



Billing Policies and Procedures

Effective Date 7/1/2024 | This document is updated periodically, so please use this link for the current version: <https://coloradochildrep.org/attorneys/billing-and-reimbursement/>

Table of Contents

OCR Mission Statement.....	3
OCR Vision.....	3
OCR Values.....	3
I. CARES Billing System.....	4
II. Billing Rates and Payment Periods.....	5
Invoicing.....	5
Invoice Rules.....	6
Invoice Approval and Rejection.....	6
III. Eligibility Requirements.....	7
Required Documentation.....	7
Changes to Billing Information.....	8
Changes to Office.....	8
IV. Billing Information and Requirements by Case Type.....	9
General Billing Information.....	9
Record-Keeping.....	9
Staff/Managing CCs.....	9
Associates.....	11
Prioritization of Billing Activities.....	12
12 Hour Daily Limit.....	13
Substitution of Counsel.....	13
Reasonable Expenses.....	13
Child Contact.....	14
Case Types and Requirements.....	14
Indigency Finding Requirements.....	17
Foster Youth in Transition Program (FYTP).....	17
OCR-Assigned Cases (OA).....	17

	Additional Funding Requests	17
	Dependency and Neglect Appeals	18
	Other Appeals	19
V.	Travel and Mileage	19
	Ordinary Travel Time and Mileage	19
	Extraordinary and Out of State Travel Requests	20
	Before Travel.....	20
	After Travel	20
VI.	Special Requests and Litigation Support	21
	Access to Another Office's Appointment.....	21
	Expert Witnesses	21
	Lay Witnesses.....	23
	Interpreters.....	23
	Investigators and Process Servers	23
	Transcript Fees.....	24
	Discovery.....	24
	Docketing & Clerk of Court Fees.....	24
	Litigation Support	25
	Second Chair for Litigation.....	25
	Mentoring	25
	Attorney Coverage	25
	IV-E Collateral Representation.....	26
	Conferences and Training	26
VII.	OCR Staff Contacts	27

The Colorado Office of the Child’s Representative (OCR) contracts with experienced and specialized attorneys to provide children/youth either best interests legal representation as guardians *ad litem* (GALs) or child legal representatives (CLRs), or client-directed legal representation as counsel for youth (CFY). As used in this document, attorneys appointed as GAL, CLR, or CFY are referred to as “Attorneys.” An Attorney is an independent contractor subject to an at-will contract. **Every Attorney contracting with OCR must review this Billing Policies and Procedures document and is responsible for ensuring their staff does as well.** OCR-contracted Case Consultants (“Managing CCs”) must also comply with the procedures set forth in this document.

Attorney payments are funded exclusively by taxpayer dollars. As such, 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/their 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 interests of a child(ren).

If you need to contact the staff attorney liaison assigned to your judicial district (JD), you can find that contact information by district at <https://coloradochildrep.org/attorneys/attorneys-help-center/#appointment-lists>.

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 or Managing CC, and their staff, as applicable, must enter their time and expenses for each month into 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, CCs, and billing personnel to enter all case-related activity into the system electronically. All Attorneys/Managing CCs are required to enter work performed on OCR cases into the CARES system in order for the Attorney/Managing CC to be paid. Time and expenses may be entered at any time. OCR provides [the CARES Help Center](#) online to all contractors (click "Help" from the left-side menu in CARES). This document includes some links to articles in the CARES Help Center, but typing key words (e.g., "invoicing") into the Help Center's *Search* box is often the easiest way to find specific information.

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 "Add Staff" button in CARES User Settings > My Office (or <https://fs30.formsite.com/COCR/AddStaff/index.html>). Each staff member's email address must belong to them (never used by anyone else) and never have been associated with another account in CARES. All work entered under the Attorney's or a qualified associate Attorney's username will be billed at the Attorney rate. Each "Office" in CARES includes one or more users who share payment information and access to appointments.

Keeping information secure, including the data in CARES, is an important component of confidentiality. The Attorney, their staff, and Managing CCs must safeguard OCR CARES password(s) by not sharing the password with anyone. **OCR strongly recommends that each user change their password at least every three months or enable two-factor authentication ([learn how here](#)).** After turning on two-factor authentication, CARES occasionally texts the user's mobile phone with information to access CARES. This makes it far more difficult for CARES to be compromised because access to a CARES account depends on access to the authorized user's mobile phone.

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

Other data Attorneys must enter into OCR CARES:

- a. Placement data for child(ren)/youth within 72 hours of Attorney learning of the placement and placement changes in all D&N cases.
- b. All contacts with child(ren)/youth;
 - a. *Please note: when visiting with a child/youth in court, do **not** use the field within the Court activity called "confer with involved persons" which is not intended or counted as youth contact. Instead, create an activity type "Visit: At Court" to reflect contact with a child.*
- c. All case outcome data;
- d. All billable time.

OCR recommends the Attorney/Managing CC enter as much data into CARES as possible to ensure quality and accurate reporting.¹ Attorneys/Managing CCs must use CARES to pay for their time, ordinary travel, ordinary mileage, child meals (\$15 or less per youth), postage, discovery fees, transcript fees and copies. Under special circumstances, OCR [staff attorney liaison](#) may authorize Attorneys/Managing CCs 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/Managing CCs 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 liaison. All paper billing forms must be received prior to the year-end deadline each fiscal year.

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 OCR when their last appointment closes.

II. Billing Rates and Payment Periods

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

Billing rates are determined through the legislative process and are set as follows effective July 1, 2024:

Type	Amount
Attorney	\$105.00/hour
Case Consultant II*	\$66.00/hour
Case Consultant	\$55.00/hour
Paralegal	\$42.00/hour
Copies	\$0.10/copy
Mileage	\$0.60/mile (effective 1/1/24)

* See Staff/Managing CCs: Case Consultants *about licenses that qualify for the higher Case Consultant II rate.*

Invoicing

Please consult *Invoicing* in the [OCR CARES Help Center](#) for step-by-step directions about how the Managing Attorney or Managing CC ("Invoicers") can generate and submit an invoice and receive notifications about its status.³ Below are the rules and policies for invoicing. OCR will only grant exceptions to these rules in extraordinary circumstances as approved by the Executive Director.

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

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

³ "Managing Attorney" and "Managing Case Consultant" personas may invoice in CARES. Solo practitioners have one of these roles, enabling them to invoice. [Learn more here.](#)

Invoice Rules

- a. The Invoicer may only invoice from one Office at any one time in CARES. OCR will not pay contractors through more than one Office (and therefore payee) at the same time. (Note, this does *not* apply to support staff, including CCs, who are not paid directly by OCR and may have accounts in multiple Offices.)
- b. The Invoicer will generate a monthly invoice within the CARES billing system which **must be reviewed and submitted by the Invoicer for their office**. The Invoicer is solely responsible for the content of their billing invoices to OCR, including any time or expense entered by the Invoicer's staff, a billing service, or other person. The Invoicer is responsible for reviewing each invoice to ensure it is accurate and in compliance with these billing policies.
- c. The Invoicer 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 15th day of the month.⁴
 - o To submit an invoice after this deadline, the Invoicer must obtain approval from the Executive Director; invoices are processed in the order in which they are submitted. A late invoice must be submitted within 14 days of ED approval.
- d. The Invoicer cannot submit multiple invoices for the same month or for overlapping periods; once an Invoicer has submitted an invoice for dates of service taking place during a month, they are not allowed to submit another invoice for that same month.
 - o If an Invoicer submits multiple invoices for the same month, all invoices for that month will be rejected by OCR and the Invoicer must resubmit a single invoice for that month (unless the Executive Director has approved multiple invoices due to extraordinary circumstances).
- e. OCR processes invoices in the order they are received (referred to as "queue position"). If OCR rejects an invoice (including multiple invoices as described above), that invoice loses its queue position unless OCR notifies the Invoicer 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 Funds" alerts at the bottom of your invoice to avoid delay or nonpayment for activities exceeding your allocation.**
- f. All invoices are due on or before the year-end deadline for each fiscal year.

Invoice Approval and Rejection

If the Invoicer discovers an error or adjustment to their previously submitted (but not yet approved) invoice, they should contact billing@coloradochildrep.org to have the invoice rejected, enabling them to submit a revised invoice. The revised invoice must be submitted within 14 calendar days and will get a new queue position and be processed in the order in which it was submitted.

OCR applies two levels of approval: 1) Billing Manager and 2) Finance. Once an undisputed invoice is submitted, OCR has up to 45 days to make payment to the Invoicer; however, 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. As a final

⁴ If the 15th falls on a weekend or state holiday, the invoice deadline is midnight on the next business day.

review, OCR reconciles payments between CARES and the state system; invoices are marked "Paid" only *after* this reconciliation, though a direct deposit may have already occurred.

When an invoice is rejected, the Invoicer 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 activities that were included on the rejected invoice are returned to their un-invoiced state so the Invoicer and their staff can edit them to create a revised invoice.⁵ The Invoicer has 14 calendar days from the time the invoice was rejected to adjust activities as needed, generate a new invoice, and submit it to OCR for payment. To submit a revised invoice after this deadline, the Invoicer must obtain approval from the Executive Director.

III. Eligibility Requirements

OCR is appropriated to pay attorney services as authorized by [Chief Justice Directive \(CJD\) 04-06](#). OCR will not pay for work done that is not authorized by CJD 04-06. OCR does not fund legal services provided in related or ancillary cases without a valid court appointment or OCR assignment. OCR does not fund treatment or services. 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 approval 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 OCR becomes aware of work being performed by an attorney who is not authorized, OCR may, in its sole discretion, seek substitution of an OCR-approved Attorney to complete the appointment. For OCR contract attorneys, OCR only pays for activities that occur during the Attorney's appointment or assignment dates.

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. These situations do *not* require approval by OCR. Pre-approval is required for an Attorney to be appointed for a case type or county for which they are not on the appointment eligibility list *if* they do not have another open appointment regarding the specific child. Reminder, CFY may not be appointed as a GAL for the same youth in another case type.

Required Documentation

New Attorneys and Managing CCs receive any required forms described in this section directly from OCR via DocuSign; the forms determine their payee and "Office" in CARES. Offices must complete a **W-9 Form** for 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 Office uses to

⁵ As noted in the [CARES Help Center](#), activities that appear on a rejected invoice can no longer be deleted, but can be changed to "non-billable" to exclude them from a revised invoice.

report income to the IRS and State of Colorado. Offices will receive a **Form 1099** each year if OCR made payments to the Office during the preceding calendar year.

OCR pays all Offices through Electronic Funds Transfer (EFT) direct deposit payments. Thus, Offices must complete and return both a (1) **Direct Deposit (EFT) Form** and (2) a voided check to OCR before they can receive payments from OCR. Questions about this process can be directed to the [OCR Billing and Accounting Specialist](#).

Changes to Billing Information

To change the business name, W9/Taxpayer Identification Number (TIN), bank information, or any other information that impacts their Office's billing, the Attorney or Managing CC must complete a [Change Request Form](#) on OCR's website. If necessary to accomplish the change, this form will require a new W9 or Direct Deposit (EFT) form and a voided check. The Attorney/Managing CC will receive a confirmation email upon successful completion. OCR will complete the change within two weeks of the effective date requested on the form. **Changes do not take immediate effect upon submitting the change request.**

Changes to Office

Each CARES account is linked to one Office which shares communal payment information and access to appointments. Therefore, **if an Attorney or Managing CC joins or leaves a shared Office, OCR is required to give the Attorney/Managing CC a new account in CARES.** This means the Attorney/Managing CC will need to end any ongoing appointments in their former Office and enter those appointments in their new Office using a new CARES account. Below are three *examples* of such changes with descriptions of their practical consequences related to CARES.

- a. A solo practitioner's TIN changes: The Attorney's CARES login will *not* change, and they will *not* need to re-enter appointments under a new CARES account. However, the Attorney must notify OCR via the [Change Request Form](#) so that the TIN in OCR's records (including the state accounting system) matches the IRS's records.⁶
- b. An Attorney leaves a firm at which other OCR attorney(s) remain: The Attorney should no longer be paid through the former firm or share access to appointments in CARES, meaning the Attorney will receive a new CARES login and must end appointments under the old login and re-enter any ongoing appointments under a new login. The Attorney will *not* retain access to the CARES account in the former office. The Attorney must submit a [Change Request Form](#) indicating they are leaving an office and providing their own W-9, direct deposit, and other paperwork for OCR to set up their *new* office in CARES.
- c. An Attorney who has been a solo practitioner joins another OCR Attorney's office, sharing access to appointments and communal payee information: The Attorney must notify OCR they are joining a new office via the [Change Request Form](#). The Attorney will receive a new CARES login

⁶ 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>.

within the new office, meaning they will need to end the open appointments under their old login and then re-enter all ongoing appointments under the new login. The Attorney *will* retain access to their former solo CARES account indefinitely and can reference history by logging into the old account.

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

OCR pays an hourly rate for the actual time expended on an activity that is reasonably necessary to provide competent and diligent 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, Contractors cannot bill OCR for activity durations that are under 6 minutes (0.1 hours); they 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.) Contractors shall ensure billable activities are done in a cost-effective and efficient manner.

Record-Keeping

As detailed in the OCR contract, an Attorney or Managing CC must substantiate their billing, explain what occurred on a certain day in a certain case, and/or reconstruct their entire day upon request by OCR. Such substantiation must be through 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 or Managing CC’s failure to provide such records or documents upon request by OCR will result in the nonpayment of billing and expense reimbursement(s), as OCR in its discretion may decide.

Staff/Managing CCs

Attorneys may utilize staff to assist them under an OCR contract with out-of-court tasks that are not personally assigned to the Attorney 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. Staff may need specific OCR approval (as detailed below) but do not need a contract with OCR to bill for their time. Staff enters their billable time in OCR CARES using a unique user name issued by OCR under the Attorney’s office. The Attorney can request to add support staff to OCR CARES via the “Add Staff” button in CARES User Settings > My Office (or <https://fs30.formsite.com/COCR/AddStaff/index.html>). The Attorney’s invoice will automatically include

the activities done by staff in their Office at the standard rate for such staff (e.g., associate, paralegal, CC, etc.—see also *Billing Rates and Payment Periods*). The Attorney’s invoice will not include activities billed by another Office that has been granted access to the Attorney’s appointment(s) (such as litigation support or Managing CCs; see *Access to Another Office’s Appointments*).

Staff/Managing CCs cannot bill for time spent in court. However, if they have been subpoenaed as a witness for specific testimony in a contested hearing, the Attorney must get **pre-approval** 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/Managing CCs may not act as an advisory witness on a case.**

Attorneys, Managing CCs and staff must avoid duplicative work; however, OCR does allow an attorney and a CC member of their legal team to jointly perform and bill for select activities when done efficiently and as is necessary for effective representation, consistent with the interests of the child/youth. OCR refers to this as “joint billing” for authorized team activities. Authorized joint billing activity types are limited to:

- a. Consultation time necessary to ensure effective case investigation and advocacy.
- b. Visits with children and youth.
- c. Group Communication/Meeting.
- d. TDM/Family Engagement Meetings/Staffings.

Expansion of joint billing is a pilot project beginning 7/1/2023, so it is vital to collect accurate data related to the time and cost of these activities. Attorneys and CCs **must** follow these procedures to jointly bill for authorized team activities:

- a. The attorney should bill for the activity as usual using standard [CARES activity types](#).
- b. The CC **must** bill for the joint activities using only these three CC specific activity types ending in “CC use only” in CARES:

Under Activity Group: *Legal Advocacy and Independent Investigation*

- i. Group Communication/Meeting: CC and Attorney (**CC use only**)
- ii. TDM/Family Engagement/Staffing: CC and Attorney (**CC use only**)

Under Activity Group: *Contact with Child*

- iii. Visit: CC and Attorney (**CC use only**)

Attorneys must maintain documentation to support the necessity of the joint team activity and be able to produce such documentation upon request from OCR. As a reminder, [activity-specific notes in CARES](#) may serve as such documentation.

Managing CCs: In Fiscal Year 2020-21, OCR began a project contracting directly with case consultants (“Managing CCs” in CARES) to support GALs in their independent investigation. Attorneys’ use of these case consultants is consistent with CJD 04-06, which allows the use of qualified professionals working under the direction of an Attorney. Managing CCs request limited access to the Attorney’s appointment (see *Access to Another Office’s Appointments*) to enter activities, 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 program, and consistent with an Attorney’s request for support. Managing

CCs must comply with the Ordinary Travel Time and Mileage section using their own home/office and not that of the appointed attorney. Requests for pre-approval of expenses should be directed to OCR's Case Consultant Coordinator at alexwolff@coloradochildrep.org.

Staff CCs: When authorized under CJD 04-06, the Attorney may use a CC within their office 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 their CC's qualifications approved by OCR and use CCs in an efficient manner that is consistent with Chief Justice Directive 04-06 (CJD) and the Attorney's contract with OCR.

To qualify staff as a CC, the Attorney must make a request via the "Add Staff" button in CARES User Settings > My Office (or <https://fs30.formsite.com/COCR/AddStaff/index.html>). Once received, 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.

CC Billing rates: Current Case Consultant billing rates are identified in *Billing Rates and Payment Periods*. The lower billing rate is called a "Case Consultant" in CARES; the higher rate is called "Case Consultant II." CCs are eligible for the higher Case Consultant II rate if they have one of the following licensures:

- Licensed Clinical Social Worker (LCSW)
- Licensed Professional Counselor (LPC)
- Licensed Marriage and Family Therapist (LMFT)

In order to bill as a Case Consultant II under these policies, any active Case Consultant may request the higher rate by completing the form at <https://fs30.formsite.com/COCR/CCRate/index.html>, which will be verified by the OCR CC Coordinator. (CCs may review their current CARES title in CARES > User Settings > My Office.)

Access to Appointments: When a Managing CC (who directly contracts with OCR) is supporting a case, they can request limited access to the appointed Attorney's existing appointment in CARES and bill on it accordingly. This is necessary because Managing CCs are not members of any Attorney's office in CARES; however, staff CCs already have access to all their office's cases. See Special Requests and Litigation Support > Access to Another Office's Appointment.

Associates

OCR believes the use of attorney associates on OCR appointments is a means of providing mentoring and training to attorneys new to practice and/or 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 their own contract with OCR. Associates within law firms who wish to be case-carrying must individually apply for a contract with OCR. Cases then appointed to that case-carrying associate are their own appointments. *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 their associate are both eligible case-carrying attorneys but a firm may only have one pick up slot.

Non-Case-Carrying Associates: Associates who do **not** have their own OCR cases and contract may only bill at the attorney rate if qualified by the OCR. OCR requires the associate to meet these minimum qualifications (through the form below):

- 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 OCR.
- Obtained approval from OCR after:
 - A brief interview with an OCR staff attorney.
 - Correspondence between OCR and proposed supervising attorney to confirm attorney plan for the associate and compliance with the CJD.

Associates who have not been qualified to bill at the attorney rate may bill at the paralegal rate. Regardless of the rate, associates need to be assigned an individual CARES user ID to log their hours consistent with these billing policies and procedures. Attorneys must use the “Add Staff” button in CARES User Settings > My Office (or <https://fs30.formsite.com/COCR/AddStaff/index.html>) to obtain the appropriate CARES user ID. Non-case carrying associates that are qualified to bill at the attorney rate, and whose name appears on a district appointment list, may provide court coverage in accordance with CJD 04-06. Attorneys that are not qualified to bill at the attorney rate may **not** provide court coverage on OCR billed cases.

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 and two of the required ten hours must be OCR sponsored or approved Diversity, Equity, and Inclusion trainings. Any exception to this requirement must be approved by the Executive Director.

Prioritization of Billing Activities

In addition to Colorado statutes, as an Attorney licensed to practice law in Colorado, professional and ethical obligations dictate for which activity and expenses the Attorney may seek payment/reimbursement from OCR. Attorneys 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 associated time in one case or divide it between the youth’s 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.

Billing for substantive work takes priority when the Attorney, Managing CC, 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 they are 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.

12 Hour Daily Limit

The Attorney, Managing CC 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 OCR [staff attorney liaison](mailto:staff_attorney_liaison) and should be requested as soon as possible after becoming aware of the need for a 12-hour (or more) day.

Substitution of Counsel

Attorneys should prioritize continuity of representation to the extent possible in their OCR appointed cases. Internal staff reassignment decisions within the control of the Attorney are excluded from this section.

If a substitution of counsel is needed, an attorney may bill, if necessary and appropriate, to draft a memo to aid the new attorney’s transition, to consult with the new attorney, or to attend a joint home visit to make the transition easier for the child/youth.⁷ Whether any of the activities outlined above are necessary and appropriate will depend on the circumstances of the case and substitution of counsel, taking into account any potential conflicts. Attorneys must do a case-specific analysis to determine which activities, if any, are necessary and appropriate. All activities must be done as efficiently and cost-effectively as possible. Only one of the attorneys may bill to draft the Notice of Substitution and Order of Appointment. The new attorney may request access as litigation support on the current appointment and bill for their time (see *Special Requests and Litigation Support > Access to Another Office’s Appointment*).

Reasonable Expenses

OCR will reimburse reasonable out-of-pocket expenses as incurred by providing legal services as a GAL, CFY, CLR, Managing CC or staff 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* for additional information);
- c. Actual cost of meals for each child(ren)/youth Attorney is appointed to up to \$15.00 per meal/visit.
- d. Postage at cost (regular first-class mail charges).

⁷ Please note that visiting a child prior to the attorney’s appointment does not fulfill the new attorney’s requirements under the CJD to complete an in-person visit to the child(ren)/youth in their placement within 30 days after the appointment. That visit must occur after the attorney is appointed.

Any other expenses not specifically addressed in these policies require pre-approval from the assigned Staff Attorney for each Attorney’s district. 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. *Exception: OCR will pay up to 0.3 hours per appointment for administrative activities related to transition from GAL to CFY. Use Activity Group "Data Management."*
- b. Items purchased for child(ren)/youth, (e.g., books, school supplies, extra-curricular activity fees/equipment, clothing, and other items);
- c. 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, it should be billed as its own child contact activity, “Visit: At Court,” rather than the embedded “Confer with Involved Persons” section in the Court 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 Hearing Type checkboxes users may select). If a child/youth will be attending the *In Camera* Interview without the attorney present, it should be entered as [non-billable](#).

Case Types and Requirements

OCR is authorized by law to pay for GALs, CLRs and CFY 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, in Foster Youth in Transition Cases and any other GAL or CLR appointments where authorized by statute or inherent authority of the court. 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” (maximum that can be billed without additional approval) established by OCR as follows:

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
Title 19 Dependency & Neglect	\$8,000	NO	Attorney must set up their appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 Foster Youth in Transition Program	\$5,000	NO	Attorney must set up their appointment to the case in CARES before billing for work performed. No other authorization is required. Attorneys on the current D&N appointment list or Attorneys previously appointed to the youth are authorized to take these appointments.

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
Title 19 Juvenile Delinquency	\$4,000	NO	Attorney must set up their 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 an out-of-home placement or when the youth turns 18, unless the court makes required findings under 19-1-111.
Criminal – Direct Files and Transfers	\$5,000	NO	Attorney must set up their 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 an out-of-home placement or when the youth turns 18, unless the court makes required findings under 19-1-111.
Title 22 Education (Truancy)	\$3,000	NO	Attorney must set up their appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 Paternity and Support	\$2,000	YES	<p>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> below this table.</p> <p>GALs appointed for a minor parent must set up their appointment to the case in CARES before billing for work performed. Attorneys need to email the billing manager to set the allocation for those cases, no finding of indigency is required. Attorneys on the current D&N appointment list are authorized to take these appointments.</p>
Title 14 Domestic Relations (CLR)	\$3,000	YES	<p><u>For pre-decree/married parties:</u> Both parties must be indigent based on a consideration of their combined income and assets.</p> <p><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, OCR will pay the indigent party's portion of the invoice. <i>See Indigency Finding Requirements</i> below this table.</p> <p>GALs appointed for a minor parent must set up their appointment to the case in CARES before</p>

Case Type	Appointment Billing Allocation	Finding of Indigency Required	Special Considerations
			billing for work performed. Attorneys need to email the billing manager to set the allocation for those cases, no finding of indigency is required. Attorneys on the current D&N appointment list are authorized to take these appointments.
Title 15 Probate	\$2,000	YES	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> below this table. GALs appointed for a minor parent must set up their appointment to the case in CARES before billing for work performed. Attorneys need to email the billing manager to set the allocation for those cases, no finding of indigency is required. Attorneys on the current D&N appointment list are authorized to take these appointments.
Title 27 Mental Health	\$1,000	NO	Attorney must set up their appointment to the case in CARES before billing for work performed. No other authorization is required.
Title 19 Adoption and Relinquishment	\$1,000	YES	OCR will pay for GAL or CFY 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> below this table. GALs appointed for a minor parent must set up their appointment to the case in CARES before billing for work performed. Attorneys need to email the billing manager to set the allocation for those cases, no finding of indigency is required. Attorneys on the current D&N appointment list are authorized to take these appointments.
Title 14 Marriage of Underaged Persons	\$1,000	NO	Attorney must set up their appointment to the case in CARES before billing for work performed. No other authorization is required. Attorneys on the D&N appointment list are authorized to take these appointments.
COA/SC Appeals	\$5,000	NO	See Appeals Section below
Criminal Victim/Witness	\$2,000	NO	Attorney must set up their appointment to the case in CARES before billing for work performed. No other authorization is required.

CARES will automatically assign the Appointment Billing Allocation to each case as shown above. However, **for case types requiring a finding of indigence or an order, a billing allocation in the amount of \$0 will be assigned until OCR receives documentation of indigence** (detailed with the applicable case types above). It is the appointed Attorney's responsibility to ensure any additional funding request required in their billing allocation is sought in accordance with the procedures in *Additional Funding Requests* below.

Indigency Finding Requirements

Attorneys must send OCR the finding of indigence by the court and the order of appointment via email to the billing manager at billing@coloradochildrep.org within 7 days. The billing allocation will remain at \$0 until the proper paperwork is received. **OCR DOES NOT PAY FOR WORK PERFORMED PRIOR TO THE FINDING OF INDIGENCE.**

Foster Youth in Transition Program (FYTP)

If the current D&N case closes because the youth is opting in to the FYTP, the Attorney should enter the child party end reason as "Opt-In to Transition Program." When a youth enters an FYTP case, the Attorney should open a new appointment in CARES with the case type "Foster Youth Transition Program" and identify their role for that youth as "Counsel for Youth." The Attorney's first contact with the youth in the case should be entered as the activity type "Re-Entry Contact."

OCR-Assigned Cases (OA)

OCR may assign appointments prior to the initiation of a court case in certain circumstances, primarily for eligible youth in the FYTP who do not yet have a court case. Appointments assigned by OCR will have an "OA" (OCR Assigned) number (e.g. 2021OA001) for billing purposes and OCR will create the *case* in CARES for the Attorney. The Attorney can find the OA case OCR created for them in CARES and appoint themselves in the role "Counsel for Youth." The OA appointment must be ended if a court case is initiated, and the Attorney should open a new case with the court case number as usual. If no court case is initiated, the Attorney should bill in the OA appointment until the representation or assignment ends.

Additional Funding Requests

Attorneys must monitor their appointment billing allocation for each appointment to determine if an additional funding request is necessary. CARES alerts Attorneys in various ways when an appointment is nearing or has exceeded the maximum allocation limits (see the [CARES Help Center](#) for more). **It is important to request additional funds at least two weeks PRIOR TO the allocation being depleted to avoid issues with invoices as set forth in more detail below.** Requests for funding in excess of the appointment billing allocation must be submitted by the appointed attorney or the managing attorney for the office via OCR CARES: My Cases > Select a case > Financial Profile tab > click "Request Additional Funding." **The Attorney must support his/her/their additional funding request with an explanation regarding why the allocation has been spent and what legal investigation and advocacy they anticipate are reasonably necessary over at least the next 6 months to provide competent and effective 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/their 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 the 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 should plan accordingly. If a request is “Flagged for Additional Review,” the requesting attorney will receive an email notification with comments and instructions to update the information provided with their request directly in CARES (*not* by responding to the email). Attorneys will not be able to submit another additional funding request for the same appointment if there is a current request pending. **Attorneys are responsible for monitoring their additional funding notifications and responding to any questions in a timely manner.**

OCR will approve additional funding requests by changing the appointment billing allocation in CARES, and the home screen of CARES will notify the Attorney of approvals or rejections. The requester may also view all requests/approvals in CARES via the left-side menu > Requests > Additional Funds.

Dependency and Neglect Appeals

Both GALs and CFY must ensure the interests of the child or youth are represented on appeal. Attorneys who are certified as Level 1 Appellate Attorneys may work on appeals arising from their own cases and all other Attorneys must secure appellate counsel from OCR’s Appellate and Litigation Support Team (ALST), found on the [Attorney Help Center](#) on the OCR website. It is both the trial court and appellate attorney’s responsibility to ensure the appellate attorney enters their appearance in the appeals case in a timely manner. If the trial court attorney elects to use separate appellate counsel, both attorneys may bill for a joint introductory meeting with the child/youth so the trial court attorney can introduce the appellate attorney to the child/youth. The attorneys must ensure that any joint meeting with the youth is necessary and appropriate and that the joint meeting is performed in a cost-effective and efficient manner. GALs must participate in all D&N appeals while the CFY’s determination of whether to participate will be determined by the youth client in consultation with the CFY.

If appellate-related work is required before the appeals case has a case number, the Attorney should bill on the underlying trial court case. If the Attorney doing the work preparing for the appeal is substitute appellate counsel and work occurs before the appeals case has a case number, litigation support Attorneys should request access to the appointment 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. If a petition for writ of certiorari or an opposition brief to a petition for writ of certiorari with the Colorado Supreme Court is prepared and filed, the Attorney handling the appeal should bill for the preparation of these documents in the CA case. Details about entering this information in CARES can be found [here](#).

To the extent necessary, it is the responsibility of the Attorney handling the appeal 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.

Appeal of an APR out of a D&N

If an APR order entered as part of a D&N case is appealed and the D&N case closes, the trial court attorney may bill for maintaining communication with the child(ren)/youth and other parties, as necessary, in the appeals case. If the trial court attorney has chosen to use separate appellate counsel to participate in the appeal of an APR order and the D&N case has closed, the trial attorney may request access to the appointment as litigation support on the appeals case to bill for maintaining communication with the child/youth and other parties, as necessary.

Remand in a D&N

When a D&N case has closed but is remanded to the trial court following an appeal, the trial court attorney should re-open their appointment to the previous case in CARES and bill accordingly (see the [CARES Help Center](#)). Re-opening the appointment (as opposed to creating a new appointment) does NOT trigger the Attorney's initial CJD requirements.

Other Appeals

The Attorney must obtain OCR's **pre-approval** to do appellate work for case types other than dependency and neglect 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 and Mileage

OCR may reimburse for actual and necessary 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.** As detailed below, "ordinary" travel time and mileage for activities is billed through CARES while entering each activity. "Extraordinary" travel requires pre-approval; reimbursement (with receipts) takes place outside of CARES.

Ordinary Travel Time and Mileage

Travel to/from court, home visits, staffings, and meetings is billed within individual CARES activities 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/CC must use the closest actual point of origin in billing for travel time from their home or office to court, home visits, staffings, and meetings. 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/their day with a meeting in Pueblo must use his/her/their home address as the starting point of travel, not his/her/their 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 travel to/from home visits, staffings, and meetings is also billed in CARES within the staff's individual activities. Staff 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 may not bill for travel or mileage to/from court unless pre-approved by the OCR [staff attorney liaison](#) (see also *Staff*).

OCR, subject to sufficient appropriation in its state budget, may reimburse Attorneys/Managing CCs/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

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) for the Attorney/CC to be reimbursed. 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. Courts do not have jurisdiction to order out-of-state travel or cost reimbursement from OCR.

Before Travel

Authorization for travel/meals/hotels must be sought by submitting the online Travel Expense Request form found on the OCR website [Billing and Reimbursement](#) page. That form includes questions and logic to help clarify when a request is or is not required.

- 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/CC 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 possible.
- b. **Travel out-of-state (other than travel that is within 100 miles of the judicial district boundary) requires OCR pre-approval** using the form linked above and such requests will be reviewed consistent with CJD 04-06 (V)(H). Pre-placement travel will be approved in only extraordinary circumstances after the [staff attorney liaison](#) has consulted with the Executive Director.

After Travel

Reimbursement must be sought within 30 days⁸ of completing travel by submitting the [OCR Pre-Approved Reimbursement Form](#) found on the OCR website (scroll down to *Other Documents and Forms*). OCR requires **receipts** to be included with the reimbursement form. Submit the reimbursement form to billing@coloradochildrep.org.

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

Attorneys/CCs must receive OCR **pre-approval** before traveling per the guidelines listed above. Failure to seek and obtain required OCR pre-approval will result in OCR refusing to reimburse the Attorney/CC for

⁸ Reimbursement must be submitted prior to the year-end deadline for the current fiscal year, even if that deadline is sooner than 30 days. This deadline is typically in July each year, for specifics please contact your staff attorney liaison.

travel time and associated expenses. 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

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 pre-approval as detailed below, and failure to obtain the required pre-approval will result in non-payment of such requests. OCR pays litigation support providers directly as detailed below. OCR will only grant exceptions to these procedures in *extraordinary* circumstances as approved by the Executive Director.

Access to Another Office's Appointment

CARES accounts only provide automatic access to appointments within the user's Office ([see CARES Help for more on this](#)). CARES users may request limited access to an appointment in another office, and the appointed Attorney must approve or deny access (see this [CARES Help Center article](#) for a detailed how-to). Such access only includes some appointment tabs: Profile and Child Parties, Involved Persons, Associated Appointments, and Activities as detailed below, and no information except the requester's own activities may be edited by the requester. Reasons for such requests include the following (please note that each of these functions is detailed in other sections of this document):

- I have been assigned as an **OCR Case Consultant** on this appointment. (Note, this is only for OCR Contract CCs, because CCs within an Attorney's office already have access.)
- I am this attorney's approved **OCR Mentor**.
- I am providing **litigation support** on this appointment (e.g., education or appellate support).
- I am providing **coverage** for the appointed attorney.
- I am **second-chairing** a contested hearing with pre-approval from OCR.

The appointed Attorney will receive email notice of any request for access to their appointment. If the appointed Attorney approves access in the CARES appointment's *Requests for Access* tab, they must also decide if the requester will be able to see all appointed office members' activities in addition to their own. Regardless of the level of permission granted, the requester may only edit their own activities; none of the other appointment information is available for edit. Please note, access applies to the requester's office, which may include additional staff/CCs/Attorneys.

Once access is granted, the requester can find the appointment in CARES > Cases > My Cases to enter their activities. The appointed office will always be able to see the requester's activities and may revoke access at any time in the "Requests for Access" tab of the appointment. Each office will continue to generate independent invoices; each office's activities will appear *only* on their own invoice as usual. All activities entered on an appointment continue to draw down its appointment billing allocation as usual, and requesting additional funding with sufficient time before invoicing remains the responsibility of the appointed attorney or managing attorney for the appointed office (see *Additional Funding Requests*).

Expert Witnesses

Expert witnesses may be approved if necessary to the Attorney's litigation. 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 completing the “Litigation Support Form” on OCR’s [Billing and Reimbursement](#) webpage (scroll down to “Common Forms”). Once the expert is approved, the Attorney must send the expert the [Billing Form and Guidelines for Experts](#) available on the OCR website (scroll down to *Other Documents and Forms*).

- a. OCR follows the guidance of CJD 12-03 and makes all final decisions regarding the payment of expert witnesses as follows. OCR will pay up to the maximum rates authorized by CJD 12-03, currently:
 - i. The state maximum hourly fee payable to an expert is \$118 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 \$1,180 if the expert does not testify and \$1,770 if the expert testifies as an expert.
 - 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](#). The OCR staff attorney liaison will then staff it with the Executive Director prior to issuing the pre-approval.
- b. The courts do not have jurisdiction to order OCR to pay expert fees and court approval is not necessary in approving expert fees.
- c. 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 in the “Other Documents and Forms” section of the [Billing and Reimbursement](#) page of the website. **An Attorney must not pay the expert directly.**
- d. The expert must submit his/her/their request for payment to OCR within 30 days of the date of service. Requests for payment may be submitted by email to: 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.

In very limited circumstances an expert may be necessary to allow a CFY to fulfill their responsibilities to a youth client under Colo R.P.C. 1.14. While attorney-client privilege will prevent calling this expert as a witness, OCR will consider funding such expert requests **after** consultation with the CFY.

OCR does not pay for services, treatment, or evaluations that are the responsibility of the county department of human services or other parties. Additionally, OCR does not pay for an expert to serve as an advisory witness.

Lay Witnesses

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

Interpreters

OCR will pay for language interpreters, as necessary, for home visits and as necessary for the Attorney's or the contract CC's independent investigation.

OCR does not maintain a list of approved interpreters. However, the Judicial Department (State Court Administrators Office or SCAO) maintains a list of Independent Contract Interpreters at the bottom of this webpage: <https://www.courts.state.co.us/Administration/Section.cfm?Section=interpusers>. In addition, Attorneys may request interpretation services directly through the *Spring Institute*, using the request form found on the Litigation Toolkit and in "Other Documents and Forms" on OCR's [Billing and Reimbursement](#) webpage. These services will be billed directly to OCR in accordance with an agency agreement. **I.e., Attorneys have two options for securing interpreter services for their cases:**

Spring Institute ▼	SCAO Interpreters ▼
Request services using the form linked above.	Request services by contacting the interpreter directly.
Spring Institute bills OCR directly through an agency agreement.	The interpreter submits an invoice to OCR within 30 days of the date of service. Invoices must be emailed to billing@coloradochildrep.org .
Rates are governed by OCR's agreement with the Spring Institute.	Rates are governed by CJD 06-03 which references OLA Financial Policy .

OCR reimburses interpreters for mileage and travel time. Travel time will be paid at half of the interpreter rate. Requests for additional expenses require *extraordinary* circumstances and approval by the Executive Director. Interpreters for court proceedings are the responsibility of the State Court Administrator's Office, not OCR. Likewise, interpreters for departments of human or social services meetings and visits are the responsibility of the department and not OCR.

Investigators and Process Servers

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 seek **pre-approval** 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 \$55/hour. Reasonable flat rate fees may be approved by the staff attorney liaison when necessary.
- b. OCR pays the investigator or process server directly. The investigator/process server 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. An attorney may pay

a process server directly and request reimbursement within 30 days of payment using the [OCR Pre-Approved Reimbursement Form](#) found on the OCR website (scroll down to *Other Documents and Forms*).

- c. 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

OCR may pay transcript fees as appropriate and necessary for litigation, including deposition transcripts. Attorneys may not occur transcript fees to augment the Attorney's note taking or in lieu of the Attorney attending a court proceeding.

CJD 05-03 and CJD 06-01 (which modifies 05-03) govern the ordering and payment of transcripts for court proceedings. Attorneys must be familiar with CJD 05-03, including:

- CJD Appendix A establishes that an OCR Attorney receives a copy of a transcript at no cost.
- 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.

Expedited transcripts require pre-approval. To request pre-approval, email aulrich@coloradochildrep.org.

To request transcripts from the court reporter, Attorneys may use the OCR transcript request form, found on the litigation toolkit, or in the [Billing and Reimbursement](#) page on the OCR website. OCR may pay Attorneys for transcript fees directly within a CARES activity (Activity Group: Miscellaneous Expenses > Activity Type: Transcript). Alternatively, in order for OCR to pay the transcriber/court reporter directly, the transcriber/court reporter must submit an invoice to billing@coloradochildrep.org within 30 days of the date of service. The transcriber/court reporter may use the [OCR transcript request](#) form as their invoice. Exceptions may only be made in *extraordinary* circumstances as approved by the Executive Director.

Discovery

OCR will pay for discovery necessary to the Attorney's independent investigation or litigation at actual cost directly within a CARES activity. (Activity Group: Miscellaneous Expenses > Activity Type: Discovery). One time discovery requests that are greater than \$2000 require **review** from the [staff attorney liaison](#). OCR will pay for criminal background checks that are necessary to a case only after **pre-approval** 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

OCR maintains an [Appellate & Litigation Support List](#) to enhance effectiveness and achieve efficiencies in representation. The OCR's litigation support list identifies 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 this list 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.

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 OCR's approval in order to seek support from Attorneys on OCR's litigation support list. See *Access to Another Office's Appointment* above for information about how litigation support Attorneys may have limited access and enter activities in the appointed Attorney's appointment.

Second Chair for Litigation

An Attorney may request the support of a Second Chair for contested trials and hearings when necessary to support the Attorney's professional development and ability to provide effective representation. **Each second chair request must be made using the "Litigation Support Form" on the [Billing and Reimbursement](#) page of OCR's website (scroll down to "Common Forms") and requires pre-approval by OCR.** In deciding whether to approve such requests, OCR will assess whether the request is necessary, appropriate, and cost-efficient. OCR will also assess how the second chair will support the attorney's professional development needs and what, if any, other professional development the attorney should engage in to become a self-sufficient litigator in the future. If the request is approved, OCR will assign a second chair from its list of litigation support second chair attorneys.

Litigation support second chair attorneys must request access to the appointment to bill; see *Access to Another Office's Appointment* above for a how-to and details about their limited access to enter activities in the appointed Attorney's appointment.

Mentoring

When an Attorney has been assigned as a mentor for another OCR attorney, they may request access 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*. See *Access to Another Office's Appointment* above for information about how mentors may have limited access and enter activities in the appointed Attorney's appointment.

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.) they should notify their OCR staff attorney liaison. OCR may approve another contract Attorney to bill OCR directly in CARES for their coverage activities. Such

requests should be made via email to the applicable [staff attorney liaison](#). Attorneys providing coverage in this manner must request access to the appointment in CARES prior to billing. Please note, OCR does not need notification of routine coverage. See *Access to Another Office's Appointment* above for information about how Attorneys may have limited access and enter activities in another office's appointment.

IV-E Collateral Representation

Beginning July 1, 2023, Attorneys may refer civil legal service matters impacting the health, safety, wellbeing, and success of the children and youth on their caseloads, or within one year of their appointment ending, to the Colorado Homeless Legal Project (CHLP). CHLP will provide direct representation to children and youth, and OCR will fund such representation using federal Title IV-E funds. Attorneys may consult with CHLP on any civil legal service matter and may refer the following matters to CHLP for direct representation *without* preapproval by OCR by contacting CHLP directly (contact information found on the [Appeal and Litigation Support list](#)):

- Sealing of criminal records
- Expungement of juvenile and criminal records
- Housing security (landlord-tenant disputes) and access
- Family Law (divorce, child support, child custody and decision-making)
- Debt issues (bankruptcy, old debt, small claims court, wage garnishment, court fines and fees)
- Insurance/subrogation issues
- Deregistration legal services
- Birth certificates / Identification Cards
- Government Benefits (Medicaid/Medicare, cash assistance, supplemental nutrition assistance, childcare funding)
- Civil Protection Orders

CHLP will bill OCR directly for work in accordance with its contract and statement of work. Attorneys may request to refer **other** civil legal service matters not listed above to CHLP by completing the "Litigation Support Form" on the [Billing and Reimbursement](#) page of OCR's website to seek pre-approval from OCR.

Conferences and Training

OCR will reimburse contractors for their in-person attendance for up to ten hours of OCR sponsored/hosted training each fiscal year (for the purposes of these Billing Policies, a fiscal year begins on July 1 and ends in June of the following year). To receive such reimbursement, contractors must complete their annual OCR training requirements and then complete the form at <https://fs30.formsite.com/COCR/OCRTraining/index>. The form includes calculations to assist in confirming hours and reimbursement before submission.

- For this form (link above), OCR recognizes the length of a CLE credit (50 minutes) as a complete hour. Mileage is not reimbursable. Only the trainings listed on the form are eligible for reimbursement.
- This form also serves as the contractor's annual required training certification, confirming completion of CJD 04-06 training requirements by June 1 each fiscal year. This certification is required regardless of reimbursement. Therefore:

- **The Contractor may not complete the form to request reimbursement until all annual OCR training requirements are complete**, including two hours qualified for Equity, Diversity & Inclusion ("EDI").
- **The form is due from all Contractors by June 1 each fiscal year**, although contractors may complete the form any time in the fiscal year, once their annual OCR training is complete.
- The form may only be submitted **once per fiscal year** and **must be submitted no later than June 1st each fiscal year**. Therefore, after a Contractor requests in-person OCR-sponsored training reimbursement once, they may not submit another request for additional such reimbursement again in the same fiscal year *even if* they requested fewer than ten hours or no reimbursement the first time. OCR will track and must reject any request to submit an additional form in the same the fiscal year.
- Contractors may only bill for attendance at trainings that occurred during their contract period.

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

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 <https://coloradochildrep.org/attorneys/attorneys-help-center/#district-map>.

Contact information for our attorneys and Case Consultant Coordinator:

Chris Henderson	chrishenderson@coloradochildrep.org	(303) 860-1517 ext. 1050
Sheri Danz	sheridanz@coloradochildrep.org	(303) 860-1517 ext. 1020
Ashley Chase	ashleychase@coloradochildrep.org	(303) 860-1517 ext. 1060
Katie Hecker	khecker@coloradochildrep.org	(303) 860-1517 ext. 1170
Nathifa Miller	nmiller@coloradochildrep.org	(303) 860-1517 ext. 1610
Cara Nord	caranord@coloradochildrep.org	(303) 860-1517 ext. 1100
Anna Ulrich	aulrich@coloradochildrep.org	(303) 860-1517 ext. 1150
Alex Wolff	alexwolff@coloradochildrep.org	(303) 860-1517 ext. 1110

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

billing@coloradochildrep.org

(303) 860-1517 ext. 1000