

Office of the Child's Representative  
**Billing Policies and Procedures**

Effective Date 3/2021| This document is updated periodically so please check this link for the current version: <http://www.coloradochildrep.org/attorney-center/billing/>

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The Colorado Office of the Child’s Representative (OCR) contracts with experienced and specialized attorneys to provide children/youth best interests legal representation as guardians *ad litem* (GALs), child legal representatives (CLRs), or as counsel for children in Dependency and Neglect (D&N) proceedings. As used in this document, attorneys appointed as GAL, CLR, or Counsel for Children are referred to as “Attorneys.” An Attorney is an independent contractor subject to an at-will contract. **Every Attorney contracting with the OCR must review this Billing Policies and Procedures document and is responsible to ensure his/her staff does so as well.**

In Fiscal Year 2020-21, OCR began a pilot project contracting directly with case consultants (CCs) to support GALs in their independent investigation. GALs’ use of these case consultants is consistent with CJD 04-06, which allows the use of qualified professionals working under the direction of GALs. Case consultants under direct contract with the OCR assign themselves as “managing case consultant,” comply with the billing policies and procedures applicable to Attorneys in this document, and ensure their work is authorized under CJD 04-06, within the scope of OCR’s pilot program, and consistent with an Attorney’s request for support. CCs under direct contract with the OCR are compensated at the CC eligibility rate, and contract case consultants must abide by the same limitations on duplicate billing outlined in the Staff section in Part IV. Contract CCs must comply with the Ordinary Travel Time and Mileage section in Part V using their own home/office and not that of the appointed attorney. Requests for preapproval of expenses should be directed to OCR’s Case Consultant Coordinator at alexwolff@coloradochildrep.org.

Attorney payments are funded exclusively by taxpayer dollars. As such, the OCR maintains a high level of accountability for the expenditure of these funds and the expectation that Attorneys will provide legal services in a cost-effective manner without compromising the integrity of such services or the safety and well-being of children. It is a priority to ensure Attorneys are paid for legitimate work and the Executive Director (or his/her designee) may, in extraordinary circumstances, allow an exception to these policies if necessary and appropriate to ensure Attorneys are paid for legitimate work in representing the best interests of a child(ren).

If you need to contact the staff attorney assigned to your judicial district (JD), you can always find that contact information by district at <http://www.coloradochildrep.org/attorney-center/>.

## OCR Mission Statement

OCR gives children and youth a voice in Colorado legal proceedings through high-quality legal representation that protects and promotes their safety, interests, and rights.

## OCR Vision

Justice, opportunity, and healthy families for all court-involved children and youth.

## OCR Values

**Accountability:** Colorado’s children, attorneys, families, and communities can count on OCR to ensure that each decision we make and action we take advances our mission in a fair, equitable, inclusive, and transparent manner.

**Efficiency:** OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.

**Empowerment:** OCR cultivates an environment of respect, honesty, and equity. We value the diverse experiences and expertise of the children we serve, our attorneys, and our staff. We invest time to reflect and connect, focus on strengths, value feedback, and recognize success. We stand for justice and support each other in our mission to empower children.

## I. CARES Billing System

The Attorney, and his/her staff, as applicable, must enter their time and expenses for each month into the OCR's billing and case management online application C.A.R.E.S. (Colorado Attorney Reimbursement Electronic System, called CARES or OCR CARES throughout this document). CARES is a secure online application which allows Attorneys, paralegals, case consultants, and billing personnel to enter all case-related activity into the system electronically. All Attorneys are required to enter work performed on OCR cases into the OCR CARES system in order for the Attorney to be paid. Time and expenses may be entered at any time. The OCR provides [the CARES Help Center](#) online to all contract Attorneys.

OCR CARES is user-sensitive. Attorneys with associate(s)/staff who perform billable work on OCR cases must request a separate username and password for each such person via the form at <https://fs30.formsite.com/COCR/AddStaff/index.html>. Each staff member's email address must belong to him/her (never used by anyone else) and never have been associated with another account in CARES. All work entered under the Attorney's or associate Attorney's username will be billed at the Attorney rate.

The Attorney and his/her staff must safeguard OCR CARES password(s) by not sharing the password with anyone. OCR strongly recommends that each user change his/her password at least every three months and enable two-factor authentication (see [CARES Help Center](#)).

The OCR requires that Attorneys enter all new appointments into OCR CARES within 48 business hours of notification to the Attorney of the appointment. Prompt entry of appointment information enables the OCR to have an accurate appointment and child count each month, timely monitor its budget and proactively address developing trends.

Other data Attorneys must enter into OCR CARES:

- a. Placement data for minor child(ren) within 72 hours of Attorney learning of the placement and placement change in all D&N cases.
- b. All contacts with minor child(ren);
  - a. *Please note: when visiting with a child/youth in court do not use the field "confer with involved persons". Instead, enter a visit with the child/youth at court.*
- c. All case outcome data;
- d. All billable time.

The OCR recommends the Attorney enter as much data into CARES as possible to ensure quality and accurate reporting.<sup>1</sup> Attorneys must use CARES to pay for Attorney time, ordinary travel, ordinary mileage, child meals (under \$10), postage, discovery fees, transcript fees and copies. Under special

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<sup>1</sup> CARES is a billing system AND a case management system in which an Attorney can take notes, attach documents and keep detailed data about case. OCR Staff Attorneys cannot view attachments or the Appointments > Notes tab. See the OCR [CARES Help Center](#) for more information.

circumstances, the OCR [staff attorney liaison](#) may authorize Attorneys to "paper bill" (use a non-CARES form) on certain cases or activities. This requires pre-approval from the OCR staff attorney. Under most of these circumstances, Attorneys will be directed to bill via the [Non-CARES Case Billing Form](#). Paper case billing forms must follow invoice deadlines unless otherwise authorized by the OCR staff attorney.

In order to maintain accurate billing reports, it is important for the Attorney to close appointments in CARES within fourteen days (14) of the appointment ending and to notify the OCR when his/her last appointment closes.

## II. Billing Rates and Payment Periods

**The OCR operates on a monthly invoicing system.** The Attorney must generate an invoice each month within CARES and submit it to OCR in CARES **NO LATER THAN midnight on the 15<sup>th</sup> day of the following month.**<sup>2</sup> OCR will only grant exceptions to these timeframes in extraordinary circumstances as approved by the Executive Director. Pursuant to the OCR's fiscal policies, the OCR has 45 days to pay undisputed billing requests; however, the OCR will endeavor to pay all CARES invoices within 30 days after receipt.

Attorney and staff rates are determined through the legislative process and are set as follows effective July 1, 2018:

Type	Amount
Attorney	\$80.00/hour
Paralegal	\$32.00/hour
Case Consultants (CCs)	\$44.00/hour
Copies	\$0.10/copy
Mileage	\$0.50/mile (for calendar year 2021)

### Invoicing

Please consult *Invoicing* in the [OCR CARES Help Center](#) for step-by-step directions about how the Attorney can generate and submit an invoice and receive notifications about its status. Below are the rules and policies for invoicing.

#### Invoice Rules

- a. The Attorney will generate a monthly invoice within the CARES billing system which **must be reviewed and submitted by the Managing Attorney for the Attorney's Office**. Note, solo practitioners are automatically considered "Managing Attorneys." The Attorney is solely responsible for the content of his/her billing invoices to the OCR, including any time or expense entered by the Attorney's staff, a billing service, or other person. The Managing Attorney is

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<sup>2</sup> If the 15th falls on a weekend or state holiday, the invoice deadline is midnight on the next business day.

responsible for reviewing each invoice to ensure it is accurate and in compliance with these billing policies.

- b. Attorneys must submit invoices within CARES by midnight on the 15th of each month for all work/expenses performed during the previous month. Invoices must be submitted no later than midnight on the 15<sup>th</sup> day of the month.<sup>3</sup>
  - o To submit an invoice after this deadline, the Attorney must obtain approval from the Executive Director; invoices are processed in the order in which they are submitted.
- c. Attorneys cannot submit multiple invoices for the same month or for overlapping periods; once an Attorney has submitted an invoice for dates of service taking place during a month, s/he is not allowed to submit another invoice for that same month.
  - o If an Attorney submits multiple invoices for the same month, all invoices for that month will be rejected by the OCR and the Attorney must resubmit a single invoice for that month (unless the Executive Director has approved multiple invoices due to extraordinary circumstances).
- d. The OCR processes invoices in the order they are received (referred to as "queue position"). If the OCR rejects an invoice (including multiple invoices as described above), that invoice loses its queue position unless the OCR notifies the Attorney otherwise. Processing time for some invoices may take longer than others due to their complexity. **Please be certain to look for and address any red insufficient fund alerts at the bottom of your invoice to avoid delay or nonpayment for activities exceeding your allocation.**

## Invoice Approval and Rejection

If the Managing Attorney discovers an error or adjustment to his/her previously submitted (but not yet approved) invoice, s/he should contact the OCR Billing Manager to have the invoice rejected, enabling him/her to submit a revised invoice. The revised invoice will get a new queue position and be processed in the order in which it was submitted.

The OCR applies two levels of approval: 1) Billing Manager and 2) Finance. Once an undisputed invoice is submitted, the OCR has up to 45 days to make payment to the Attorney; however, the OCR will endeavor to pay all undisputed invoices within 30 days of receipt. Attorneys can find an "Exported" date on each paid invoice to indicate when it was "exported" (sent) to the state's accounting system for payment.

When an invoice is rejected, the Managing Attorney will receive not only an email notification but also a notification on the Home Screen of CARES. Click on the Home Screen notification to jump to the invoice itself; language in red at the top will explain why the invoice was rejected. All the activities that were included on the rejected invoice are returned to their original, un-invoiced state so the Attorney and his/her staff can edit them to create a revised invoice.<sup>4</sup> The Managing Attorney has 14 calendar days from the time the invoice was rejected to adjust activities as needed, generate a new invoice, and submit it to

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<sup>3</sup> If the 15th falls on a weekend or state holiday, the invoice deadline is midnight on the next business day.

<sup>4</sup> As noted in the [CARES Help Center](#), activities that appeared on a rejected invoice can no longer be deleted but can be changed to "non-billable" to exclude them from a revised invoice.

the OCR for payment. To submit a revised invoice after this deadline, the Attorney must obtain approval from the Executive Director.

### III. Eligibility Requirements

**The OCR is appropriated to pay Attorney services as authorized by [Chief Justice Directive \(CJD\) 04-06](#). The OCR will not pay for work done that is not authorized by CJD 04-06.** The OCR does not fund legal services provided in related or ancillary cases without a valid court appointment. The OCR does not fund treatment or services. The OCR is only authorized to pay Attorneys who (1) have been approved and are on a current [appointment eligibility list](#); (2) have been approved to continue their cases (but are not on a current appointment eligibility list); or (3) have received preapproval by the OCR [staff attorney liaison](#). Attorneys on the appointment eligibility list are approved for particular case type(s) in one or more judicial districts. These lists are maintained on OCR's website; use the hyperlink above to review the current lists. If the OCR becomes aware of work being performed by an attorney who is not authorized, the OCR may, in its sole discretion, seek substitution of an OCR-approved Attorney to complete the appointment.

Attorneys currently representing the best interests of a child may be appointed to represent that child's best interests in a related legal proceeding even if the new case is of a different case type or in a different county than previously approved. For example, an Attorney who is approved to do juvenile delinquency cases in a particular district may be appointed to represent the child in a subsequently-filed dependency and neglect case even if s/he is not on the D&N list for that district. Similarly, an Attorney on OCR's eligibility list may be appointed to represent a child's best interests in a related legal proceeding in another district (i.e., an Attorney who is approved to do D&N cases in Denver County may be appointed as a GAL to the child in a subsequently-filed delinquency case in Adams county even if s/he is not on the list for Adams county). These situations do *not* require preapproval by the OCR. Preapproval *is* required for an Attorney to be appointed for a case type or county for which s/he is not on the appointment eligibility list if s/he does not have an open appointment regarding the specific child.

### Required Documentation

New Attorneys receive the required forms described in this section with instructions in their welcome email; the forms are also available online at <http://www.coloradochildrep.org/attorney-center/billing/>. If the Attorney needs to make *changes* to previous documentation on file with the OCR, please see the later *Changes to Billing Information* section.

Attorneys must submit a completed **W-9 Form** to the OCR prior to receiving payment. The name and Taxpayer Identification Number (TIN) (social security number, EIN, etc.) on the W-9 Form must be identical to the name and TIN the OCR Attorney uses to report income to the IRS and State of Colorado. See also *Taxpayer Identification Number* in the next section. Attorneys will receive a **Form 1099** each year if the OCR made payments to the Attorney during the preceding calendar year.

The OCR pays all Attorneys through Electronic Funds Transfer (EFT) direct deposit payments. Thus, Attorneys must complete and return both a (1) **Direct Deposit (EFT) Form** and (2) a voided check to the OCR before s/he can receive payments from the OCR. *Please note that an Attorney's failure to provide the OCR with either the Direct Deposit (EFT) Form or voided check will result in the State of Colorado withholding payments to the Attorney and may result in nonpayment.*

## IV. Billing Information and Requirements by Case Type

### General Billing Information

*“Attorneys shall maintain records of all work performed relating to court appointments and shall make all such records available to the OCR and/or to the court for inspection, audit and evaluation in such form and manner as the OCR or court may require, subject to the attorney work product doctrine and any other applicable privileges.”*

#### **CJD 04-06 IV.B.3**

The OCR pays Attorneys an hourly rate for the actual time expended by the Attorney on an activity that is reasonably necessary to provide competent and diligent best interests legal representation and legal services within the scope of the Attorney's appointment. Attorneys shall not charge an unreasonable fee. *See*, Colorado Rule of Professional Conduct 1.5. In addition, Attorneys cannot bill the OCR for activity durations that are under 6 minutes (0.1 hours); Attorneys can, however, aggregate activities of the same type to equal a minimum of 6 minutes on the same case. (E.g., it is improper to bill for an email that requires less than 6 minutes of time to read/respond or compose, however, it is proper to bill after reviewing 6 minutes' worth of emails on the same case.) Attorneys shall ensure billable activities are done in a cost-effective and efficient manner.

### Office

Attorneys can only invoice from one office at any one time in CARES. The OCR will not pay Attorneys through more than one office at the same time. The OCR will only grant exceptions to this requirement in extraordinary circumstances as approved by the Executive Director. Note, this does *not* apply to support staff who are not paid directly by the OCR and may work for multiple offices. Each office in CARES is defined by its taxpayer identification number (next section).

### Taxpayer Identification Number (TIN)

**If an Attorney's office's taxpayer identification number (TIN) changes, the OCR is required to give the Attorney a new account in CARES—this means the Attorney will need to end all current appointments under the CARES account with the defunct TIN and re-create those appointments using a new account.** This is because CARES is a billing system for payments through the State of Colorado, and state accounting

rules require that there be no overlap in payments to different tax entities.<sup>5</sup> The OCR will only grant exceptions in extraordinary circumstances as approved by the Executive Director.

Below are three office change scenarios with descriptions of their practical consequences related to the OCR and CARES.

- a. An Attorney makes a cosmetic change to his/her office name, but the office's TIN *does not* change: The Attorney's CARES login *will not* change, and s/he will *not* have to re-enter cases under a new CARES account. However, the Attorney must notify the OCR via the [Change Request Form](#) so that the business name in the OCR's records (including the state accounting system) matches the IRS's records.
- b. An Attorney is a solo practitioner and his/her office's TIN changes (e.g. if s/he incorporates): The Attorney must notify the OCR via the [Change Request Form](#) so that the business name in the state accounting system matches the IRS's records. The Attorney will also receive a new CARES login, meaning s/he will have to end the open cases under the old login and then reestablish (re-enter) all open cases under the new login. The Attorney will retain access to both CARES accounts indefinitely and can reference case history by logging into the old account. The *Change Request Form* will require the Attorney to provide a new W-9 form and other documentation for the OCR to update the information in the state accounting system.
- c. An Attorney leaves a firm at which other OCR attorney contractor(s) remain: The Attorney's TIN and CARES account will both need to change, meaning the Attorney will have to end open cases under the old login and then reestablish (re-enter) all open cases under the new login and office. The Attorney will *not* retain access to the CARES account affiliated with the former office. The Attorney must submit a [Change Request Form](#) to provide a new W-9 form and other documentation for the OCR to update the information in the state accounting system.

## Changes to Billing Information

If an Attorney needs to change the business name, legal name, TIN (see above), bank information, or any other information that impacts billing, s/he must: (1) complete a [Change Request Form](#) on the OCR's website, (2) Complete a new Direct Deposit (EFT) form if applicable and (3) provide a voided check if applicable (the change form includes the paperwork for steps 2 and 3). The Attorney will receive a confirmation email upon successful completion. The OCR will complete the change within two weeks of the effective date requested on the form. **Changes do not take effect upon submitting the change request.** Questions about this process can be directed to the [OCR Administrative and Accounting Specialist](#).

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<sup>5</sup> The OCR may not provide tax advice; consultation with a tax preparer and the following websites may provide helpful information about the potential tax consequences of a change in a tax ID:  
<https://www.irs.gov/individuals/international-taxpayers/taxpayer-identification-numbers-tin> and  
<https://www.irs.gov/businesses/small-businesses-self-employed/do-you-need-a-new-ein>.

## Record-Keeping

As detailed in the OCR contract, an Attorney must substantiate his/her billing, explain what occurred on a certain day in a certain case, and/or reconstruct his/her entire day upon request by the OCR. Such substantiation must be by records or documents including, but not limited to, calendars, activity-specific notes in CARES, case logs, time sheets, and/or time records; mileage logs; notes; phone messages; letters; and email. An Attorney's failure to provide such records or documents upon request by the OCR will result in the nonpayment of the Attorney's billing and expense reimbursement(s), as the OCR in its discretion may decide.

## Staff

Attorneys may utilize staff (e.g. paralegals, case consultants (CCs)) to assist them under an OCR contract with out-of-court tasks that are not personally assigned to the GALs under CJD 04-06 as long as such use promotes efficiencies and enhances rather than hinders the attorney's personal knowledge of the case and continuity of representation for children/youth. Such staff do not need specific OCR approval or a contract with the OCR to bill for their time though they must meet the CC criteria established by the OCR to qualify for the CC hourly rate. Staff enters his/her billable time in OCR CARES using a unique user name issued by the OCR under the OCR Attorney's office. The Attorney can request to add support staff to OCR CARES using the form at <https://fs30.formsite.com/COCR/AddStaff/index.html>. The Attorney's invoice will automatically include the time expended by staff on such activity at the standard rate for such staff (e.g., associate, paralegal, CC, etc.—see also *Billing Rates and Payment Periods*).

Attorneys and staff must avoid duplicative work, however it may be necessary in some cases for the Attorney and staff to perform the same case-related activity. The OCR will only pay the Attorney and staff to perform the same case-related activity for:

- a. Consultation time necessary to ensure effective case investigation and advocacy.
- b. A joint introductory meeting with the child/youth in the initial placement and any subsequent placement so the Attorney can introduce staff as the Attorney's agent and team member. *Internal staff reassignment decisions within the control of the Attorney do not qualify for an additional introductory meeting.*

Staff cannot bill for time spent in court. However, if staff has been subpoenaed as a witness for specific testimony in a contested hearing, the Attorney must get preapproval for payment of the time spent testifying and for time reasonably necessary to prepare. Such approval should be requested via email to the OCR [staff attorney liaison](#). **Staff/CCs may not act as an advisory witness on a case.**

## Associates

The OCR believes the use of associates on OCR appointments is a means of providing mentoring and training to newer attorneys and attorneys new to OCR case types. The effective use of associates on OCR appointments may additionally enhance the quality of representation provided on individual cases. The policy outlined below is intended to support the use of associates in a manner that achieves efficiencies, complies with the requirements of CJD 04-06, and promotes continuity in representation for children. Associates can be either case-carrying or non-case carrying as set forth below.

*Case-Carrying Associates:* Every case-carrying attorney must have a contract with the OCR. Associates within law firms who wish to be case-carrying must individually apply for a contract with the OCR. Note: The decision regarding which associates in a law firm are eligible to be case-carrying and the decision of how many pick up slots the attorneys in a law firm have are two distinct decisions. For example, there may be situations in which an attorney and his/her associate may both be eligible case-carrying attorneys but a firm may only have one pick up slot.

*Non Case-Carrying Associates:* Each associate will be assigned an individual OCR CARES user ID and must log their work separately and in accordance with the OCR's billing policies and procedures. In order for an associate to bill at the attorney rate, the attorney must complete the [Certification of Proposed Non-Case-Carrying Associate Form](#) to certify that the associate meets the minimum qualifications:

- Licensed and in good standing with attorney regulation.
- Read and understands the requirements of CJD 04-06, the supervising attorney's contract requirements and OCR billing policies and procedures.
- Completed the OCR online Core Competencies Training I and any additional training deemed necessary by the OCR.
- Obtained approval from the OCR after:
  - A brief interview with an OCR staff attorney
  - Correspondence between the OCR and proposed supervising attorney to confirm attorney plan for the associate and compliance with the CJD.

In addition, associates qualified to bill at the attorney rate must complete annual training of at least 10 hours of OCR sponsored or approved training beginning July 1, 2021. Any exception to this requirement must be approved by the Executive Director. Any qualified attorney may provide court coverage in accordance with CJD 04-06.

All other associates must bill at the paralegal rate and do not require approval by the OCR. Attorneys that are not qualified may not provide court coverage on OCR billed cases.

*Important note: The associates policy changed effective 3/1/2021. All attorneys currently approved as non-case carrying associates will automatically be approved for the attorney rate. Attorneys adding Associates after DATE must comply with the policy outlined above.*

For non-billing questions regarding the use of associates please see the [associates policy](#) on the OCR website.

### *Case Consultant (CC) Billing*

When authorized under CJD 04-06, the Attorney may use a CC to perform activities that are reasonably necessary to provide competent and diligent representation within the scope of the Attorney's appointment and require social work expertise but can be done more effectively or efficiently by staff rather than by an Attorney. Attorneys must have CC's qualifications approved by the OCR and use CCs in

an efficient manner that is consistent with Chief Justice Directive 04-06 (CJD) and the Attorney's contract with the OCR.

To qualify your staff as a CC the attorney must complete the online [Certification of Proposed CC Form](#) ("Form"). Once received, the OCR reviews the Form and either approves or denies the CC rate. To qualify to bill at the CC rate, a CC must have either:

- a license in a relevant field,
- a Master's in a relevant field,
- or a Bachelor's in a relevant field plus at least two years of relevant experience.

Staff that are not qualified at the CC rate may bill at the paralegal rate in CARES. For non-billing related questions regarding the use of CCs please see the [CC Policy](#) on the OCR website.

### Prioritization of Billing Activities

Billing for substantive work takes priority when the Attorney or staff is multitasking. By way of example, but not limited to:

- a. An Attorney making telephone calls for 48 minutes while driving (if safe to do so) for an hour should bill 48 minutes (0.8) as "Communication with..." and the remaining 12 minutes (0.2) as "Travel Time" on the case to which s/he was traveling.
- b. An Attorney reviewing a court report for 18 minutes while waiting 24 minutes for the case to be called should bill 0.3 as a "Review Hearing-Related Document" activity and the remaining 0.1 as "Wait Time" on a "Court" activity.

In addition to Colorado statutes, as an Attorney licensed to practice law in Colorado, professional and ethical obligations dictate for what activity and expenses Attorney may seek payment/reimbursement from the OCR. Attorney cannot engage in duplicative or multiple/value billing or seek expense reimbursement in excess of those actually incurred (see *People v. Shields*, 905 P.2d 608 (Co. 1995); *People v. Walker*, 832 P.2d 935 (Co. 1992)). This includes ensuring that duplicate activities are not billed in multiple cases for the same youth. The Attorney may choose to bill all of their time in one case or divide it between cases so long as the total does not exceed the time spent. Attorneys should make efforts to bill CJD required activities in the applicable case.

### 12 Hour Daily Limit

The Attorney and/or staff must obtain approval to be paid for days in which activities total 12 hours or more. Approval can be requested via email to the OCR [staff attorney liaison](#) and should be requested as soon as possible after becoming aware of the need for a 12-hour (or more) day.

### Reasonable Expenses

The OCR will reimburse Attorneys' reasonable out-of-pocket expenses as incurred by providing legal services as a GAL, Counsel for Child in Dependency and Neglect, or CLR, as follows:

- a. Copy charges (at the rate shown in *Billing Rates and Payment Periods* above);

- b. Mileage at the rate defined on pg. 5 (the actual number of miles must be specified for each trip in CARES). (See Ordinary Travel Time and Mileage Section for additional information);
- c. Actual cost of meals for each child(ren)/youth whose best interests the OCR Attorney represents up to \$10.00 per meal/visit.
- d. Postage at cost (regular 1st class mail charges).

Any other expenses require preapproval from the assigned Staff Attorney for each Attorney’s district. The OCR does *not* pay for:

- a. Administrative activities (e.g., setting up paper files, typing, time spent copying items, review or organization of Attorney files, time spent mailing letters/pleadings; time spent billing);
  - a. **Exception: OCR will pay up to 0.1 hours to open and 0.1 to close an appointment in CARES. Use Activity Group "Data Management."**
- b. Toll charges;
- c. Items purchased for child(ren)/youth, (e.g., books, school supplies, extra-curricular activity fees/equipment, clothing, and other items);
- d. Any other cost or expense not authorized in this document.

## Child Contact

To ensure accurate reporting it is vital that attorneys correctly bill for their child contact or when a child attends court. Billing for activities in the “Contact with Child” activity group are counted in OCR reports as child contact.

It is also important to accurately fill out the Child Parties in Attendance box for each Court appearance and ensure that every child/youth who appears is selected. Please note that when an attorney speaks with a child/youth at court they should bill it under the child contact activity “Visit: at Court” and not the embedded “Confer with Involved Persons” section in the hearing activity. In Camera Interviews should be billed in the “Hearing-Related Activity” group under the activity type “Court”. In Camera Interview is one of the check boxes you can then select. If a child/youth will be doing the In Camera Interview without the attorney present it should be entered and then marked as non-billable.

## Case Types and Requirements

The OCR is authorized by law to pay for GALs in dependency and neglect cases and appeals, juvenile delinquency and direct file, adoption, relinquishment, paternity, child support, domestic relations, probate, truancy, mental health, for a minor victim/witness, for a minor aged 16 or 17 seeking a marriage license and any other GAL or CLR appointments where authorized by statute or inherent authority of the court. In addition, the OCR is authorized to pay for counsel for children in dependency and neglect cases. The OCR is only responsible for payment in domestic relations, paternity, probate or relinquishment cases if there is a finding of indigence. Each case type has a standard “Appointment Billing Allocation” established by the OCR as follows:

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
Title 19 <b>Dependency &amp; Neglect</b>	\$5,000	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 <b>Juvenile Delinquency &amp; Direct File</b>	\$2,000	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required. Appointment ends upon sentencing of the youth unless continued by the Court for a child in out of home placement or when the youth turns 18, unless the court finds the youth has developmental delays.
Title 22 <b>Education (Truancy)</b>	\$1,250	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 <b>Paternity and Support</b>	\$1,250	YES	The OCR will pay for GAL services in paternity and support cases only if a court finds one or more of the parties ordered to be responsible for the costs are indigent. <i>See Indigency Finding Requirements</i>
Title 14 <b>Domestic Relations (CLR)</b>	\$1,250	YES	<u>For pre-decree/married parties:</u> Both parties must be indigent based on a consideration of their combined income and assets.  <u>For post-decree/unmarried parties:</u> OCR will pay the indigent party's portion of the Attorney's invoice. I.e. if both parties are indigent, OCR will pay 100% of the Attorney invoice. If one party is indigent, the OCR will pay the indigent party's portion of the invoice. <i>See Indigency Finding Requirements below.</i>
Title 15 <b>Probate</b>	\$1,250	YES	The OCR will pay for GAL services in probate, guardianship and conservatorship cases only when the parties ordered to be responsible for the costs are indigent or the minor's estate is deemed indigent. <i>See Indigency Finding Requirements</i>
Title 27 <b>Mental Health</b>	\$750	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 <b>Adoption and Relinquishment</b>	\$750	YES	The OCR will pay for GAL services in adoption and relinquishment cases only if a court finds one or more of the parties ordered to be responsible for the costs are indigent. <i>See Indigency Finding Requirements</i>

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
Victim/Witness	\$2,000	NO	Attorney must scan and email the Order of Appointment to the billing manager within 7 days of appointment.
Title 14 GAL for an underaged party seeking a marriage license.	\$750	NO	Attorney must set up his/her appointment to the case in CARES before billing for work performed. No other authorization is required.
GAL for a minor parent	\$5,000	NO	Attorney must create or add their appointment to a D&N case and choose the capacity of "GAL for minor parent". No other authorization is required.
D&N Appeals	\$3,000	NO	See Appeals Section below

CARES will automatically assign an Appointment Billing Allocation to each case either as shown above or, in the case of case types requiring a finding of indigence or an order, in the amount of zero dollars until the OCR receives documentation of indigence (detailed with the applicable case types above). It is the Attorney's responsibility to ensure any additional funding request required in his/her billing allocation is sought in accordance with the procedures in the Additional Funding Request below.

### Indigency Finding Requirements

Attorneys must send the OCR the finding of indigence by the court and the order of appointment via email to the billing manager at [billing@coloradochildrep.org](mailto:billing@coloradochildrep.org) within 7 days. The billing allocation will remain at \$0 until the proper paperwork is received. **THE OCR CAN NOT PAY FOR WORK PERFORMED PRIOR TO THE FINDING OF INDIGENCE.** CJD 04-06 prohibits payments that are *nunc pro tunc*.

### Additional Funding Requests

Attorneys must monitor their Appointment Billing Allocation for each appointment to determine if an additional funding request is necessary. Requests for funding in excess of the Appointment Billing Allocation must be submitted via OCR CARES: My Cases > Select a case > Financial Profile tab > click "Request Additional Funding" and complete the form. CARES alerts Attorneys on the user's Home screen and on the case itself when a case is nearing or has exceeded the maximum allocation limits. An attorney can change the threshold that triggers the notice on the user's Home Screen, see the [CARES Help Center](#) for information. It is important to request additional funds PRIOR TO the allocation being depleted to avoid issues with invoices as set forth in more detail below. Attorneys can also filter the "My Cases" list for "Nearing Maximum Billing Allocation." **The Attorney must support his/her additional funding request with an explanation regarding why the allocation has been spent and what legal investigation and advocacy s/he anticipates is reasonably necessary over the next 6 months to provide competent and effective best interests legal services in a cost-effective manner. The representation must be within the scope of the Attorney's appointment.**

Attorneys must receive approval of the additional funding request in CARES *before* creating and submitting an invoice containing appointments exceeding the allocation thresholds; **if a request is not approved by the time the Attorney creates and submits his/her invoice, the invoice will not include payment for activities that have exceeded the allocation.** Attorneys may not submit a second invoice for the month without approval of the OCR executive director.

Attorneys should keep in mind that it may take up to 14 days for an initial request to be reviewed and plan accordingly. **Attorneys are responsible for monitoring their additional funding queue in CARES and responding to any questions in a timely manner.**

The OCR will approve additional funding request requests by changing the Appointment Billing Allocation in CARES, and the Home screen of CARES will notify the Attorney of approvals or rejections. The OCR Attorney may also view all requests/approvals in CARES via the left-side menu's Additional Funds screen. Further instructions on this feature are detailed in the [OCR CARES Help Center](#).

### Dependency and Neglect Appeals

The Attorney is responsible for ensuring the child(ren)'s interests are represented on appeal by either participating in the appeal directly or by choosing an OCR-approved appellate Attorney to do the appeal (approved Attorneys can be found on the OCR website at <http://www.coloradochildrep.org/attorney-center/>; scroll down to "Litigation Support List"). If the Attorney chooses to use separate appellate counsel, it is the Attorney's responsibility to ensure appellate counsel enters their appearance on the appeals case in a timely manner. If the Attorney is choosing from the approved list, pre-approval by OCR is not required.

Before the appeals case has a case number, the litigation support Attorneys should appoint themselves as litigation support and bill on the underlying case in CARES using the Activity Type "Appellate work, pending case number" in the "Legal Advocacy and Independent Investigation" activity group. However, as soon as the appeals case has its own Court of Appeals case number, it should be opened as a new appointment in CARES under the appellate case number and all work related to the appeal should be billed in the Attorney's GAL appointment to that case. Attorneys should bill for preparation of Writs of Certiorari to the Supreme Court, prior to assignment of a SC case number, in the underlying CA case until a case number is assigned. As soon as the case has its own Supreme Court case number, it should be opened as a new appointment in CARES under the SC case number and begin to bill under that case number. The billing allocation for appeals cases is \$3,000. It is the appellate Attorney's responsibility to ensure any additional funding request required in the billing allocation is sought in accordance with the procedures in the *Additional Funding Requests* section above.

If an attorney chooses an appellate litigation support attorney to participate in an appeal of an APR order entered as part of the D&N case and the trial and appeal attorney agree it is in the best interests of the child, the trial attorney may appoint themselves as litigation support on the appeals case once the D&N case has closed to maintain communication with the child(ren)/youth about the appeal. Note: As the D&N

case has closed, the ongoing investigation and contact requirements set forth in CJD 04-06 are not applicable for this litigation support appointment.

## Other Appeals

The Attorney must obtain OCR's preapproval to do appellate work for case types other than dependency and neglect. Preapproval can be sought by sending the OCR [staff attorney liaison](#) an email detailing why such work is necessary in the best interest of the child(ren).

## V. Travel Time and Mileage

The OCR may reimburse for actual and necessary Attorney travel based upon the case type and need for travel. **All travel must be done in a manner that optimizes the efficiency of the travel.** Travel time and mileage is billed through OCR CARES.

### Ordinary Travel Time and Mileage

Attorney travel to/from court, home visits, staffings, and meetings is billed at the standard Attorney hourly rate through the OCR CARES activity screen for each activity type and is for actual time spent traveling in one's vehicle. Time billed for travel must be related to the case activity, **must be completed in the most cost-effective manner and cannot include any personal time.**

The Attorney must use the closest actual point of origin in billing for travel time from his/her home or office to court, home visits, staffings, and meetings. The OCR does not pay for travel between Attorney or staff's home and office. By way of example, but not limited to:

- a. *An attorney living in Douglas County with an office in Denver who begins his/her day with a meeting in Pueblo must use his/her home address as the starting point of travel, not his/her office address.*
- b. *An attorney living in Douglas County with an office in Denver cannot include the commute time between home and office as billable time to a meeting in Adams County. They should bill from the office as the closest point of origin.*

Staff/CC travel to/from home visits, staffings and meetings is billed at the applicable hourly rate and should be entered by the unique staff user ID in CARES. Staff/CCs must also bill from the closest actual point of origin as set forth above using the Attorney's Office or their own home/office. Staff/CCs cannot bill for travel or mileage to/from court unless preapproved by the OCR [staff attorney liaison](#) (see Support Staff/Case Consultant section).

The OCR, subject to sufficient appropriation in its state budget, may reimburse Attorneys/Staff for mileage associated with billable travel time as established above. OCR will reimburse mileage at the rate defined on page 5 of this document.

## Extraordinary and Out of State Travel Requests

The OCR **staff attorney liaison** must **pre-approve costs associated with all extraordinary or out of state travel** (e.g., airline travel, lodging, meals, travel-related parking) in order for the Attorney to receive reimbursement. The OCR follows the [GSA guidelines](#) for meals and lodging expenses. Expenses that deviate from these guidelines require approval from the OCR staff attorney and documentation to support approval outside of GSA guidelines.

- a. Travel time and mileage *within Colorado* or outside of Colorado if within 100 miles of the judicial district boundary does NOT require OCR pre-approval. However, the Attorney must maximize the cost-effectiveness of the travel. For example, an Attorney traveling to the Denver area from a rural district to visit with a child should schedule multiple meetings and visits if at all possible.
- b. **Travel out-of-state (other than travel that is within 100 miles of the judicial district boundary) requires pre-approval** from the OCR and such requests will be reviewed consistent with CJD 04-06 (V)(G). Pre-placement travel will be approved in only extraordinary circumstances after the district liaison attorney has consulted with the Executive Director.
- c. Courts do not have jurisdiction to order out-of-state travel or cost reimbursement from the OCR.
- d. Authorization for travel/meals/hotels must be sought by submitting to the OCR the online [Travel Expense Request form](#) found on the OCR website in the Attorney Center under the Billing tab.
- e. Reimbursement must be sought within 30 days of completing travel by submitting the [OCR Attorney Travel & Expense Reimbursement Form](#) found on the OCR website Attorney Center under the Billing > Common Billing Forms.
  - The OCR requires receipts to be included with the reimbursement form.
  - Submit the reimbursement form to [billing@coloradochildrep.org](mailto:billing@coloradochildrep.org).

For airline travel, the OCR will pay for travel time and mileage to/from the airport. However, the OCR does not pay for attorney time waiting at the airport or when traveling on the plane. Attorneys are encouraged to plan ahead and bring other billable work to do during those times.

Attorneys must receive OCR preapproval before traveling per the guidelines listed above. The Attorney's failure to seek and obtain required OCR preapproval will result in the OCR refusing to reimburse the Attorney for travel time and associated expenses. The OCR will only grant exceptions to these policies and procedures in *extraordinary* circumstances as approved by the Executive Director.

## VI. Special Requests and Litigation Support

The OCR's appropriation includes funds to provide Attorneys with necessary and appropriate litigation support such as expert witnesses, interpreters, investigators, transcript fees, and discovery costs. Special requests and litigation support may require preapproval as detailed below and failure to obtain the required preapproval will result in non-payment of such requests. The OCR pays litigation support providers directly as detailed below. The OCR will only grant exceptions to these procedures in *extraordinary* circumstances as approved by the Executive Director.

## Expert Witnesses

The OCR staff attorney liaison must pre-approve any payment for expert witnesses. Attorney must obtain pre-approval from the OCR staff Attorney Liaison before engaging the expert by sending an email detailing the request and why it is necessary. Once the expert is approved, the Attorney must send the expert the *Billing Form and Guidelines for Experts* available on the OCR website at <http://www.coloradochildrep.org/attorney-center/billing/> under "Billing Forms."

- a. The OCR follows the guidance of CJD 12-03 and makes all final decisions regarding the payment of expert witnesses as follows:
  - i. The state maximum hourly fee payable to an expert is \$100 for reasonable preparation time and in-court testimony
  - ii. Fees for travel time and/or time spent waiting to testify as a result of a delay in the scheduled appearance may be paid at half the hourly rate, not to exceed six (6) hours.
  - iii. The maximum total fee is \$1,000 if the expert does not testify and \$1,500 if the expert does testify.
  - iv. Expenses incurred by the expert must be pre-approved by the OCR staff attorney liaison. In the absence of extraordinary circumstances, expert witnesses shall not be compensated or reimbursed for food or lodging. (CJD 12-03 F.)
  - v. An Attorney may request approval of amounts in excess of the hourly fee by providing justification that they are unable to obtain the services of an expert witness at a rate of \$100 per hour, an explanation of why the fee is reasonable and necessary and disclosure of the total anticipated fee. An attorney may request approval of amounts in excess of the maximum fee by explaining the extenuating circumstances warranting the amount; the request shall include the total anticipated fee amount. These requests must be made prior to engagement of the professional by emailing the OCR [staff attorney liaison](#).
- b. The courts do not have jurisdiction to order the OCR to pay expert fees and court approval is not necessary in approving expert fees.
- c. The OCR pays the expert directly. The expert must use the "Request for Payment for Serving as Expert Witness and/or Conducting Mental Health Evaluation" form to request payment. The form is Attachment A to CJD 12-03 and may be found at [tinyurl.com/y8gv9efm](http://tinyurl.com/y8gv9efm). An **Attorney must not pay the expert directly.**
- d. The expert must submit his/her request for payment to the OCR within 30 days of the date of service. Requests for payment may be submitted by email to: [billing@coloradochildrep.org](mailto:billing@coloradochildrep.org). The expert's failure to timely submit requests for payment will result in non-payment unless the Executive Director determines that extraordinary circumstances justify an exception to the 30-day rule.

**The OCR does not pay for services, treatment or evaluations that are the responsibility of the county department of human services or other parties.**

## Lay Witnesses

The OCR will pay pre-approved costs in accordance with applicable statutes. Attorney must obtain preapproval from the OCR [staff attorney liaison](#) via email and include an explanation of why such request is necessary.

## Interpreters

The OCR will pay for language interpreters, as necessary, with pre-approval for home visits and as necessary for the Attorney's independent investigation. Attorney must get preapproval via email, from the OCR [staff attorney liaison](#) before engaging the interpreter and must include an explanation of why such request is necessary. The OCR will only pay for actual time spent and will not pay minimum fees. The OCR will also pay for language interpreters, as necessary, for OCR CCs who must obtain approval from the OCR's CC Coordinator.

- a. The OCR follows guidance in [CJD 06-03](#) to govern the payment of interpreters which refers to the [OLA Financial Policy](#) to set rates. Interpreters are currently paid as follows:
  - i. Spanish Language Certified Interpreters: \$45/hour
  - ii. Spanish Language Qualified Interpreters \$35/hour.
  - iii. Interpreters working in languages other than Spanish:
    - \$50/hour for Certified interpreters
    - \$45/hour for Qualified non-certified interpreters who have attended the Colorado Court Interpreter Orientation and who have passed the Court Interpreter Written Examination and/or have demonstrated sufficient legal interpreting experience as verified by the Court Interpreter Program.
    - \$35/hour for registered non-certified interpreters who have limited legal experience, limited interpreter and/or language training and testing experience.
  - iv. The OCR reimburses interpreters for mileage and travel time. Requests for additional expenses require *extraordinary* circumstances and approval by the Executive Director.
- b. The OCR pays the interpreter directly. The interpreter must submit an invoice to the OCR in order to request payment within 30 days of the date of service. Invoices should be sent via email to [billing@coloradochildrep.org](mailto:billing@coloradochildrep.org). Invoices submitted later than 30 days after the date of service will only be approved in extraordinary circumstances by the Executive Director.
- c. Interpreters for court proceedings are the responsibility of the State Court Administrator's Office, not the OCR.
- d. Interpreters for departments of human or social services meetings and visits are the responsibility of the department.

## Investigators and Process Servers

The OCR may approve investigator or process server fees when such support is necessary for an attorney's independent legal investigation and advocacy. The Attorney must get preapproval via email, from the OCR [staff attorney liaison](#) before engaging an investigator/process server and must include an explanation of why such request is necessary.

- a. The maximum hourly fee for investigators is \$44/hour and the maximum total fee for an investigator is \$1,000. Reasonable flat rate fees may be approved by the staff attorney liaison when necessary.
- b. The OCR pays the investigator or process server directly. The investigator/process server must submit an invoice to the OCR within 30 days of the date of service in order to obtain payment. Exceptions may only be made in *extraordinary* circumstances as approved by the Executive Director. An attorney may pay a process server directly and request reimbursement within 30 days of payment using the [OCR Pre-Approved Reimbursement Form](#).
- c. The OCR reimburses investigators and process servers for mileage and travel time. Requests for additional expenses require *extraordinary* circumstances and approval by the Executive Director.

## Transcript Fees

The OCR may pay transcript fees as appropriate and necessary for litigation.

- a. CJD 05-03 and CJD 06-01 (which modifies 05-03) governs the ordering and payment of transcripts. Attorney must be familiar with CJD 05-03, including:
  - i. CJD Appendix A establishes that an OCR Attorney receives a copy of a transcript at no cost.
  - ii. Non-court reporter Colorado Judicial Branch employees are not paid the per-page rate as it is included in the individual's normal work assignment and compensation.
- b. The OCR pays Attorneys for transcript fees through billing in CARES.
- c. If the OCR pays the transcriber/court reporter directly the transcriber/court reporter must submit an invoice to OCR within 30 days of the date of service in order to obtain payment. Exceptions may only be made in *extraordinary* circumstances as approved by the Executive Director.
- d. The OCR will not approve transcript fees to augment the Attorney's note taking or in lieu of the OCR Attorney attending a court proceeding.

## Discovery

The OCR will pay for discovery necessary to the attorney's independent investigation or litigation at actual cost via CARES. The OCR will pay for criminal background checks that are necessary to a case with preapproval from the OCR staff attorney liaison.

## Docketing & Clerk of Court Fees

All docketing and clerk of court fees including certifying a copy of the record shall be waived for OCR contract Attorneys. The Attorney must identify themselves as an OCR contract Attorney at the time of the request for the fees to be waived. Attorneys should use the Colorado Court's e-filing system as appropriate. OCR attorneys should check the box identifying the attorney as court appointed in order to avoid any e-filing fees.

## Litigation Support

The OCR maintains a [litigation support list](#) to enhance effectiveness and achieve efficiencies in representation. The OCR's litigation support lists identify Attorneys qualified to assist in specialized

matters directly within the scope of the GAL's appointment, such as education, appeals and case strategy concerning potential appellate issues, and obtaining appropriate juvenile court orders to support permanency through Special Immigrant Juvenile Status. The support provided from these lists shall not duplicate representation provided by appointed Attorneys, serve as a substitute for the appointed Attorney's training or qualification requirements, or exceed the scope of the Attorney's appointment<sup>6</sup>.

With the exception of appellate representation in which a litigation support Attorney may seek to substitute as GAL consistent with C.A.R. 3.4, OCR litigation support Attorneys do not substitute as counsel for the trial level Attorney but instead provide consultation and other supports designed to enhance the Attorney's knowledge and effectiveness. OCR Attorneys do not need the OCR's preapproval in order to seek support from Attorneys on OCR's litigation support lists. The litigation support Attorney must bill in CARES (after appointing themselves to the case as Litigation Support) under their own user name and password unless preapproved to submit a [Non-CARES case billing form](#).

## Mentoring

When an Attorney has been assigned as a mentor for a new contract attorney, he/she may add themselves as litigation support (mentor capacity in CARES) to their mentee's cases on which they are consulting and bill OCR directly for that time in accordance with their *Agreement for Mentoring and Litigation Support Services by Independent Contractor*.

## Attorney Coverage

In the event an Attorney needs extensive paid coverage for cases (for example, if they are on an extended vacation, maternity/paternity leave, etc.) the OCR staff attorney liaison may approve another contract Attorney to appoint themselves to each case as litigation support and bill the OCR directly in CARES for their coverage activities. Such requests should be made via email to the applicable [staff attorney liaison](#). Please note, the OCR does not need to approve routine coverage.

## Conferences and Training

Under special circumstances, the OCR may reimburse an Attorney to travel to, speak at and attend conferences or trainings. This requires pre-approval from the OCR Executive Director. In these cases, please contact the OCR Training Coordinator regarding reimbursement by email: [michellejensen@coloradochildrep.org](mailto:michellejensen@coloradochildrep.org).

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<sup>6</sup> In exceptional circumstances the Executive Director may preapprove another attorney to provide litigation support in the form of second chairing a trial or contested hearing.

## VII. OCR Staff Contacts

Each judicial district has one OCR Attorney assigned as a liaison. Please feel free to contact your district liaison with any questions, problems or comments about billing and related procedures. This list is always available and updated on OCR's website at <http://www.coloradochildrep.org/attorney-center/>.

Contact information for our attorneys and case coordinator is:

**Chris Henderson**

[ChrisHenderson@coloradochildrep.org](mailto:ChrisHenderson@coloradochildrep.org)

(303) 860-1517 ext. 105

**Sheri Danz**

[sheridanz@coloradochildrep.org](mailto:sheridanz@coloradochildrep.org)

(303) 860-1517 ext. 102

**Cara Nord**

[caranord@coloradochildrep.org](mailto:caranord@coloradochildrep.org)

(303) 860-1517 ext. 110

**Ashley Chase**

[ashleychase@coloradochildrep.org](mailto:ashleychase@coloradochildrep.org)

(303) 860-1517 ext. 106

**Alex Wolff**

[alexwolff@coloradochildrep.org](mailto:alexwolff@coloradochildrep.org)

(303) 860-1517 ext. 112

Additionally, the OCR Administrative and Accounting Specialist (a.k.a. "Billing Manager") who processes invoices and payments can be contacted with questions at:

**Brandy Lombardi**

[brandylombardi@coloradochildrep.org](mailto:brandylombardi@coloradochildrep.org) or

[billing@coloradochildrep.org](mailto:billing@coloradochildrep.org)

(303) 860-1517 ext. 100

## Addendum to OCR Billing Policies and Procedures Manual

Effective 12/27/2020 through 9/30/2021

OCR is authorizing payment to Attorneys for work related to ensuring eligible youth get relief they are entitled to pursuant to The Consolidated Appropriations Act (PL 116-260), Division X, the Supporting Foster Youth and Families through the Pandemic Act, passed by the federal government December 27, 2020. This act updates the definition of youth who are covered in the opening paragraph of the CJD 04-6 and in CJD 04-06(I)(B)(1) and (3). This includes, but is not limited to:

- Billing for contact with eligible youth to determine what supports are appropriate and available to the youth (initial contact with youth should be billed under child contact: Re-entry Contact);
- Billing to draft motions for re-entry or for specific services/supports for eligible youth;
- Continuing to bill for work in D&N cases past a youth's 21<sup>st</sup> birthday in accordance with the provisions of Division X; and
- Continuing to bill for work in JD cases past a youth's 18<sup>th</sup> birthday for purposes of re-entry into foster care or in accordance with other provisions of Division X.

### Continuing Representation

For youth who are approaching emancipation and have a current open appointment – the attorney may continue to keep that appointment open until the appointment ends or until September 30, 2021, whichever occurs first. **Once the youth decides to remain in care under Division X provisions, please enter your first contact with the youth as “Re-Entry Contact” so we can track data on the number of youth taking advantage of these provisions.**

### Eligible Youth Re-Entering

If a youth's previous case has been closed, the previous attorney may [re-open](#) the appointment in CARES and begin billing again. An attorney who was not previously appointed to the youth must [find the previous case in CARES](#) and create a new appointment. The OCR understands that when a youth has moved, the original GAL and youth may agree that a GAL in the youth's current jurisdiction may be able to be more effective in representing the youth's interests with regard to re-entry. An attorney who was not previously appointed to the youth must find the previous case in CARES and create a new appointment. **Please be sure to bill your first contact with the youth in this situation as “Re-Entry Contact” so we can track data on the number of youth re-entering the system.** An attorney may bill for activities related to contact with an eligible youth and drafting motions prior to the case being re-opened in court as these activities are essential to ensuring youth are able to access this required federal relief.

The initial CJD requirements related to visits do not apply to these cases. The attorney should go to the child party screen, initial visit section, and mark that the CJD is waived for this appointment with an explanation that this is a Division X re-entry appointment.

All other provisions of the OCR Billing Policies and Procedures continue to apply. Please reach out to your staff attorney liaison if you have any questions!