Office of the Child's Representative

Performance Plan Evaluation

Fiscal Year 17-18

OCR is an independent agency within the Judicial Department

COLORADO

OCR Mission

The mission of the Office of the Child's Representative (OCR) is to provide effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted by high-conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information to the court or protect their best interests during the proceedings. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that its attorneys provide these children, Colorado's most vulnerable and marginalized population in the courts, the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

The OCR's current Performance Plan is found at http://www.coloradochildrep.org/wp-content/uploads/2018/07/Performance-Plan-June-2018.pdf. For FY 17-18 the OCR focused on similar goals:

FY17-18 OCR PERFORMANCE GOALS & STRATEGIES	
GOALS	**STRATEGIES**
1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.	A. Ensure children's voice & interests are paramount in the development of policy, law and practice B. Establish attorney qualifications and practice standards C. Provide oversight & evaluation of attorney practice D. Assess judicial district needs E. Contract with attorneys based on data illustrating compliance with CJD and OCR practice standards F. Establish fair and reasonable compensation for OCR attorneys G. Investigate alternative models of providing legal representations
2: The OCR will optimize efficiencies in attorney practice and billing.	A. Manage appropriations & assess program needs B. Maximize use and effectiveness of OCR's on-line case management/billing system. C. Provide litigation support and facilitate practice innovations D. Process, manage and evaluate attorney activities
3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research and evidence-based services.	A. Cultivate a learning & practice environment that supports excellence in legal representation B. Assess attorney education needs C. Implement OCR core competencies D. Require attorneys to meet minimum training requirements E. Disseminate updates on developments in law and social science and maintain current and relevant resources for attorney's use.

Since its inception, the OCR has made strides towards developing a data-driven practice for overseeing attorney services and managing its state dollars. Child welfare practice does not lend itself to simple outcome-based analysis, as appropriate results in one case may not be appropriate in another. The OCR concentrates its data collection on attorney compliance with practice standards to assess the effectiveness of representation. The OCR seeks feedback from system stakeholders through survey instruments and conducts courtroom observations of attorney practice. In addition, the OCR measures performance through benchmarks and customer surveys. The OCR's efforts in practice assessment and data collection have received state and national attention.

Annual Stakeholder Survey

Every spring the OCR seeks Stakeholder Feedback for each attorney through an annual survey which is sent to Judicial Officers and various court staff, departments of Human Services staff, CASA agencies, probation officers and attorneys representing other parties in the cases. All responses to the survey are reviewed by the OCR. In FY17-18 the OCR received **1151** survey responses concerning **232** attorneys; these included **293** responses from Judicial Officers. This data is used as one measure of attorney effectiveness and advocacy:

Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.								
Key Measures Strongly Agree/Agree (respondents were allowed to answer "I don't know")		FY 12-13 N = 191 Attorneys	FY 13-14 N = 227 Attorneys	FY 14-15 N = 221 Attorneys	FY 15-16 N = 207 Attorneys	FY 16-17 N=223 Attorneys	FY 17-18 N=232 Attorneys	FY 18-19
1. A. Attorney possesses relevant advocacy skills	Target	86%	89%	90%	90%	90%	90%	90%
	Actual	91%	90%	92%	88%	91%	91%	
1. B. Attorney possesses requisite knowledge	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	90%	90%	93%	88%	91%	90%	
1. C. Attorney familiar with community services	Target	84%	87%	90%	90%	90%	92%	92%
	Actual	89%	90%	91%	86%	90%	90%	
1. D. Attorney attends all court hearings	Target	91%	93%	93%	93%	93%	95%	95%
	Actual	93%	94%	95%	95%	94%	97%	
1. E. Attorney critically assesses department case & permanency plans	Target	72%	75%	80%	80%	80%	82%	84%
	Actual	90%	83%	83%	76%	88%	89%	

Court Observations

In FY12-13, OCR instituted an extensive tri-annual contract and evaluation process and began conducting court observations in dependency and neglect proceedings in order to obtain first-hand knowledge regarding attorney courtroom performance. The OCR expanded observations in FY13-14 to include juvenile delinquency cases to help refine OCR's expectations of attorneys serving in those cases. In FY17-18, OCR conducted **327** courtroom observations involving **80** attorneys and **530** children/youth. In addition, OCR conducted **127** reference interviews concerning **57** attorneys under evaluation for their triannual review.

Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.								
Key Measures Number of Court Observations		FY 12-13 N = 287	FY 13-14 N = 426	FY 14-15 N = 366	FY 15-16 N = 498	FY 16-17 N=448	FY 17-18 N=327	FY 18-19
1. F. Average number of court observations per attorney under evaluation	Target	3	3	3	3	3	3	3
	Actual	4.5	3.7	3.24	4.92	5.43	3.54	
1. G. Appointed attorney appeared	Target	Establish baseline	90%	92%	92%	92%	94%	95%
	Actual	91%	94.6%	89.9%	95%	97%	95%	
1. H. Attorney provided current, independent information	Target	Establish baseline	70%	75%	80%	85%	87%	89%
	Actual	64%	81%	81.1%	81%	80%	86%	
1. I. Attorney clearly stated a position	Target	Establish baseline	85%	87%	90%	90%	90%	94%
	Actual	82%	91%	90.9%	85%	89%	93%	
1. J. Attorney stated position of child 5 years and older[1]	Target	Establish baseline	30%	40%	40%	40%	42%	44%
	Actual	24%	43.75%	51.23%	51.16%	61%	63%	

OCR's litigation support and training programs

The OCR's litigation support and training program enhances the level of attorney services the OCR provides to Colorado's children. When representing children's interests, lawyers must, in addition to their specialized legal skills, be able to draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Through its litigation support and training, the OCR ensures that every child in Colorado who is in need of a Guardian *ad Litem* or Child's Legal Representative is represented by an attorney who has considerable sophistication in the law and issues unique to children.

Goal 2: The OCR will optimize efficiencies in attorney practice and billing.							
Key Measures		FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
2. A. Newsletters published	Target	4	4	4	4	4	4
	Actual	4	4	4	4	4	
2. B. Publish update of GRID	Target	NA	Publish Update	Secure Funding	Publish Update	Research Update	Publish Update
	Actual	NA	Began drafting & sought funding	Published pocket part with updates	Completed in FY 15-16	Comprehensive Update completed	
2. C. Measure listserv usage	Target	NA	Investigate means for measuring	Enhance listserv	Investigate means for measuring	Establish baseline	Assess
	Actual	NA	Google Analytics are promising	Completed	Completed - 294 members; 801 messages sent.	428 Messages covering 144 different topics.	
2. D. Litigation toolkit/Motion Bank	Target	NA	Investigate means for measuring usage	Develop & implement measuring plan	Update materials & improve attorney access	Expand materials	Establish baseline
	Actual	NA	Investigation underway	Reviewed, prioritized & began update	Developed and launched a new Litigation Toolkit system with ability to measure use.	16 Forms and 26 Resources posted. 551 downloads for the year.	

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[1] Observers are not able to determine whether developmentally appropriate and according to the child's wishes.

The OCR maintains a robust training program in an inclusive learning and practice environment which provides ongoing and meaningful trainings tailored to the specialized needs of attorneys representing children. The OCR's training program ensures that attorneys are current in legal developments, social science research, and best practices.

Goal 3: The OCR will ensure attorneys remain current in state and federal law and regulations, social science research, and evidence-based services.							
Key Measure		FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
3. A. Training hours OCR offered	Target	42	42	42	42	42	42
	Actual	57	103	82	78	81	
3. B. Training Hours available online	Target	Establish Baseline	120	150	250	250	250
	Actual	91	164	235	277	286	
3. C. Core Competencies reflected in OCR Training Curricula	Target	N/A	N/A	N/A	33%	33%	33%
	Actual				61%	96%	
96%3. D. Attendee survey: Rated Fall conference "Excellent/Good"	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	92.2%	No data available for NACC conference	94.45%	90%	Day 1: 96% Day 2: 79%	
3. E. Attendee survey: "Very Satisfied/Satisfied" with fall conference materials	Target	Establish baseline	85%	87%	88%	90%	90%
	Actual	96.1%	No Data Available	98.87%	91%	94%	
3. F. Attendee survey: "Very Satisfied/Satisfied" with fall conference information presented	Target	Establish baseline	90%	92%	92%	94%	95%
	Actual	92.3%	No Data Available	97.78%	96%	95%	

Compensation

It is the statutory mandate of the OCR to "establish fair and realistic rates of compensation" in order to enhance the legal representation of children. § 13-91-105, C.R.S. (2015). Fair and realistic compensation is essential to maintaining a pool of dedicated and skilled attorneys and to allowing adequate and effective case investigation and legal advocacy. The OCR successfully advocated to increase the compensation rate to $80 for FY18-19.

Goal 1: Provide children a voice in the Colorado legal system through effective attorney services and advocacy.							
Key Measures Number of Court Observations		FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19
1. K. OCR will pay attorneys a rate of compensation commensurate to other public sector attorneys.	Target	$65/hr	$75/hr	$75/hr	$75/hr	Investigate alignment of compensation.	Assess
	Actual	$65/hr	$75/hr	$75/hr	$75/hr	$75	
1. L. OCR employee salaries will be commensurate to that of other public sector employees	Target	Conduct Salary Survey	Seek 10-15% correction of misalignment	Determine whether adjustments are required.	Determine whether adjustments are required	Determine whether adjustments are required	Determine whether adjustments are required
	Actual	Salaries "significantly misaligned"	General Assembly approved	No adjustments	Common policy adjustments	Develop common compensation plan in response to recommendation from JBC analyst.	