



REPORT HIGHLIGHTS

OFFICE OF THE CHILD'S REPRESENTATIVE
PERFORMANCE AUDIT, SEPTEMBER 2018

JUDICIAL BRANCH

CONCERN

The Office of the Child's Representative (OCR) needs to strengthen its processes for selecting, monitoring, and paying its contract attorneys to ensure compliance with Chief Justice Directives (Directives) and OCR requirements. OCR also has not fulfilled its statutory responsibilities related to Court Appointed Special Advocate (CASA) programs, and needs to improve oversight over its staff's use of procurement cards.

KEY FINDINGS

- OCR lacks consistent and transparent processes for selecting attorneys for contracts. For example, OCR did not document the basis for its decisions to award or deny contracts for 20 of 23 sampled attorneys who applied in Fiscal Year 2017; OCR denied contracts to three attorneys who met its selection requirements and had qualifications similar to those who received contracts. OCR also did not obtain proof that 13 sampled attorneys completed required training or that 10 sampled attorneys had required professional liability insurance, but awarded contracts to these attorneys.
- OCR does not consistently monitor contract attorney performance and has no benchmarks to trigger action when they underperform. For example, during the 3-year contract period July 2014 to June 2017, OCR observed one sampled attorney in court only once, observed another attorney three times but all were within the same week, and observed another attorney 13 times. OCR also awarded contracts to attorneys with performance issues, including three sampled attorneys who did not meet with children within 30 days of being appointed to their cases, as required, and 20 attorneys with founded complaints against them.
- OCR has relinquished most of its statutory responsibilities related to local CASA programs to the nonprofit Colorado CASA, with no contract or monitoring by the State. OCR transfers about \$1 million annually to Colorado CASA, which retains \$130,000 for its own use and allocates the rest to local CASA programs without oversight by OCR.
- We identified about \$435,000 in OCR payments to contract attorneys between July and December 2017, which did not comply with Directives, OCR policies, or attorney contracts. For example, about \$137,000 in payments appeared to be for duplicate billings or for activities, such as administrative time, that were not allowed.
- Nine of OCR's 11 administrative and management staff have State procurement cards. From July to December 2017, OCR paid about \$5,400 for staff's card purchases that were not allowed by its policy, supported by documentation, or approved by a supervisor.

BACKGROUND

- In 2000, the General Assembly established OCR to ensure that uniform, high-quality legal representation is provided to children in Colorado who are involved in judicial proceedings related to child abuse, abandonment, or neglect.
- OCR oversees the attorneys who provide guardian ad litem and child's legal representative services. OCR selects, contracts with, trains, and evaluates these attorneys. In Fiscal Year 2018, OCR contracted with 255 attorneys and paid them a total of \$20.9 million.
- Statute charges OCR with duties related to supporting local CASA programs, including allocating funds to them annually.

KEY RECOMMENDATIONS

- Improve attorney selection and monitoring processes by clarifying application requirements; improving policies and procedures, including documenting the reasons applicants are approved or denied contracts; reviewing attorney performance throughout the contract period; and setting benchmarks to evaluate and address attorney performance.
- Comply with statute related to CASA programs by executing a contract to coordinate and support CASA activities, overseeing the contractor's use of state funds, and allocating state funds to local CASA programs.
- Improve controls for paying contract attorneys' expenses and monitoring OCR staff's use of procurement cards to ensure payments and purchases comply with applicable Directives, policies, and contracts.

OCR agreed with these recommendations.