.36
I advocate for placement that supports connections (e.g., educational and physical) the child had prior to placement.	4.50	4.55
I advocate for services for children that are specifically tailored to each family.	4.68	4.64
I advocate for the child’s educational needs.	4.68	4.73
I advocate for services that will address my clients’ specific needs.	4.77	4.82
I use resources to increase the frequency of visits with parents, guardians, and siblings.	4.14	4.30
I encourage the participation of the child or youth in court proceedings (when appropriate).	4.59	4.55
I encourage the participation of the child or youth in team meetings (when appropriate).	4.45	4.64
I am given sufficient notice to have enough time to prepare for court.	4.50	4.36

My caseload allows me to dedicate the appropriate amount of time to each child.	3.59	4.09
I am present at the Initial Hearing.	4.91	4.64
I meet with my client prior to the first hearing in the case after I am appointed.	4.23	4.45
I meet with my clients outside of court.	4.91	4.91
I have a good understanding of my clients' situations and needs.	4.68	4.91

Participants were also asked about their attitudes toward collaborating with other staff in their office. They answered a series of 7 questions including questions such as “Collaboration between staff is difficult” and “I believe that we achieve an institutional presence.” Responses were on a 5 point scale from 1 (Strongly Disagree) to 5 (Strongly Agree). Table 2 below describes the mean agreement to each question, and is broken down by MDLO and Independent Contract GALs. Significance testing indicated that the two groups were not different from one another on these questions; again, this non-significance should be taken with caution. If sample sizes are equal, it is possible the results would similar to, or different from, the current results.

Table 2. Mean Agreement To Collaboration Questions

	MDLO	Independent Contract
GALs and Social Service Professionals (SSPs) in my office communicate well with one another.	4.76	4.6
GALs and SSPs in my office work well together.	4.76	5.00
I enjoy collaborating with other staff.	4.86	5.00
Collaboration between staff is beneficial for the children we serve.	4.81	4.80
Collaboration between staff is difficult.	1.81	2.20
I believe that we achieve an institutional presence.	4.76	3.50
This institutional presence helps in our ongoing advocacy.	4.71	4.00

Participants were also given an opportunity to explain some of the barriers and successes they have had in collaborating between staff. One of the biggest barriers discussed by MDLO GALs is a lack of time and high caseloads. For instance, one participant said “[t]urn over of staff. Work overload or

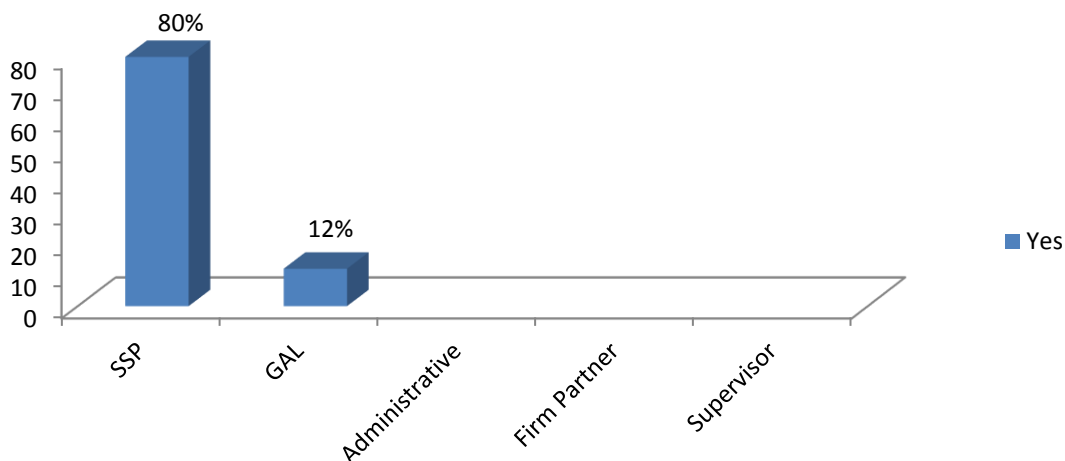
many cases “blowing up” at once. A little downtime allows for a lot more communication.” Another participant said “Caseloads! The more cases we have, the less time we have to meet each cases’ needs.” Independent Contract GALs did not list any barriers.

With regards to successes, MDLO GALs believed that some of the successes with collaboration revolve around advocacy for children. For instance, one participant indicated that “We have discovered unsafe situations by having two people assigned to a case. We have made extra contact with kids because of the availability of additional professionals to a team.” Another participant said that one success that they are able to “find kin, more contact with kids, more observation of contact with family, and brainstorm appropriate resources.” Only three out of five Independent Contract GALs answered the success question. Of those three, it appears as though communication also helps with advocacy. One participant said that communication helps “find placement with relatives, advocate for IEPs, and help connect to tribes.”

Social Service Professional (SSP) Survey

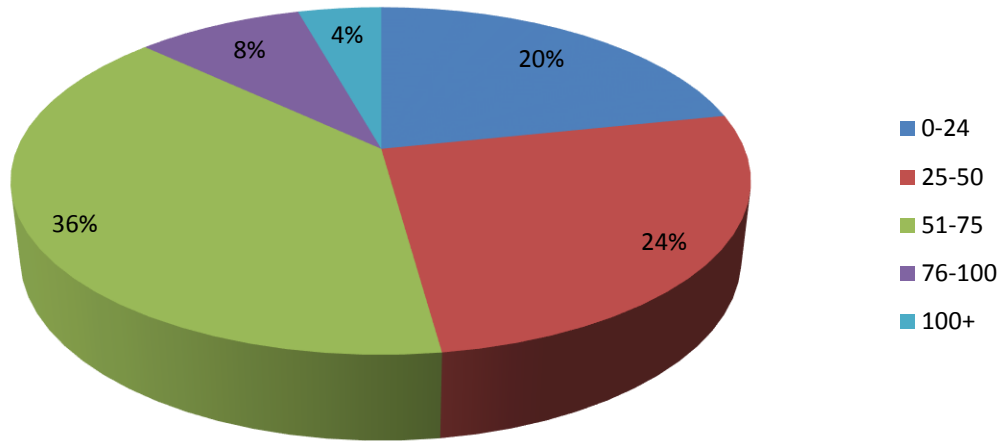
A total of 25 participants completed the SSP survey. Participants were asked about their position and were told to choose all positions that applied to them. As indicated in Figure 4 below, 80% of participants indicated they were SSPs, and 12% indicated they were GALs. If a participant indicated they were a GAL, their response options were discarded since they were not the intended audience of the survey. Of those who indicated they were SSPs, 75% indicated they worked in an MDLO office (n = 15), and 25% indicated that they did not work in an MDLO office (n = 5).

Figure 4. SSP Survey - Position



Participants also indicated how many cases they were currently assigned. The majority of participants, as depicted in Figure 5, indicated they had between 51 and 75 cases (36%). Roughly 24% of participants indicated they had between 25 and 50 cases; 20% of participants indicated that they between 0 and 24 cases.

Figure 5. SSP Caseload



Caseload was also broken down by whether a participant was an MDLO SSP or Non-MDLO SSP. MDLO SSPs most often had either 25-50 cases (40.2%) or 51-75 cases (40.1%). Roughly 13.4% of MDLO SSPs indicated they had 100+ cases and 6.7% of MDLO SSPs indicated they had 0-24 cases. Non-MDLO SSPs were split between having 0-25 cases (40%) and having 51-75 cases (40%); data was missing for the remaining 20% of respondents.

Questions were also asked pertaining to how many hours of supervisions SSPs receive per month, whether SSPs agree or disagree that they receive supervision appropriate to their caseload, and whether their office has a system of direct supervisory observation in the field. For MDLO SSPs, the majority of participants (40%) indicated they received about 2 hours of supervision a month; 20% indicated they received 1 hour of supervision, 6.7% indicated they received about 3 hours of supervision a month, and 13.3% indicated they received 4 hours of supervision a month. For Non-MDLO SSPs, 40% indicated they receive 4 hours of supervision of a month, 20% indicated they receive 2 hours a month, and 20% indicated they receive 3 hours a month; data was missing for the remaining 20% of participants.

Furthermore, 46.7% of MDLO SSPs indicated they agree that they receive supervision appropriate to their caseload; about 33.3% of participants strongly agree with this statement and the remaining 20% indicated they neither agree nor disagree with the statement. For Non-MDLO SSPs, 40% agree that they receive supervision appropriate to their caseload and 40% strongly agree with this statement. About 20% of Non-MDLO SSPs neither agree nor disagree with this statement.

Finally, 26.7% of MDLO SSPs indicate they have a system of direct supervisory observation in the field. About 20% of Non-MDLO SSPs indicate they have a system of direct supervisory observation in the field.

Participants were asked about their attitudes toward collaborating with other staff in their office. They answered a series of 7 questions including questions such as “Collaboration between staff is difficult” and “I believe that we achieve an institutional presence.” Responses were on a 5 point scale from 1 (Strongly Disagree) to 5 (Strongly Agree). Table 3 below describes the mean agreement

to each question, and is broken down by MDLO and Non-MDLO SSPs. Significance testing was performed and indicated that MDLO and Non-MDLO SSPs were not different from one another. Caution is warranted in interpreting these results, however, as the sample size was small and the number of participants in each group was not equal (i.e., there were more participants in the MDLO group than in the Non-MDLO group).

Table 3. Mean Agreement To Collaboration Questions for SSPs

	MDLO	Non-MDLO
GALs and Social Service Professionals (SSPs) in my office communicate well with one another.	4.57	4.75
GALs and SSPs in my office work well together.	4.57	4.75
I enjoy collaborating with other staff.	4.64	4.5
Collaboration between staff is beneficial for the children we serve.	4.78	4.75
Collaboration between staff is difficult.	1.78	1.75
I believe that we achieve an institutional presence.	4.28	4.00
This institutional presence helps in our ongoing advocacy.	4.43	4.00

Participants were also given an opportunity to explain some of the barriers and successes they have had in collaborating between staff. One of the biggest barriers discussed by SSPs in MDLOs is a lack of time. For instance, one participant said “Our busy schedules can make it difficult at times to collaborate...” Another participant said “Time and availability. Everyone is very busy, the court docket eats up a lot of time, it hinders ability to staff cases as frequently as I would like.” SSPs in non-MDLO settings did not list any barriers.

With regards to successes, MDLO SSPs believed that some of the successes with collaboration revolve around advocacy for children and increased knowledge. For instance, one participant indicated that “Having SSPs with this level of diversity to best address the needs of our children and families is a strong asset to this office. Collaboration to fully utilize this level of expertise certainly increases the probability that our client receives the best services and service providers to meet their specific needs....” Another participant said that one success is that they have “increased knowledge of what is occurring in each case based on differing skill sets of individuals teaming cases; ability to strongly advocate for clients based on solid assessments of needs and best interest.”

Of the Independent Contract SSPs who answered this question the majority also agree that collaboration benefits children. For instance, one participant said “the successes we have achieved are always on the children’s behalf...”

Court File Review

With regards to the court file review, roughly 39.9% of the files reviewed were of Independent Contract GALs; 60.1% of the files reviewed were of MDLO GALs. Furthermore, there was often no other children on the petition (47.2%); 26.9% of the time, there was 1 other child listed on the petition and 14.5% of the time there were 2 other children listed on the petition. Children ranged in age from a few days old to almost 17 years old (the average age was about 8 years old).

Table 4 demonstrates the differences between MDLO GALs and Independent Contract GALs with regards to time between cases, and overall time to case closure. Numbers were obtained by subtracting one date from another. For instance, in order to obtain the time between removal and the shelter hearing, the shelter date was subtracted from the removal date.

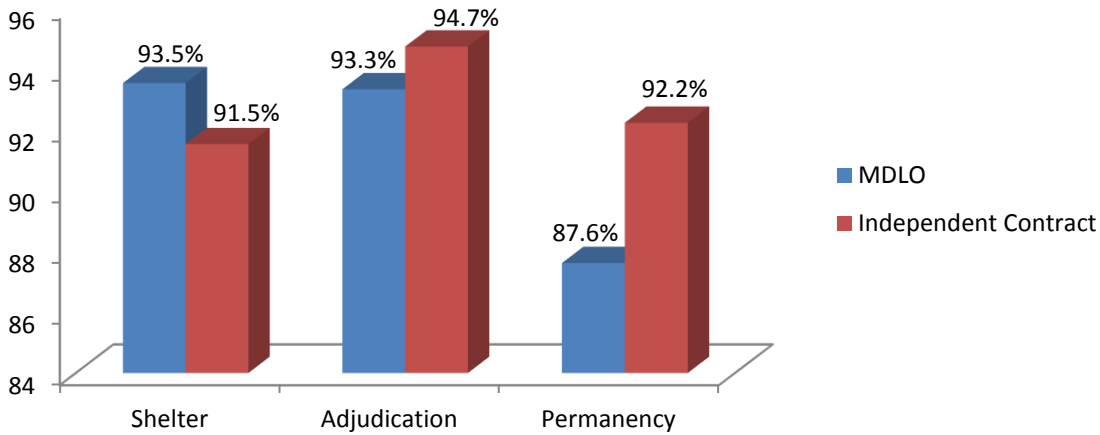
As indicated in table 4, there was less time between hearings in which the child had an MDLO GAL versus an Independent Contract GAL. For instance, overall time of case (from filing of petition to case closure) was 438 days for MDLO GALs and 498 days for Independent Contract GALs. Even so, the differences between the two groups were not statistically significant.

Table 4. Time Between Hearings

	MDLO	Independent Contract
Petition		
Petition to Shelter	1.56 days	6.91 days
Petition to ADJ	27.47 days	51.56 days
Petition to Perm	130.19 days	153.78 days
Shelter		
Shelter to ADJ	38.82 days	34.16 days
Shelter to Perm	144.95 days	146.81 days
Overall Time Of Case		
Petition to Close	438.34 days	498.23 days

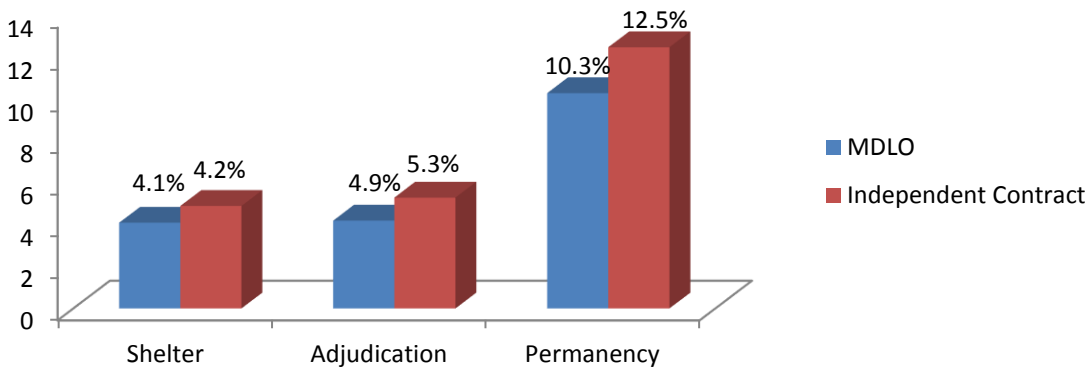
Researchers compared how often the GAL of record and child were present at each hearing. As demonstrated in Figure 6, the GAL of Record for both Independent Contractors and MDLO attorneys were present at equal rates during the shelter, adjudication, and permanency hearings (there were no significant differences between the two groups). The OCR values continuity of representation as a practice standard; this measure illustrates how often substitute counsel appeared on behalf of the GAL of Record.

Figure 6. GAL of Record Present At Hearing



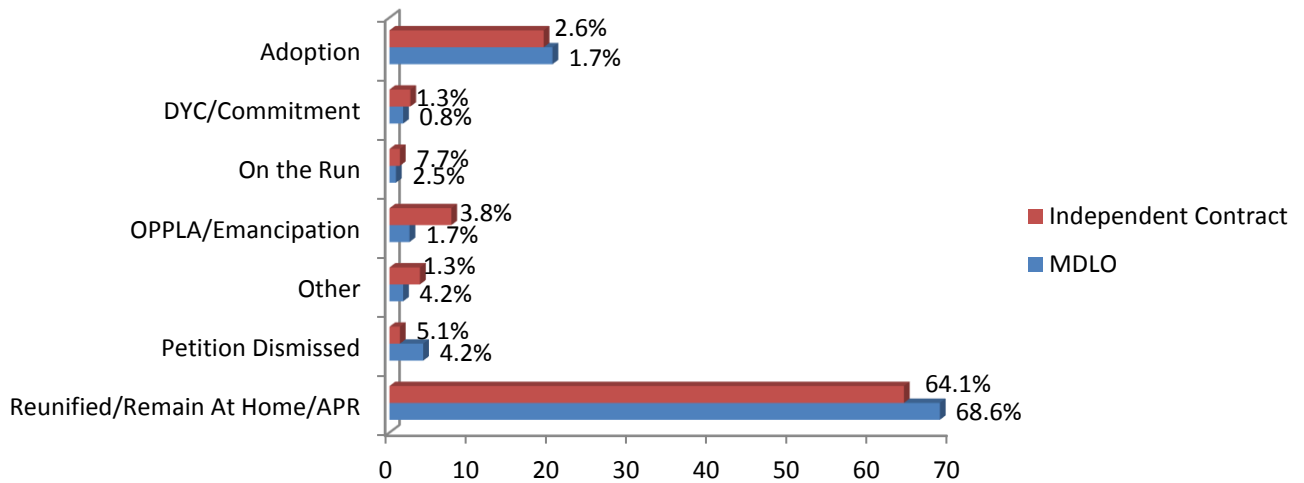
As demonstrated in Figure 7, children were also present at hearings at equal rates regardless of whether the child was represented by an MDLO GAL or Independent Contract GAL. There were no differences between MDLO and Independent Contract GALs on whether or not a child was present at each hearing type.

Figure 7. Children Present At Hearing



With regards to outcomes, APR, Remain at Home, and Reunification were all combined. As evident in Figure 8, the outcomes of the children were relatively equal among MDLO GALs and Independent Contract GALs. “Other” outcomes included things such as a lack of jurisdiction. Furthermore, APR was often to a parent such as the Mother (33.8%) or relative (41.9%); reunification was also most frequently to a mother (60.9%).

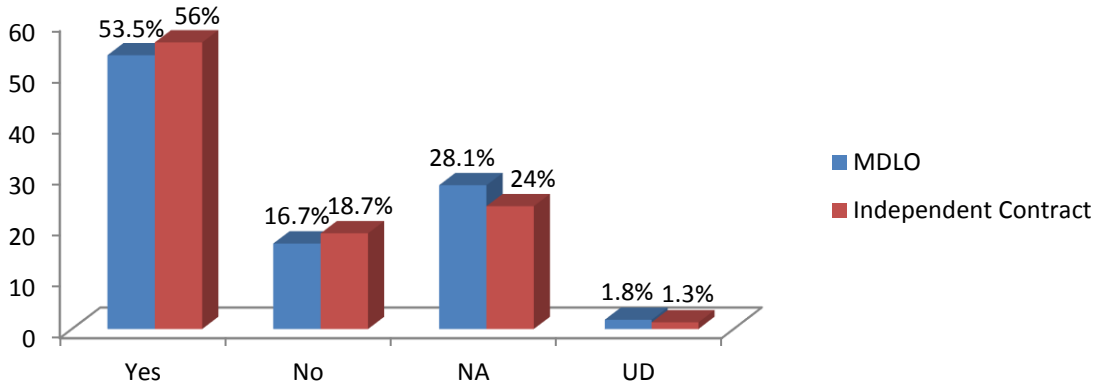
Figure 8. Outcome



MDLO GALs and IC appeared at the shelter hearing at nearly equal rates (93.5% for MDLO compared to 91.5% for Independent Contract GALs). The numbers of continuances due to the attorney were also equal between MDLO and Independent Contract GALs. Roughly 97.3% of MDLO GALs had zero continuances; 98.7% of Independent Contract GALs had zero continuances. MDLO GALs were also appeared to be more likely to file a motion (32.5%) compared to Independent Contract GALs (20.3%). Significance testing indicated this difference was ultimately not significant. Motions filed by MDLO GALs included things such as privilege, CASA appointment, education privilege, education decision making, or education surrogate, and substitution of counsel. Motions filed by Independent Contract GALs included things such as patient privilege, out of state travel, responses, and substitutions of council.

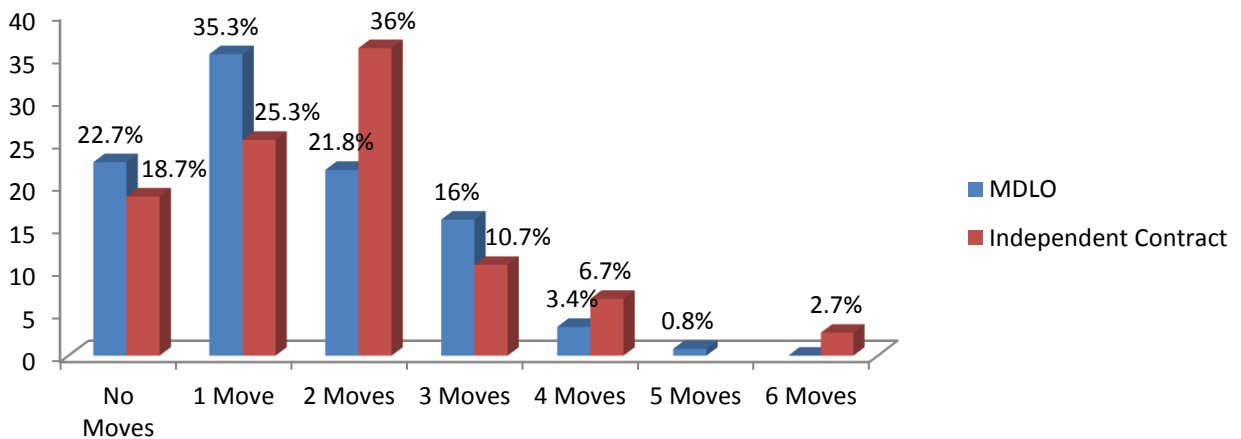
With regards to records on educational progress of child, MDLO GALs and Independent Contract GALs were relatively equal (see Figure 9). MDLO GALs (17.8%) were slightly more likely than Independent Contractors (13.2%) to have findings on the record related to impact of change of placement on educational stability. However, these differences are not statistically significant.

Figure 9. GAL Raising Issue of Educational Stability for Child



The total number of placement changes for the child was also compared between MDLO GALs and Independent Contract GALs. For Independent Contract GALs, children most often experienced two placement changes throughout the case (36%); for MDLO GALs, children most often experienced one placement change (35.3%). Figure 10 below provides a breakdown of total placement changes based on whether the GAL was from an MDLO or Independent Contract office.

Figure 10. Total Placement Moves



Finally, MDLO GALs and Independent contract GALs were compared on how often they advocated for certain services for children. Table 5 demonstrates how often each of these GAL types advocated for certain services. It appears as though MDLO GALs were more likely to advocate for visits with parents (23.2%) than were Independent Contract GALs (16.9%). This difference was not, however,

statistically significant. It does appear as though the two types of representation are similar on other services.

Table 5. Frequency of Requested Services

	MDLO	Independent Contract
Drug/Alcohol Assessment	-	1.2%
Drug/Alcohol Treatment	-	-
Random UAs	-	-
Parenting Skills	-	-
Psychological Evaluation	2.4%	4.8%
Individual Counseling	8%	8.4%
Family Counseling	4%	3.6%
Employment	-	-
Suitable Housing	2.4%	-
Medical	3.2%	3.6%
Dental	-	-
Educational	16%	16.9%
Independent Living	1.6%	2.4%
Visit with Parents	23.2%	16.9%
Visit with Siblings	4.8%	6%

Discussion

This evaluation was conducted to determine how the multi-disciplinary law offices (MDLOs) in Colorado are performing compared to Independent Contract offices. Research indicates that children who receive quality legal representation are more likely to achieve permanency than the comparison group (children who did not receive such representation due to legal conflicts; Zinn & Slowriver, 2008). Other studies have found that children who receive quality legal representation reach permanency at a rate 1.59 times higher than comparison children (Zinn & Peters, 2015). Furthermore, research notes that children with quality legal representation experience less time between hearings than do children without quality legal representation. Finally, research indicates

that training program representatives in what defines quality legal representation was associated with an increase in “advocacy” behaviors (Duquette & Ramsey, 1986). This, in turn, led to expedited times between case hearings (i.e., there was less time between case hearings) and increased court orders for treatment and assessment (Duquette & Ramsey, 1986).

The results of this evaluation do not appear to support the prior literature. Indeed, there were no significant differences between MDLO GALs and Independent Contract GALs on any of the measures assessed in this evaluation. For instance, it appears as though MDLO GALs and Independent Contract GALs have similar perceptions of collaboration, similar time between hearings, and are equally likely to be present at hearings. Furthermore, MDLO GALs and Independent Contract GALs were equally likely to request services for children and were likely to have similar case outcomes. While there did appear to be differences on some measures (e.g., Independent Contract GALs were present at the permanency hearing 92.2% of the time whereas MDLO GALs were present at 87.6% of the hearings), these differences were ultimately non-significant.

These differences appear to indicate that both MDLO GALs and Independent Contract GALs engage in quality legal representation. Because of this engagement in quality legal representation, it was difficult to establish that there were any differences between the two models. Thus, it is understandable that the results did not follow prior literature. This evaluation compared instances in which children all receive quality legal representation rather than comparing instances in which children receive quality legal representation and either do not receive quality representation or receive no representation.

Limitations

There were a number of limitations to this evaluation. The first is that the sample size for the stakeholder surveys was small. The GAL survey had a total of 38 responses; of those responses who indicated they were also GALs only 22 worked in an MDLO office whereas 4 did not work in an MDLO office. Thus, not only is the sample size small for the GAL survey, but there is a notable difference between the number of participants in each group. This is also true for the SSP survey. A total of 25 people answered the SSP survey; of those who indicated they were SSPs (and not GALs), 15 worked in an MDLO office and 5 worked in a non-MDLO office. Because of the small sample sizes and the difference between the number of participants in each group, significance testing performed on the stakeholder surveys should be interpreted with caution.

Another limitation is that the court files contain limited information. Furthermore, the files consisted primarily of minute orders, pleadings, and court files. This information likely varied between judicial officers. Thus, it is difficult to determine consistency in representation across a case.

Conclusion

In conclusion, though it does appear as though there are some differences between MDLO GALs and Independent Contract GALs with regards to filing motions, rates of reunification, and perceptions of collaboration and engagement in advocacy behaviors these differences are ultimately non-significant. Rather, the data appears to suggest that MDLO GALs and Independent Contract GALs are

equally likely to provide quality legal representation to the children they serve. This could explain why the results did not follow the prior literature: children all received quality legal representation, and thus there were no differences to be found between the two models.

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