

OFFICE OF RESPONDENT PARENTS' COUNSEL

ANNUAL PERFORMANCE REPORT



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I. Agency Overview

The Office of Respondent Parents' Counsel (ORPC) is an independent governmental agency within the State of Colorado Judicial Branch and is vested with the oversight and administration of Respondent Parents' Counsel (RPC) representation in Colorado. The agency opened on January 1, 2016, and the agency assumed oversight for RPC attorneys on July 1, 2016. This is the agency's fifth annual performance report.

In Colorado, indigent parents whose parental rights are at risk are statutorily entitled to counsel. Prior to the creation of the ORPC, no agency existed in Colorado exclusively dedicated to parent representation. A study conducted on respondent parent representation in Colorado and published in 2007 found that RPC representation is "typically adequate but rarely proficient."¹ The ORPC was established to address this performance gap, as the cause of "sub proficient practice is not the unwillingness of counsel to provide proficient services but rather the existence of practice, administration, and court systems which discourage optimal practice."²

A. Statutory Mandate

Section 13-92-101 to 104, C.R.S. established the ORPC and vested the agency with requirements regarding the oversight and administration of respondent parent representation in Colorado. The ORPC's enabling legislation charges and entrusts the ORPC with, at a minimum, enhancing the provision of respondent parents' counsel by:

1. Ensuring the provision and availability of high-quality legal representation for parents in dependency and neglect proceedings,
2. Making recommendations for minimum practice standards,
3. Establishing fair and realistic state rates by which to compensate RPC, and
4. Working cooperatively with the judicial districts to establish pilot programs.

B. Mission Statement and Strategic Plan

The ORPC's mission is to protect the fundamental right to parent by providing effective legal advocates for indigent parents in child welfare proceedings. This right is protected when a parent has a dedicated advocate knowledgeable about child welfare laws and willing to hold the state to its burden. The office's duties are to provide accountability, training, and resources, develop practice standards, and advocate for systemic and legislative changes in Colorado.

The ORPC believes that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC has identified five essential pillars that support and inform the agency's work.

¹ *The National Center for State Courts, National Council for Juvenile and Family Court Judges, and National Association of Counsel for Children, State of Colorado Judicial Department Colorado Needs Assessment* (hereinafter "Assessment Report"), available here:

https://www.courts.state.co.us/userfiles/File/Court_Probation/Supreme_Court/Committees/Court_Improvement/CO_RPCFinalNeedAsstReptApp.pdf

² *Id.* at 75.

1. **Systems are Fair and Followed** – Procedural fairness occurs when parents receive access to excellent interdisciplinary teams through engagement, recruitment, and retention of contractors who have access to the resources necessary to give dignity and fairness to families and to ensure procedures are followed.
2. **Family Voice Leads** – Family voice is strong when parents are engaged and present at every stage of their case, supported by their family defense team so they may be heard by the system, and play an active role in their case planning.
3. **Decrease Trauma to Children** – Trauma to children is reduced when caregivers are provided with preventative or in-home supports to keep children with their family of origin, when unnecessary removals are rare, and when children can safely stay with their family.
4. **Family Defenders Have a Strong Community** – Parents have better representation when there is a strong community of family defenders who have access to training, litigation and practice support, and who are celebrated for every kind of success in their parent advocacy.
5. **ORPC is Recognized, Respected, Productive and its Staff is Strong** – The ORPC achieves its statutory mandate when its reputation, performance, staff strength, and adherence to its values, which include the Five Pillars of the ORPC, have a positive impact on the child welfare system.

The ORPC's vision is that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC embraces three central concepts: Advocacy, Accountability, and Access.

- **Advocacy** – The ORPC will contract with experienced, high-quality attorneys and will support those attorneys through training, litigation support, and other resources to ensure that they are advocating for parents' constitutional rights.
- **Accountability** – The ORPC will be an effective steward of taxpayer dollars by ensuring that parents' attorneys are accountable for minimum standards and billing policies implemented by the agency.
- **Access** – The ORPC will ensure that all indigent parents have access to high-quality parents' counsel in Colorado child welfare cases.

II. Major Functions

The ORPC is charged with enhancing the provision of respondent parent representation across the State of Colorado and with providing oversight to contractors appointed to represent indigent parents in child welfare cases effective July 1, 2016. The items below detail the major functions of the agency and the efforts by the ORPC to meet its four primary legislative mandates through the five essential pillars of the agency.

A. **Systems are Fair and Followed**

Attorney Evaluations: The ORPC's statutory mandate to provide parents with high quality legal representation is the primary means for the agency to ensure that the Colorado child welfare system is fair. In furtherance of this mandate, the agency has created an objective attorney contracting process that includes a written application, writing sample assessment, references, assessment of attorney qualifications and commitment to the work, and an interview. Once an attorney is selected for a contract, their work is monitored periodically through our courtroom evaluation process.

After the ORPC was created, The Federal Administration on Children, Youth and Families Children's Bureau (hereinafter the Children's Bureau) issued an information memorandum about the importance of high quality legal representation for all parties in child welfare proceedings.³ The Children's Bureau emphasized the "numerous studies and reports" indicating the importance of competent legal representation for parents, children, and youth in ensuring that legal rights are protected.⁴

The Children's Bureau noted that there is evidence that supporting legal representation for parties in child welfare proceedings contributes to:

- Increases in party perceptions of fairness;
- Increases in party engagement in case planning, services, and court hearings;
- More personally tailored and specific case plans and services;
- Increases in visitation and parenting time;
- Expedited permanency; and
- Cost savings to state government due to reductions of time children and youth spend in care.

Further, the memo points to the demonstrated link between the provision of competent legal representation and increases in procedural justice, fairness, and engagement of families in the child welfare system.⁵ The ORPC's intensive contractor review and selection process helps to assure that family defense attorneys have adequate experience and are qualified to handle child welfare cases on behalf of respondent parents. The courtroom evaluation process helps ensure that an attorney who is doing work on behalf of parents is meeting the criteria for excellent representation suggested by the Children's Bureau.

³ ACF – Children's Bureau, High Quality Legal Representation for All Parties in Child Welfare Proceedings, ACYF-CB-IM-17-02 (January 17, 2017).

⁴ *Id.* at p. 2.

⁵ *Id.* at p. 5.

In the upcoming years, the ORPC plans to continue to increase diversity among RPC applicants, increase the total number of RPC applicants from across the state, enhance the electronic application process, and continue to develop a more robust electronic means of tracking contractor information. In prior years, the ORPC reported on the percentage of renewing attorney applications that were evaluated annually. The ORPC collects applications annually for renewing contractors as well as for attorneys under an existing contract who must submit annual verification of compliance with the ORPC contract, such as ongoing training requirements. This year the ORPC changed its methodology for tracking application numbers and have updated the numbers from previous years to reflect this change.⁶

Performance Measure A: Evaluate and Recruit Attorney Contractors		FY 2017-18	FY 2018-19	FY 2019-20	*FY 2020-21	FY 2021-22
Number of Applications Reviewed	Actual	278	281	295	*33	TBD
Number of New Applicants	Actual	Data not available for new applicants	57	63	*33	TBD

** Data provided for the FY 2020-21 year includes data from July 1, 2020- November 13, 2020. Most contractors apply by 3/31 each year, but ORPC does review mid-cycle applications where there is a need for new attorneys in a particular jurisdiction.*

In addition to the annual renewal process, ORPC has designed a system for observing attorneys in court with an eye toward determining coaching needs for individual attorneys, training needs for RPC across jurisdictions or statewide, and evaluating the need to add or subtract lawyers within jurisdictions. Setting goals of observing all trial level RPC multiple times during the course of their contract allows ORPC to better address concerns as they arise and to celebrate successes with legal teams in an effort to encourage excellence for clients.

The ORPC believes that continuing to improve the availability of high quality legal representation for parents will help shift the child welfare system in a way that is fundamentally fair for families.

Conduct Court Observations: The ORPC prioritizes conducting observations of RPC to ensure the provision of high quality legal representation. The use of frequent, targeted, and objective evaluations based on ORPC practice standards ensures that indigent parents have access to effective assistance of counsel.

Observations also mitigate overall legal error in courtrooms. If ORPC staff observe systemic problems in any jurisdiction, staff may follow up with judges and other appropriate agencies, such as the Colorado Judicial Department’s Court Improvement Program, to discuss needs for training or additional resources. ORPC staff also support attorneys in each jurisdiction by providing relevant caselaw, research, or practice tips following observations to ensure parents have access to appropriate

⁶ The ORPC’s updated methodology included a recount of application numbers from previous years. The agency believes that incomplete applications were counted with complete applications in FY 2018-19 and FY 2019-20. The numbers in the current report rectify this issue.

treatment plans, services, and resources as early as possible and throughout the case. Court observations are an essential role of the ORPC in ensuring fair systems for families.

Since 2017, the ORPC has conducted court observations year-round. In non-pandemic times, scheduling court observations requires intensive coordination between agency staff, local court personnel, and RPC. Logistical challenges can present significant hurdles to scheduling and completion of court observations in rural and non-metro areas of the state. Prior to the onset of the pandemic, agency staff traveled throughout judicial districts, witnessing court appearances in many types of hearings, both contested and non-contested. Since mid-March 2020, staff have been unable to observe court appearances in person. From March through May 2020, many hearings were continued to later dates. Since May 2020, most jurisdictions have conducted routine review hearings and other non-contested hearings remotely. ORPC staff have been able to remotely observe hearings in jurisdictions that are conducting virtual hearings.

In 2019, the ORPC adopted an objective court observation measurement tool tied to its practice standards, rules of professional conduct, and legislative mandates. The goal for observing contractors has evolved toward focusing on those RPC scheduled to renew their contracts during the current fiscal year. The agency will also focus on meaningful observation of contractors who have been identified as needing additional training or support, including observations of counsel in contested and substantive hearings. The goal is to observe 100 percent of renewing attorneys during the fiscal year in which their contract will be renewed.

A subpart of this goal is to observe contractors at least three times during their four-year contracting period, so there is more than one court observation measurement that can be averaged for a better snapshot of the attorney's court performance. The ORPC makes exceptions to these fundamental goals for those contractors who carry fewer than five contracted cases.

During court observations, ORPC staff observes the advocacy and litigation skills of the RPC contractors, the practices of judges and magistrates, and court practices of county attorneys and departments of human services. These observations allow staff to assess training needs, identify gaps in resources, and consider implementation of additional practice standards. Further, as part of identifying jurisdictional challenges, staff communicates with judicial officers and court personnel when appropriate to assist contractors in achieving practice standards. ORPC staff also meet with contractors while in jurisdictions to address common challenges and provide training and coaching tailored to improving practice for the county.

As a change in practice, the ORPC has begun recording court observation data. This data creates opportunities for staff to follow up with RPC to notify them when their performance has fallen below that required by practice standards and to provide RPC with resources to improve their performance. It also allows the ORPC to recognize contractors who are excelling in their advocacy and support of clients. This aspect of the ORPC's work is particularly important during the pandemic as the ORPC strives to retain contractors during a time when many are unable to continue their full-time practices due to personal challenges caused by the pandemic. The data collected also creates information for the training division to incorporate in planning curricula for the coming year. For example, RPC observed struggling with trial practice are personally invited to trial advocacy training, and RPC with a particular skill are often invited to train or assist in mentoring other attorneys.

Performance Measure B: Conduct Court Observations		FY 2019-20	*FY 2020-21	FY 2021-22
Observations of renewing contractors	Target	100%	*100%	100%
	Actual	93%	*0%	TBD

** Data provided for the FY 2020-21 year includes data from July 1, 2020—November 13, 2020. In the current Fiscal Year, ORPC has only one contractor up for renewal.*

Due to the recent implementation and change in data collection, the ORPC was unable to isolate data on the number of court observations for renewing contractors for FY 2017-18 or FY 2018-19. As a result, the measurement of this goal began with FY 2019-20. The ORPC structured contract terms so that in FY 2020-21, no RPC contractors would be up for renewal contracts. Nonetheless the ORPC issued a one-year contract to an RPC for FY 2020-21, so the agency will have one RPC up for renewal in the current fiscal year. The ORPC continues to observe all RPC across the state.

In FY 2019-20, the ORPC observed 93% of the RPC up for renewal. This is notable, given that ORPC was unable to observe any attorneys for approximately 3.5 months at the beginning of the pandemic when court operations were severely disrupted. Had the pandemic not been a factor, the ORPC is confident that 100% of renewing contractors would have been observed in FY 2019-20.

A total of 44 existing RPC had their contracts renewed in FY 2019-20. Of this number, three RPC were not observed. Two of these RPC that were not observed practice primarily in Moffat and Routt counties. An ORPC staff attorney travelled to Moffat county for a scheduled hearing to observe both attorneys, but the hearing was continued while the staff attorney was in transit. The ORPC planned a second trip to observe another hearing in March, but that hearing was continued due to the pandemic. The remaining attorney that was not observed had been an RPC contractor for less than a year and although ORPC attempted to complete court observations for this lawyer, those hearings were continued in multiple counties. The ORPC continues to make efforts to observe all three attorneys remotely.

As the volume of remote hearings across the state has increased throughout the pandemic, additional opportunities for conducting court observations were created due to the elimination of travel time for ORPC agency staff. This change has also permitted the ORPC to observe more contested substantive hearings, since these hearing types are often continued at the last minute. However, remote hearings provide fewer opportunities for engaging directly with RPC and inhibit the ORPC's ability to truly analyze what is occurring in a jurisdiction. In the observations completed by ORPC staff, virtual hearings are often difficult to follow due to technical difficulties, poor audio quality, and background noise from multiple participants. ORPC staff has observed how internet outages and poor connection quality for court staff, individual attorneys, and clients has frequently led to delays and confusion

among parties to cases. Sometimes, a parent or party who is not related at all to the case being heard ends up accidentally making a record or appearing.

The ORPC is also aware that the poor audio quality of the court record made during remote hearings over WebEx is leading to delays with court reporters having a difficult time transcribing the record — leading to extra delays on appeal and increased workload for RPC trying to reconstruct the record. While the ORPC understands the hearings must occur during the pandemic and appreciates the option to have virtual hearings for the safety of RPC and their clients, such hearings are not an adequate substitute in many ways for in-person hearings, and the ORPC looks forward to a return to in-person observations as soon as possible.

Colorado-Specific Practice Standards: Based on input from RPC and the need for Colorado specific practice standards, the ORPC has drafted practice standards reflecting the nature of the agency’s practice in Colorado while drawing on the guidance from the American Bar Association’s national standards of practice for attorneys representing parents in dependency cases, as well as other state’s practice guidelines for respondent parent attorneys.

In 2020, the ORPC worked with the Office of Attorney Regulation Counsel to review the proposed practice standards and incorporate all feedback. At the writing of this report, the ORPC has finalized the practice standards and is currently working with the Colorado Supreme Court and the Office of the State Court Administrator to incorporate the updated practice standards into CJD 16-02.

Appellate Program: Another important piece of the ORPC’s statutory mandate to provide high-quality legal representation for parents is the provision of adequate legal representation during an appeal. After assuming oversight for RPC representation, the ORPC created an appellate contractor list, selecting appellate attorneys based on objective criteria, to ensure that parents receive quality representation on appeal. The agency also implemented a policy preventing trial attorneys from handling their own appeals to ensure that parents are getting the opportunity for a truly unbiased review of trial proceedings.

Appeals are especially important to ensure that the court process in child welfare cases is fundamentally fair. When the Court of Appeals publishes an opinion pursuant to Colorado Appellate Rule 35(f), it becomes binding statewide precedent that guides all trial judges’ application of the Children’s Code. Opinions are published at the discretion of the appellate court, and therefore not every case results in a published opinion. The ORPC tracks reversal and remand rates in both published and unpublished opinions, which is listed in the table below.

This data indicates that the ORPC’s appellate program is having a positive impact on advocacy and change in the law for parents and families. Correcting errors at the trial court level is important to protect parents’ due process rights and is crucial to ensure that children achieve permanency appropriately when the case first proceeds through the trial court. Based on contractors’ reports on case closure of appeals, approximately ten percent of cases submitted to the Court of Appeals are found to have a legal error so substantial that the Court of Appeals has required reversal. This figure does not include limited remands, which occur when the Court of Appeals sends a case back to the trial court for further proceedings but still maintains jurisdiction over the appeal. If limited remands were included, this figure would be even higher.

Due to the nature of appeals, however, it is likely that as the appellate program matures the percentage of new appeals and remands will level off or decrease. The sharp spike in published remands and reversals is indicative of some of the larger procedural issues occurring at the trial court level that impinge upon the constitutional and statutory rights of parents and families. As RPC improve their ability to spot and correct these errors at earlier points in the case, and as trial courts make corrections based on current remands from the Court of Appeals, this increase in the number of remands should level off. This creates an environment where many of the published opinions are only issued in cases with difficult legal issues to resolve or correct.

The ORPC has also developed an appellate-specific training program for appellate RPC. The ORPC implemented a biannual Appellate Certification training to acquaint new RPC with performance and practice expectations of its appellate attorneys. All ORPC appellate attorneys are required to complete the Appellate Certification training within two years of appointment, meaning that the ORPC expects to see at least 50% of its appellate attorneys complete the certification training each year.

Due to the pandemic, however, the ORPC canceled the in-person appellate certification training scheduled for August 2020. Thus, although the agency’s goal this year was for 100% of its appellate attorneys to complete the certification training, this goal remains the same for the next calendar year. The percentage of appellate attorneys trained in the first half of FY 2020-21 dropped because of a few additions made to the appellate list during the pandemic, when the certification training was canceled. After all appellate attorneys have completed the certification training, the ORPC will implement tailored training that suits contractor needs.

Performance Measure C: Appellate List Efficiencies		FY 2017-18	FY 2018-19	FY 2019-20	*FY 2020-21	FY 2021-22
Overall percentage of remands	Actual	16%	8%	7%	*6%	TBD
Percentage rate of published remands	Actual	33%	60%	60%	*50%	TBD
Percentage of appellate attorneys trained through ORPC’s Appellate Certification	Target	Establish training track	No target established	50%	100%	100%
	Actual	Establish training track	78%	85%	*54%	TBD

**Data provided for the FY 2020-21 year includes data from July 1, 2020-November 13, 2020.*

Disability Law Overview: Since taking oversight of RPC practice four years ago, the ORPC has gathered evidence demonstrating that parents with disabilities make up a disproportionately high percentage of the parents involved in the Colorado child welfare system. While 21% of Coloradans have disabilities,⁷ based on RPC contractor estimates, 53% of indigent respondent parents in dependency cases have disabilities. That means that over half of the cases in the child welfare system likely involve parents with disabilities. These parents face real barriers to their ability to access appropriate services and reunify with their children yet, unfortunately, too often those accommodations are not being provided.

⁷ <https://www.cdc.gov/ncbddd/disabilityandhealth/impacts/colorado.html>

It is clear that parents with disabilities often face systemic discrimination rooted in nothing more substantial than stereotypes and low expectations. This discrimination is contrary to state and federal law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

In a 2015 Joint Statement of the U.S. Department of Health And Human Services (HHS) and the U.S. Department of Justice (DOJ), the Departments highlighted a prior finding of the National Council on Disability that “parents with disabilities are overly, and often inappropriately, referred to child welfare services, and once involved, are permanently separated at disproportionately high rates.”⁸

In 2018, Colorado passed HB 18-1104, with the policy goal of ensuring that parents with disabilities would not be deemed unfit to parent based solely on their disabilities. The law clarifies that parents with disabilities are entitled to due process and the right to visit with, adopt, and parent their children. The mere fact that this law was necessary, however, is evidence that Colorado is not immune from disability discrimination in the child welfare system. This notion was highlighted in the legislative declaration to HB18-1104, which notes in part, "Persons with disabilities continue to face unfair, preconceived, and unnecessary societal biases, as well as antiquated attitudes, regarding their ability to successfully parent their children."⁹

In 2020 the ORPC created a staff position dedicated specifically to addressing these issues. As a result of this demonstrated inequity in the child welfare system, the ORPC plans to work with stakeholders to guarantee that parents with disabilities are treated fairly in the child welfare system and to ensure that they and their children are not unjustly brought into the system based on stereotypes of their abilities.

In a first step toward achieving this goal, in September 2020 the ORPC hired the first Carrie Ann Lucas Disability Advocacy Director. The position was named after the late Carrie Ann Lucas, a former ORPC employee who was a nationally recognized pioneer and steadfast advocate for parents with disabilities. In this new role with the ORPC, the Carrie Ann Lucas Disability Advocacy Director will work with individual RPC to help ensure that parents are receiving necessary modifications and individualized treatment as required by federal and state disability law.

The ORPC Disability Advocacy Director will also develop and provide training for RPC about the rights of individuals with disabilities in the child welfare system. This will be combined with creating relevant resources, including a tool kit, lists of recommended evaluators and expert witnesses, and an overall resource data bank to assist RPC in providing high quality representation to their clients with disabilities. Finally, the Disability Advocacy Director will collaborate with state and county partners and other private and public stakeholders to identify barriers in the system and work to find effective systemic solutions for parents and families with disabilities.

⁸ U.S. Department of Health And Human Services, Office for Civil Rights, Administration for Children And Families and U.S. Department of Justice, Civil Rights Division, Disability Rights Section, *Protecting the Rights of Parents and Prospective parents with Disabilities: Technical Assistance for State and Local Child Welfare Agencies and Courts under Title II of the Americans with disabilities Act and Section 504 of the Rehabilitation Act*, at 2 (August 2015), at www.ada.gov/doj_hhs_ta/child_welfare_ta.html citing National Council on Disability, *Rocking the Cradle: Ensuring the Rights of Parents with Disabilities and Their Children* at 14, 18 (2012), at www.ncd.gov/publications/2012/Sep272012/.

⁹ § 24-34-805(1)(a)(I), C.R.S. 2020.

B. Family Voice Leads

Attorneys representing indigent parents in dependency and neglect proceedings are client-directed, meaning they must consult with their client and represent his or her expressed position. A courtroom is an intimidating place for a parent, particularly after experiencing the trauma of having a child removed from the family. When an attorney has frequent communication with a parent and can access appropriate resources such as expert evaluations, treatment services or consultations, and the assistance of investigators, parents' voices are heard by the court and by the other professionals working on the case.

The challenges of amplifying family voice are exacerbated by the current pandemic. With differing approaches from county to county or individual judicial officers regarding how and when parents must appear, it is more important than ever to have a cohesive, interdisciplinary team to support clients. These obstacles are compounded by issues of technology and accessibility. For the families that the ORPC serves who struggle daily with poverty, sobriety, and mental health, among other hurdles, support beyond that of the appointed attorney is crucial.

Attorneys who work within a supportive and collaborative family defense team have a higher level of satisfaction with their work and are more likely to continue to represent indigent parents. In a recent survey of ORPC contractors, an RPC wrote, "I feel valued as an ORPC contractor because I have so many great resources to help my client succeed. Clients have access to a private investigator, their own social worker, experts when needed. I try to take advantage of all the resources ORPC provides." Another attorney noted, "Our service is needed by clients who have few if any other allies."

Excellent advocacy, adequate resources, and an increased number of allies for parents will strengthen family voice in dependency proceedings and ensure that families are heard regarding what is most important to them – the needs and concerns of their children. In this time of a global health crisis, parents feel more isolated and marginalized than ever before; surrounding them with a team of advocates creates hope that their voice is being heard.

The ORPC's Chief Justice Directive: Early in 2016, the ORPC developed Chief Justice Directive (CJD) 16-02. The CJD outlines the agency's responsibilities and authority, the requirement that Courts must appoint from attorneys approved by the ORPC, the appellate process, practice guidelines, continuing education requirements, indigency and application requirements for parents, guidelines for payment by the agency, duties of Judges and Magistrates, and a complaint process.

The CJD also adopted the practice standards created by the American Bar Association as an interim set of practice standards for attorneys to abide by during their representation of parents. On July 1, 2017, the CJD was updated to reflect minor changes. The ORPC is currently working with the Colorado Supreme Court and the Office of the State Court Administrator on proposed updates to CJD 16-02, including the incorporation of practice standards tailored to Colorado RPC practice.

Attorney Coaching: In 2017, after assessing the need for increased support, the agency hired a full-time staff attorney to serve as the Case Strategy Director charged with handling the increased call volume and need for case support and consultation for trial attorneys. On average, the Case Strategy Director handles five case consultations with RPC regarding trial strategy per day. The current Case

Strategy Director implemented a scheduling system that allows contractors to schedule a consultation easily and reduces staff time spent scheduling phone calls and meetings. Attorneys seek guidance on a range of issues, from appointment of expert witnesses to appropriate services to questions on caselaw. Through these consultations, attorneys are provided with the resources and support to ensure that their clients' voices are heard.

Case consultations and attorney mentoring are a part of a broader initiative of attorney coaching developed within the agency beginning in 2019. With the addition of the positions of Director of Engagement and the Carrie Ann Lucas Disability Advocacy Director, the number of experienced staff attorneys at the ORPC has increased to seven.

Attorney coaching consists of individual case consultations related to specific cases and sometimes deeper interventions for litigation skills, client-centered advocacy efforts, ethical concerns, disability advocacy for individual clients, and other law practice management advice. Based upon the ORPC's jurisdictional observations, coaching can also consist of targeting groups of attorneys facing similar challenges to craft litigation strategies or resolve issues unique to their county. The format of coaching includes one-on-one feedback, roundtable discussions, strategy brainstorming, skill building, and case reviews. ORPC staff may refer RPC to additional resources, specific training opportunities, or mentorship options as part of the contractor coaching program.

RPC coaching can reduce costs and mitigate attorney burnout by helping attorneys avoid spending hours drafting motions or researching issues where ORPC staff resources can point them in the right direction much more quickly. Coaching has the added benefit of promoting RPC community-building by supporting attorneys before they reach possible burnout. From June 1, 2020 during the ORPC's annual contracting cycle to the writing of this report, the ORPC has interviewed and onboarded a total of 36 new RPC attorneys to take on family defense work across the state. Each new attorney was matched with an experienced RPC in their jurisdiction to mentor them as they became familiar with the law and practice standards, as well as peculiarities of their jurisdiction.

As a result of increased capacity of ORPC attorney staff and intensifying challenges related to the pandemic and jurisdictional turnover, group coaching and contractor support has ramped up throughout 2020. The ORPC has conducted statewide remote meetings and roundtables related to challenges experienced resulting from the pandemic, a managing attorney roundtable, and a new jurisdictional specific RPC roundtable focusing on discrete issues relevant to those groups.

Early in the pandemic shutdown of in-person court appearances, the ORPC produced a coaching manual for virtual court appearances that provided suggestions and encouragement for on-line court appearances and meetings. To further help RPC adapt to technology for court appearances and to better engage their clients, ORPC staff worked one-on-one with RPC to walk through different platforms for video communication, making sure they can actually see their clients and advocate persuasively. From a coaching perspective, the pandemic has brought about a normalization of video interactions with contractors and an expectation that RPC become comfortable with different virtual meeting platforms. Providing coaching and consultations with a video component often has greater impact than phone calls. The same is true for the roundtable discussions led by the ORPC, where contractors can attend a "face-to-face" meeting with their colleagues from the comfort of their workspace and have the opportunity to be more engaged than they might be on a conference call.

Beginning last fiscal year, the ORPC tracked the percentage of attorneys using the case consultation resource provided by the agency. With additional staff attorneys providing consultations and the ability to refer attorneys to other staff with special knowledge, such as disability advocacy or trial and investigation strategy, the ORPC has increased its capacity to coach attorneys more frequently and more broadly.

Performance Measure D: Attorney Coaching		FY 2019-20	*FY 2020-21	FY 2021-22
Percentage of attorneys using case consultations	Target	75%	80%	80%
	Actual	83%	*80%	TBD

**Data provided for the FY 2020-21 year includes data from July 1, 2020 – November 13, 2020.*

Access to Experts and Investigators: The ORPC consults with RPC about available experts and possible treatment resources for parents, including providing access to published social science journal articles. The ORPC continues to work on developing an expert database to assist agency staff in tracking the number of retained experts willing to work with parents in dependency proceedings and willing to work at negotiated state rates. The expert database will increase efficiencies for seven agency staff who routinely consult with RPC attorneys about the availability of experts across the state. The addition of the Carrie Ann Lucas Disability Advocacy Director has also proven a valuable resource to RPC in helping them identify experts to evaluate their clients with disabilities, to advocate for reasonable accommodations in the dependency court process, and to engage parents more meaningfully in their treatment plans.

Experts may provide an evaluation that recommends a service for a client that has not been considered but that would permit a reunification of the family. A psychologist can recommend specific accommodations for a parent with a cognitive or intellectual disability that would allow the individual to independently parent. A toxicologist may review a report and determine that accusations that a parent tested positive for a drug are not accurate. The ORPC offers a wide range of experts that both assist attorneys in evaluating their cases and presenting evidence that supports the parent’s position. Expert assistance in dependency cases improves both the services that may be offered to a parent and the accuracy of the court’s decision, and thus ensures fairness for indigent parents during the court process.

The ORPC tracks the numbers of experts requested in the representation of parents each fiscal year. This data is useful internally in determining the number of RPC requesting expert services, training regarding appropriate use of experts in cases, and costs associated with such use. While the numbers related to expert requests are useful to the agency, many variables can create fluctuation in the number of requests. For that reason, ORPC does not use the number of experts as a measure of performance. Instead, it is useful strictly as an informational data point for improving representation of parents and predicting future case costs. The performance measure below instead lists the number of experts available for appointment through the ORPC.

The ORPC continues to expand the availability of investigators to create efficiencies in the amount of time spent and overall cost of cases. Investigator professionals can assist in locating clients, interviewing possible witnesses, or obtaining information about possible family supports and kinship

placements. In one recent case, an investigator located an out-of-state parent who was unaware of the dependency and neglect case and was able to have his child returned to him from foster care. In another case, an investigator located a client who decided to relinquish her parental rights and was supported during that process, resulting in an outcome supportive to the parent and the child. Resolving a case and supporting a family through a relinquishment of parental rights can reduce the overall length of a case, case costs, court time, and trauma to the family from going through extended litigation. These are just two examples of how using a low-cost resource can ensure attorneys have the information they need to make parents' voices heard and to move towards permanency for children more quickly. During the past year, the ORPC has added several investigators on the Western Slope and in the mountains to provide better services statewide and to manage the cost of travel for investigation.

In the upcoming years, as illustrated in the charts below, the ORPC plans to increase available litigation support for attorney contractors to create law practice efficiencies.

Performance Measure E: Recruit and Maintain Experts and Investigators		FY 2017-18	FY 2018-19	FY 2019-20	*FY 2020-21	FY 2021-22
Number of experts available for appointment through ORPC	Target	150	175	200	**265	300
	Actual	174	192	288	*315	TBD
Number of investigators available for appointment through ORPC	Target	Not tracked	Not tracked	30	40	50
	Actual	Not tracked	Not tracked	41	*51	TBD
Number of investigator appointments	Target	No target established	No target established	No target established	200	250
	Actual	158	184	284	*227	TBD

**Data provided for the FY 2020-21 year includes data from July 1, 2020 – November 13, 2020.*

***In upcoming fiscal years, the ORPC's goal is to maintain the existing number of vetted and available experts and to assess the list for breadth of expertise and quality.*

Reinstatement and Relinquishment of Parental Rights: Part of ensuring that parent voices are heard is acknowledging and understanding the range of options available to parents in child welfare cases. This includes representing parents who wish to relinquish parental rights and parents who wish to reinstate their parental rights after they have been terminated.

In 2020, the ORPC worked on legislation updating C.R.S. §19-3-612, which now allows parents who had previously relinquished their parental rights to be eligible for reinstatement. The legislation also spelled out that courts must consolidate relinquishment and dependency proceedings into one case, which is in the interests of parents who wish to exercise their ability to relinquish parental rights if they so choose.

Parental rights can only be reinstated after a certain set of statutory criteria are met and current statute only allows a petition for reinstatement to be filed by the county attorney. Once a petition is filed, the statute allows indigent parents to be appointed counsel through the ORPC.

Supporting parents to make the choice that is best for them and their families is part of ensuring that parent voices are heard.

C. Decrease Trauma to Children

Research demonstrates that children have better long-term outcomes when they are raised in their families of origin.¹⁰ The removal of children from their families is a traumatic experience for both children and parents. For children in particular, separation trauma can endure and have long term implications for a child's educational attainment, mental and physical health, and future employability.

In addition to the research demonstrating that children have better long-term outcomes when they are raised in their families of origin, research has also shown that youth aging out of foster care are more likely to drop out of high school, to be unemployed, and to be dependent on public assistance when compared with youth in the general population.¹¹ Youth from foster care also experience mental health problems, substance use, and involvement with the criminal justice system at higher rates than children in the general population.¹² These negative, long-term traumatic effects for children experiencing out-of-home care demonstrate the need to focus on safe and timely family reunification efforts in the child welfare system.

The ORPC is committed to parent advocacy that supports parents to make choices that are best for them and their families, including the opportunity to parent their children safely at home whenever possible. In situations where children are not able to remain home safely, ORPC contract attorneys help parents advocate for kinship placements and articulate their children's emotional, health, behavioral and educational needs. Parent advocacy helps ensure children and families have adequate support services to work towards a safe reunification or to make alternative arrangements that are best suited for the individual family.

ORPC Social Worker Pilot Program: The right kind of representation in child welfare cases can mean the difference between preserving a family and seeing it permanently destroyed. Over the last decade, research from around the country has established that a family's chance of success improves dramatically when parents are provided with an interdisciplinary approach to legal representation including a zealous attorney, an appropriate clinical assessment for services, delivery of timely and effective services, and strong advocacy within the child welfare system by a social worker on the parent defense team. Interdisciplinary legal teams are a nationally established best practice standard for parent's and children's defense agencies.

The American Bar Association integrated the interdisciplinary representation approach into its Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases.¹³ The

¹⁰ Mimi Laver, *Improving Representation for Parents in the Child-Welfare System*, October 7, 2013, available at apps.americanbar.org/litigation/committees/childrights/content/articles.

¹¹ Pecora et al., *Educational and employment outcomes of adults formerly placed in foster care: results from the Northwest Foster Care Alumni Study*, Child and Youth Services Review (2006).

¹² Courtney et al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26*, Chapin Hall at the University of Chicago, Chicago (2011).

¹³ ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases. Retrieved from https://www.americanbar.org/content/dam/aba/administrative/child_law/abaparent-rep-stds.pdf

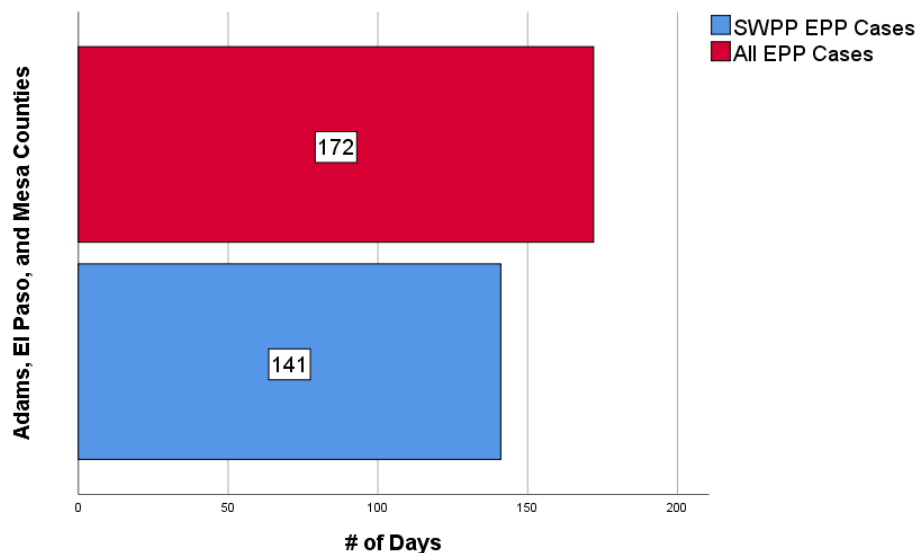
Children’s Bureau actively promotes this interdisciplinary approach in the legal representation of parents and children¹⁴, offering practice guides¹⁵ and, more recently, changing federal policy to directly fund interdisciplinary representation in jurisdictions around the country through direct Title IV-E funding.¹⁶

In FY 2017-18, the ORPC piloted this interdisciplinary representation model in high risk dependency and neglect cases in three judicial districts. The Social Worker Pilot Program (SWPP) dedicated social workers to high risk dependency cases that involve out-of-home removals for children under the age of six who are therefore subject to Expedited Permanency Planning (EPP). EPP cases in Colorado reduce the legal time frames for children who are the subject of a dependency case to 12 months to achieve permanency. Under ORPC supervision, social workers in the pilot districts participated in the parent legal representation team to support and advocate for parents and help them access tailored resources.

Across the three judicial districts in which the pilot program was conducted, the children of parents who had interdisciplinary representation spent fewer days out of the home and families reunified at a higher rate than the county average in the same type of dependency cases.¹⁷ For cases in the SWPP, reunification rates were nearly 22% higher than the county average for children whose parents had interdisciplinary representation.

As Figure 1 shows, children of parents whose EPP cases were assigned a social worker through the ORPC SWPP spent an average of 141 days in out-of-home care, compared to children in all EPP cases who spent an average of 172 days — a month longer — in out-of-home care.

Figure 1. Mean Days in Out-Of-Home Care – SWPP EPP Cases vs. All EPP Cases – 2018



¹⁴ Child Welfare Information Gateway. (2011). Family reunification: What the evidence shows. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau

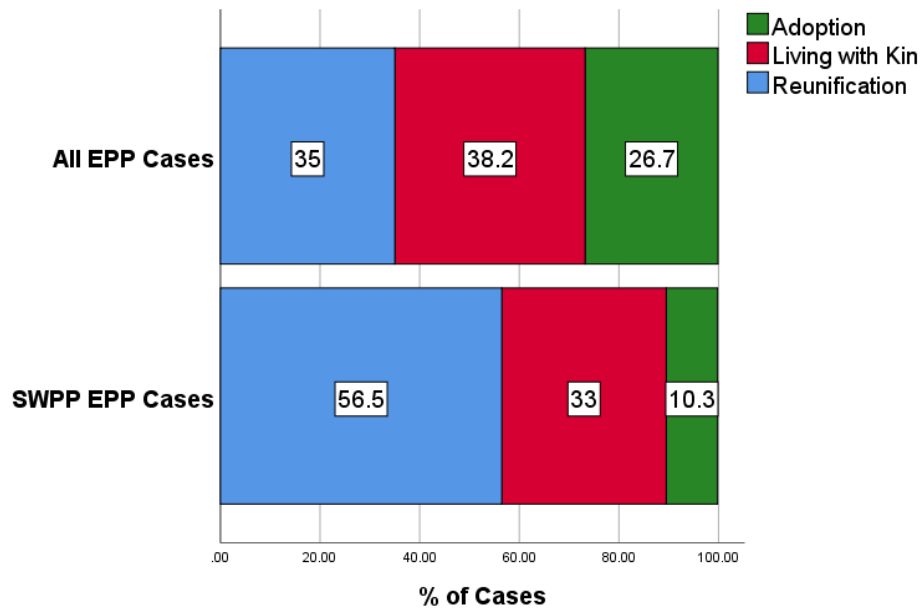
¹⁵ ACF – Children’s Bureau, Engaging, empowering, and utilizing family and youth voice in all aspects of child welfare to drive case planning and system improvement, ACYF-CB-IM-19-03 (August 1, 2019), p.2.)

¹⁶ See 45 CFR § 1356.60(c), section 474(a)(3)

¹⁷ Lori Darnel and Dawn Matera Basset, *A Program Evaluation of Colorado Office of Respondent Parents’ Counsel Social Work Program*, Metropolitan State University of Denver Department of Social Work (pending publication) (attached as Appendix A; hereinafter Appendix A).

As Figure 2 shows, in nearly 57% of EPP cases parents who had interdisciplinary legal representation reunified with their children, while only 35% of families in all EPP cases in the same counties reunified. For cases assigned an interdisciplinary team, nearly 90% concluded with reunification or kinship placement.

Figure 2. Number of Reunifications, Kinship Placements, and Adoptions – SWPP EPP Cases vs. All EPP Cases – 2018



Outcomes from the SWPP are consistent with the national data on similar interdisciplinary models of parent representation. The pilot program has run successfully for three years and yielded positive results. This interdisciplinary model has been integrated fully into the ORPC’s infrastructure.

ORPC Parent Advocates: Interdisciplinary teams can include social workers and peer support for parents. The inclusion of a peer support member may contribute to the reduction of trauma for a family navigating the child welfare system. In a memorandum from August 2019, the Children’s Bureau emphasizes that “families and youth are our best sources of information about the strengths and needs of their families and communities, yet, historically, we make decisions and plans in the absence of their input.”¹⁸

The ORPC is integrating peer mentors, or parent advocates, into its interdisciplinary programming. Parent Advocates are professionals who also have lived experience successfully navigating the child welfare system. Parent advocates receive training, mentorship, and supervision. They support, encourage, and empower parents alongside ORPC court-appointed attorneys. In November 2020, the ORPC contracted with ten parent advocates who will be available for assignments to parent defense teams in 2021. The ten parent advocates reunified with their children who were in out of home placements in Colorado and have successfully closed child welfare cases.

¹⁸ *Id.* at 3

Use of Evidence-Based Practices: The ORPC uses evidence-based analysis as a foundation for its budget request and in the development of ORPC pilot programs. The ORPC defines evidence-based budgeting as analyzing data to project costs and justify requests with the best research evidence available, especially research supported by peer-reviewed journals and scholarly articles.

The purpose of Performance Measure F is to create an implementation strategy for the use of evidence-based practices in dependency cases. The ORPC plans to incorporate these practices by increasing access to social workers on individual ORPC cases across the state and by ensuring that part of the ORPC’s training program is focused on evidence-based practices and the use of social workers to increase the number of cases that conclude with reunification or kinship placement.

Performance Measure F: Support the use of Evidence-Based Practices		FY 2017-18	FY 2018-19	FY 2019-20	*FY 2020-21	FY 2021-22
Number of ORPC cases with social workers (including the Social Work Pilot Program)	Target	300	350	400	425	500
	Actual	321	488	670	*512	TBD
Number of social worker contractors available for work on ORPC cases	Target	5	10	15	30	35
	Actual	8	13	30	*33	TBD

**Data provided for the FY 2020-21 year includes data from July 1, 2020 – November 13, 2020.*

D. Family Defenders Have a Strong Community

Training: The ORPC training program creates opportunities for contractors to gather, network, and share successes as well as to stay abreast of changes in the law and develop stronger skills related to advocating for parents at all stages of proceedings. These opportunities to share information and ideas are valuable in energizing and strengthening RPC practice for all professionals.

In FY 2019-20, the ORPC executed 43 trainings. Below is a sample of RPC feedback about the agency’s trainings:

“The lectures were fantastic and engaging. I learned a lot of great info and strategies. The feedback in small groups was very helpful and for practicing new ideas/strategies.”

“Every conference with ORPC I attend, I leave a better attorney with PAGES of things to do in my cases. These conferences make me a better attorney.”

“It was clearly well thought out and you had listened to feedback from what people wanted to know more about.”

“While I have had many years of experience in D&N [dependency] cases, my perspective from the bench was challenged by turning the box and looking at the case from a client driven perspective rather than a best interests of the child perspective. As a GAL, I believe that I am now much more sensitive to the role of the RPC and the need to balance parents' rights and best interests. I have already put to use practices I learned from Boot Camp in both active RPC and GAL cases. Good work!!”

“It was excellent content, well-organized and informative. Also the right length.”

FY 2019-20 was a transformational year for the ORPC’s training program. The ORPC’s current training director, who started on January 1, 2019, is now the longest serving training director that the agency has employed. This allowed for a consistent and cohesive training program throughout FY 2019-20 and to the present day. In addition, the coronavirus pandemic has required significant adjustment and has fundamentally altered the way the ORPC approaches training.

The agency met and exceeded its goal of increasing attendance and improving the quality of its training program in FY 2019-20. The ORPC surpassed its highest historical training attendance (from FY 2017-18) by a significant margin in FY 2019-20. Additionally, the ORPC’s training evaluation results for FY 2019-20 showed high marks for quality of trainings. In particular, the ORPC received feedback that its boot camp and annual conference in FY 2019-20 were the agency’s best to date. On average, training attendees rated ORPC training as “Excellent” 61.8% of the time and “Good” 24.9% of the time. This means that the ORPC’s feedback about its training program in FY 2019-20 was overwhelmingly positive. The ORPC expects this trend to continue and has already received positive feedback about its trainings in the first half of FY 2020-21.

The pandemic has created new challenges and opportunities for the ORPC’s training program. Trainings that historically were held in person have had to migrate to a virtual platform due to the requirements of social distancing and other public health measures. The agency viewed this as an opportunity for growth and improvement rather than a limitation because the virtual platform allows for the agency to invite many more national trainers to speak to contractors and has made trainings more accessible for contractors who live far from the Denver metro area. The pandemic has pushed the ORPC to continue to reimagine its training program to make it possible for contractors to access ongoing legal education from their own homes or offices. As a result, the ORPC has made training videos more widely available and explored new virtual training and learning opportunities, including the creation of the ORPC’s first podcast series. The agency will carry forward many of the innovations to its training program even after in-person training may safely resume.

In the next three years, the ORPC will continue to implement trainings based on ORPC practice standards and principles of interdisciplinary practice, as well as continue to offer core trainings such as the annual boot camp for new trial RPC, the annual fall conference, and appellate certification. The agency has succeeded in its goal of expanding online training resources and will continue to prioritize remote access to training. The ORPC has also implemented bi-annual jurisdictional roundtables into its training program beginning December 2020. The agency will utilize these roundtables, in part, to determine training needs across the state.

Performance Measure G: Provide High-Quality Trainings		FY 2017-18	FY 2018-19	FY 2019-20	*FY 2020-21	FY 2021-22
Training for attorneys, associates, social workers, and court personnel	Target	10	10	10	10	10
	Actual	23	10	43	*6	TBD
Total Number of Training Hours		83	50	162.9	*31.5	TBD
Total Number of Attendees		539	413	833	*358	TBD

**Data provided for the FY 2020-21 year includes data from July 1, 2020-Novemebr 13, 2019.*

Motions Bank and Caselaw updates: The ORPC provides a number of resources to build and maintain a strong community of family defenders. The agency developed and maintains a website with a password protected page designed to support ORPC contractors. Within the secured pages of the website, the agency houses resources for lawyers, including social science research, articles, links to government agencies, case law, and a motions bank. The bank has been continually updated since the ORPC took oversight on July 1, 2016, and is currently undergoing a major renovation and addition to improve user experience and update language. Attorneys are encouraged to share motions, and the ORPC assists with updating and drafting some motions.

The agency also provides periodic written case law summaries as a service to its contractors. The ORPC monitors all the opinions released by the court of appeals, unpublished and published, and sends out a written summary of all published opinions impacting dependency cases. If an unpublished opinion is released that might impact certain parts of the practice, the ORPC also sends out an update on that unpublished opinion – even if the case is not binding on the trial courts. The ORPC is supplementing these written case law summaries with a new podcast recording, which was made available for the first time in October 2020 and qualified for one continuing legal education credit.

Revising the GRID: Beginning in 2018 and continuing in each subsequent year, the ORPC and the Office of the Child’s Representative (OCR) revised and updated the Guided Reference in Dependency (GRID). The GRID book is a comprehensive guide to the legal standards governing dependency and neglect cases in Colorado. The book covers the stages of a dependency and neglect case and details black letter law, statutes, seminal cases, and checklists of activities for attorneys in child welfare proceedings. The 2020 update is available at on the GRID website.¹⁹ The updated version of the GRID is now final and was published in PDF format. The ORPC also makes paper copies of the GRID available to ORPC contractors, who frequently rely on it as a first reference for navigating legal and procedural issues that arise.

Recruitment and Retention: An ongoing goal for the ORPC is the promotion of excellent representation for indigent parents. For the ORPC community to flourish, it is vital to retain those

¹⁹ <http://www.coloradogrid.org/>

contractors who already provide strong advocacy for their clients. Such contractors model correct application of practice standards for newer members of the RPC community. In creating a strong community of family defenders, it is equally important to recruit talented, dedicated attorneys to the practice to inject energy and creativity to the ORPC's mission.

Over the past two years, the ORPC surveyed contractors regarding their satisfaction with family defense work and dependency practice. Consistently, contractors cited the culture of ORPC and leadership of ORPC as reasons they feel valued and are able to continue their work.

The ORPC is developing multiple pipelines from which to recruit attorneys who are likely to excel in parent representation. The staff attorneys at the ORPC are cultivating networks of potential family defenders through law schools, specialty bars, and other professional organizations. One method of creating competent parent lawyers is to pair new lawyers with established RPC in associate positions. Pairing newer lawyers with established practices creates mentorship and training for the associates and injects energy and availability into those practices. ORPC has developed a system of tracking new applicants who are not yet qualified to work independently on a contract but would be great candidates for associate positions. When an established RPC is looking to expand their law firm, ORPC aims to provide potential candidates for positions with those firms.

ORPC staff also proudly represent the ORPC by participating on committees and boards and appearing at speaking engagements throughout the state and the country. Traditionally, ORPC staff has participated in public interest career fairs at local law schools and attended classes, clinics, and other recruitment opportunities to share information about a family defense career path with students. While many of those in-person opportunities have been curtailed by the pandemic, staff has been asked to speak at clinics remotely and many of the staff attorneys have mentoring law students from the University of Denver throughout calendar year 2020.

Agency staff routinely engage with attorneys who may be practicing in child welfare, family, or criminal law in other roles and are interested in transitioning to or adding RPC work to their practices. The ORPC aims to host a legal intern each semester so that law students can be exposed to the work of the agency and its contractors. The agency is committed to supporting alternative business models and structures that allow competent and passionate attorneys to enter this field and to continue to represent indigent parents throughout their legal careers. Participating in these opportunities to share the agency's mission and vision with the broader community helps the ORPC recruit professionals who might otherwise be unaware of the important work of family defenders.

Establish Fair and Realistic Contractor Hourly Rates to Attract and Retain High Quality Professionals: The ORPC is responsible for paying contract attorneys, paralegals, social workers, parent advocates, and other members of the legal family defense team tasked with representing indigent parents in dependency and neglect cases.

The rates paid to contractors by the ORPC were increased by the Colorado State Legislature in FY 2018-19, the most recent year in which the contractors received an increase. State salaries increased by 3% in FY 2019-20 without a corresponding increase in the ORPC hourly rate. The FY 2020-21 budget request regarding state employees included a salary increase of 2%. To attract and retain experienced attorneys and other non-attorney professionals, the ORPC requested a \$4/hour increase in the hourly rate for attorneys and a commensurate 5% increase in the hourly rates of other contractors in its FY 2020-21 budget request. The requested increase to contractor hourly rates was

initially approved by the Joint Budget Committee but was withdrawn due to the economic and state budget crisis caused by the 2020 pandemic.

It is critical that the ORPC be able to attract and retain skilled and experienced attorneys to represent indigent parents who might lose a constitutional and fundamental right to parent their children. Part of retaining and recruiting competent attorneys is ensuring that they are paid a livable hourly rate. The hourly rate must also ensure that it keeps pace with the economic growth of Colorado and the private sector. Retention and recruitment of quality professionals working on family defense teams is a priority for the ORPC, despite the fact that the state of Colorado is now facing unprecedented budgetary challenges because of the pandemic.

The pandemic has simultaneously impacted the agency’s ability to recruit and retain existing attorneys. Since the start of the pandemic lockdowns, the agency has noted increased turnover of RPC contractors throughout the state and reduced capacity of existing RPC to manage a fulltime practice while balancing the increased demands of personal health and family obligations.

As a result of the budgetary crisis and the increased turnover and retention issues, the ORPC’s current focus is on maintaining the hourly rates of ORPC contractors to prevent the loss of the public-spirited attorneys who provide a vital service to their clients and to the State of Colorado. Maintaining the current hourly rates for contractors will also help the ORPC attract strong professionals to the practice of parent representation and family defense.

Performance Measure H: Realistic Rate of Pay		FY 2017-18	FY 2018-19	FY 2019-20	*FY 2020-21	FY 2021-22
ORPC average hourly attorney rate	Target	\$75	\$80	\$80	\$84	\$80
	Actual	\$75	\$80	\$80	*\$80	TBD

**Data provided for the FY 2020-21 year includes data from July 1, 2020 – November 13, 2020.*

Redefining Success: In an effort to strengthen advocacy and leadership for ORPC contractors, the agency is working to develop measures of success that encapsulate all of the challenges facing parent attorneys. While family reunification is universally recognized in dependency and neglect proceedings as one measure of successful representation, there are many ways in which RPC provide parents with dignity, advocacy, and a voice in the proceedings. In building a strong community of family defenders, it is essential that the ORPC communicates the value inherent in contractors’ work beyond traditional measures. For that reason, the ORPC has begun recognizing contractors for meeting many goals of representation.

The goals of successful representation include:

- successfully complying with the performance standards established in CJD 16-02,
- providing client-centered representation to parents,
- educating stakeholders regarding the impact of separation trauma when appropriate,
- successfully communicating client stories and history to opposing parties and courts, and
- creating dignity for parents who have often experienced extensive trauma themselves.

Another indicator of successful representation emphasized by the ORPC is leadership in the courtroom. A successful RPC is the most professional, well-informed, and legally knowledgeable lawyer in the courtroom. The elevation of RPC practice in the courtrooms across the state is a success regardless of the resolution of the case.

This slow change in culture is starting to bear fruit. ORPC contractors are now looking at success from many angles. In the most recent contractor survey, a contractor stated:

“I love helping parents feel that they are being heard, that they have a voice at the table in the interest of their children. I hope to help them feel validated in their worries, concerns, frustrations, and victories.”

Even when the result of the proceeding is not what the parent or the RPC hope, contractors are able to focus on ways the clients’ lives have improved. One appellate attorney pointed out, “I am so happy when I talk to clients who have become substance-free, even after the court terminated their parental rights.” Many times, ORPC contractors struggle to obtain justice for their clients. They can provide dignity, however, for clients who have been traumatized, belittled, or ignored their whole lives.

The ORPC is committed to supporting contractors when their clients identify other objectives, such as having their child cared for by family or relinquishing their rights, in addition to supporting contractors whose clients are pursuing reunification. Representing parents who have experienced trauma can be emotionally draining and lead to burnout, and it is crucial that the ORPC redefine success for attorneys in these cases so that they are recognized for the important work they are doing.