



Office of the Child's Representative

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The Office of the Child's Representative ("OCR"): The OCR is an independent state agency within the Colorado Judicial Branch. The OCR provides competent and effective best interests legal representation to children who have been abused, neglected or abandoned, impacted by high conflict parenting-time disputes, or charged with delinquent acts and without a parent or guardian able to protect their best interests during the proceedings. Depending upon the case to which the attorney is appointed, the attorneys are known as Guardians *ad litem* (GALs), Child Legal Representatives (CLRs), or Child and Family Investigators (CCFIs).

The OCR's mandate:

- Improve quality of best interest attorney services and maintain consistency of best interests representation statewide.
- Provide accessible training statewide for attorneys, judges, magistrates, and Court Appointed Special Advocates (CASA).
- Establish minimum practice standards for all attorneys representing the best interests of children
- Provide litigation support to and oversight of the practice of OCR attorneys

The children represented: The OCR served nearly **21,000 Colorado children** in FY 2012 in dependency and neglect, delinquency, truancy, probate, and high conflict divorce cases. At least 70% of these children are victims of serious child maltreatment such as sexual and egregious physical abuse. Dependency and neglect (D&N) cases are filed in every county and require attorney services for the entire life of the case. Many of these children have been removed from their family home and spend time in foster care. These children require attorney best interests legal services for the entire life of their case.

OCR attorneys: The OCR contracts with approximately 231 Colorado attorneys (aka GALs). The attorneys are skilled in juvenile law and provide attorney services at a cost-effective hourly rate. The OCR also oversees the El Paso County GAL Office. In addition, the OCR is evaluating multi-disciplinary provision of GAL services through a pilot project in Denver and Arapahoe counties. Most OCR contract attorneys live and work in the same communities as the children they represent.

OCR expectations of attorneys: The attorney must independently investigate and provide legal advocacy in the best interests of the child. The attorney must meet each child in placement and continue to communicate with the child throughout the case. Usually, there is more than one child per case and the children are often placed in different homes or treatment facilities. The attorney must attend all court hearings; attend ancillary hearings such as special education hearings or child support hearings; prepare for and litigate contested hearings; and attend staffings. The GAL is responsible for locating a safe, appropriate, and permanent home for the child(ren) in order to close the case.

OCR oversight of attorneys: The OCR monitors attorney services throughout the year in a number of ways. The OCR annually surveys judicial officers, court facilitators, court administrators, and CASA agencies in all 22 judicial districts. Each year, the OCR Executive Director and attorney staff visit or contact stakeholders in the 22 judicial districts to assess attorney services. The OCR monitors hourly billing statements and conducts random audits of attorney's work to ensure that GALs are meeting their obligations to children and the appropriate expenditures of state dollars. In addition, the OCR has a formal complaint process and thoroughly investigates every complaint. These processes ensure GAL compliance with all relevant statutes, orders, rules, directives, policies, and procedures.

Overview of the OCR's Strategic Plan

The OCR is a single purpose program established specifically to improve attorney best interests representation to children. The OCR's Vision is

Each Colorado child in need of a best interests attorney (GAL, CLR, or attorney serving as CFI) will receive comprehensive legal advocacy from an attorney who has expertise in pediatric law and who will diligently, zealously, and effectively represent the child's best interests and promote the child's safety, well-being, and voice throughout all aspects of the case. These services will be provided in a cost-effective manner.

The OCR's Strategic Plan reflects the OCR's legislative mandates: (1) contract with skilled and qualified attorneys, (2) provide cost-effective best interests attorney services, (3) ensure its attorneys remain current in best practices, legal developments, and social science research, and (4) establish fair and realistic compensation for state-appointed attorneys.

- 1. The OCR will provide effective best interests attorney services by contracting with skilled and qualified attorneys.** OCR sets minimum education, experience, and practice standards for attorneys with whom it contracts. To date, the OCR has measured its performance on this goal by implementing a comprehensive contracting and evaluation strategy, consisting of a statewide annual contract/appraisal process; monitoring contract attorney activity through billing statements and available electronic databases; and periodic auditing of attorneys on an as-needed basis. OCR obtains input on attorneys from key stakeholders in each judicial district through surveys and annual meetings. In addition, OCR's formal complaint process informs OCR's contracting and attorney assessment process. With the implementation of the OCR's data management system, OCR plans to assess attorney performance using quantifiable data.
- 2. The OCR will provide cost-effective best interests attorney services.** The OCR has established presumptive maximum fees for each case type and requires pre-approval for litigation fees and expenses. OCR supports efficient use of attorney time through its motions bank, listserv, and publication of recent case summaries and other developments in juvenile law. OCR attorney staff also serves as a resource to OCR attorneys. In Fiscal Year 2011, the OCR secured grant funding to publish a comprehensive advocacy guide for GALs in D&N proceedings known as the Guided Reference in Dependency (GRID). The GRID details federal and state statutes and case law controlling issues that arise in D&N cases. Finally, in partnership with DU's Graduate School of Social Work, the OCR is evaluating the effectiveness of the delivery service models it currently employs.
- 3. The OCR will ensure attorneys with whom it contracts to provide best interests legal representation remain current in best practices and their knowledge of state and federal law and regulations, social science research, and evidence-based practices impacting the provision of services.** OCR's training program comprises the key measures of OCR's performance of this goal. OCR requires all attorneys to attend 10 hours of OCR-sponsored training each fiscal year and tracks attorney compliance through its own records and attorney self-report. OCR invites judicial officers and key stakeholders to its trainings. OCR also publishes a quarterly newsletter detailing recent legal and social research developments.
- 4. Establish fair and realistic compensation for state-appointed best interests attorneys.** OCR attorneys provide best interests legal services on a fee-for-service basis at a rate of \$65/hour. OCR staff assesses attorneys' requests for payment of experts, litigation support, and other resources necessary to support effective and independent case preparation and advocacy and ensure that state dollars are spent wisely.