

# OFFICE OF RESPONDENT PARENTS' COUNSEL

## ANNUAL PERFORMANCE REPORT



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## **I. Agency Overview**

The United States Supreme Court recognized that the “Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.”<sup>1</sup> As former United States Supreme Court Justice John Paul Stevens highlighted more than thirty years ago, there is little that is “more grievous” than depriving a parent of the right to raise one’s child, including even a prison sentence.<sup>2</sup> This deprivation of a parent’s rights is what all respondent parents’ counsel (hereinafter referred to as “RPC”) tirelessly defend against and is the very heart of RPC practice.

In Colorado, an indigent respondent parent has a statutory right to appointed counsel to protect this fundamental right to parent.<sup>3</sup> Indeed, as the Colorado General Assembly has declared, a respondent parents’ counsel “plays a critical role in helping achieve the best outcomes for children involved in dependency and neglect proceedings by providing effective legal representation for parents in dependency and neglect proceedings, protecting due process and statutory rights, presenting balanced information to judges, and promoting the preservation of family relationships when appropriate.”<sup>4</sup>

### **A. Statutory Mandate**

To protect and oversee the appointment of these critical counsel, the Office of Respondent Parents’ Counsel (ORPC) was established on January 1, 2016, by Senate Bill 14-203 as an independent office in the Judicial Branch. House Bill 15-1149 established the Respondent Parents’ Counsel Governing Commission and provided that all existing and new state-paid RPC appointments be transferred to the ORPC on July 1, 2016. This enabling legislation charges and entrusts the ORPC with, at a minimum:

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

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<sup>1</sup> *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

<sup>2</sup> *Lassiter v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

<sup>3</sup> Section 19-3-202, C.R.S. (2023).

<sup>4</sup> Section 13-92-101(1)(a), C.R.S. (2023).

Additionally, the ORPC Contract, Billing Policies and Procedures, and Chief Justice Directive 16-02 (CJD 16-02), titled “Court Appointments through the Office of Respondent Parents’ Counsel,” govern the appointment, payment, and training of RPC.

## **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 agency’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 its work.

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 and 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 parents 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, access to litigation and practice support, and who are celebrated for every kind of success in their parent advocacy.

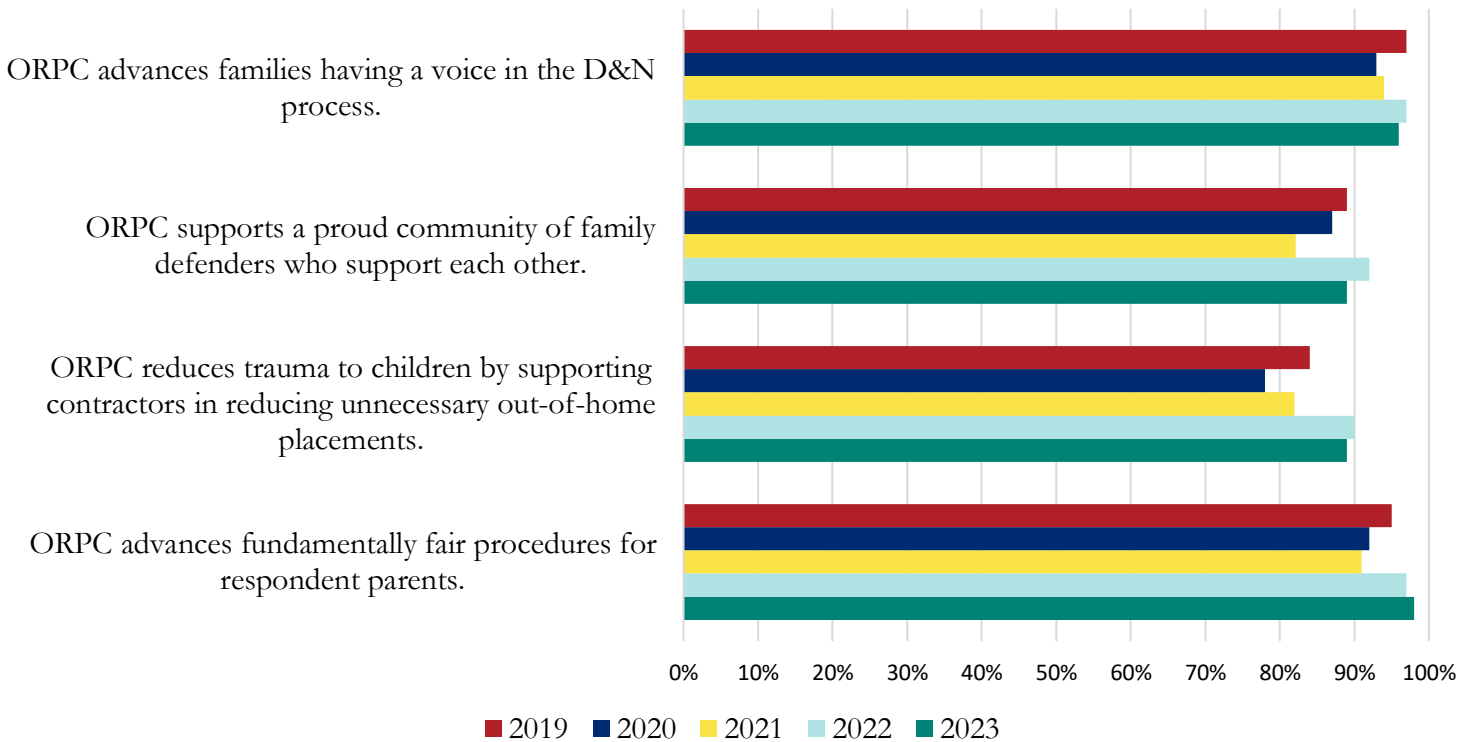
**5. ORPC is Recognized, Respected, Productive and its Staff is Strong** – The ORPC achieves its statutory mandate when its reputation, performance, staff strength, and adherence to its values have a positive impact on the child welfare system.

The ORPC issues an annual survey to contractors to solicit essential feedback regarding the agency’s performance, availability and value of resources offered, training needs, and challenges to effective advocacy for family defense teams. In the 2023 Annual Contractor Survey, contractors weighed in on the extent to which they agreed or disagreed with the below statements about the ORPC’s essential pillars. The chart below shows the percentage of ORPC contractors who strongly agree or agree with these statements over the last four years. In 2023, for example, 98% of contractors surveyed strongly agreed or agreed that the ORPC advances family voice in the dependency and neglect process. According to ORPC contractors from 2019 to 2023, the ORPC has improved or maintained its performance in each of these areas. In 2023, at least 89% of ORPC contractors agreed or strongly agreed with each of the below statements about the ORPC's essential pillars.

**2023 ORPC Annual Contractor Survey**

Please indicate the extent to which you agree or disagree with the following statements.

**% Strongly Agree and Agree**



## 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 and serve on interdisciplinary teams in child welfare cases. The items below detail the major functions of the agency and the efforts by the ORPC to meet its four primary legislative mandates, while upholding the five essential pillars of the agency.

### A. **Systems are Fair and Followed**

**Attorney Evaluations:** To further the ORPC’s statutory mandate to provide parents with high-quality legal representation, the agency created an objective attorney contracting process consisting of a written application, writing sample assessment, references, an assessment of attorney qualifications and commitment to the work, and an interview. Applications are scored by two staff attorneys using a matrix to maximize objectivity and consistency in the review of applicants. Once an attorney is selected for a contract, their work is monitored periodically through the agency’s court observation process and annually through verifications or renewal applications.

<b>Performance Measure A: Evaluate and Recruit Attorney Contractors</b>		<b>FY2020- 21</b>	<b>FY2021- 22</b>	<b>FY2022- 23</b>	<b>FY2023- 24</b>	<b>FY2024- 25</b>
Number of Applications and Verifications Reviewed	Actual	300	282	229	16*	TBD
Number of New Applicants	Actual	75	47	35	16*	TBD

*\*Data provided for the FY 2023-24 year includes data from July 1, 2023- November 1, 2023. 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.*

The agency also seeks feedback from judicial officers and court staff about attorney performance. While this feedback is not determinative, it is important for the agency to understand how attorneys are implementing what they learn in training and how their performance is impacting their clients or landing with judicial officers.

Utilizing the skills of the Director of Research, the agency also extensively evaluates billing data for all contractors every year. This data informs contract renewal decisions

by providing information about how much time attorneys are spending communicating with their clients and other important parties, whether attorneys are going to contested hearings when they are billing for hearing preparation, and whether they are filing motions and engaging in legal research. The agency can also determine whether they are engaging experts, investigators, social workers, or parent advocates on their teams.

Also considered in this attorney evaluation process are complaints from parents and other stakeholders, including a review of how often attorneys are withdrawing from cases or leaving parents without adequate representation. These reviews frequently identify areas of concern or confirm the agency's concerns that were identified through court observations, judicial feedback, or parent complaints.

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.<sup>5</sup> The Children's Bureau emphasized the "[n]umerous studies and reports" indicating the importance of competent legal representation for parents, children, and youth in ensuring that legal rights are protected.<sup>6</sup>

Providing legal representation for parties in child welfare proceedings contributes to:

- Increased party perceptions of fairness;
- Greater engagement in case planning, services, and court hearings;
- More personally tailored and specific case plans and services;
- Higher frequency and duration family time;
- Expedited permanency; and
- Cost savings to state government due to reductions of time children and youth spend in care.<sup>7</sup>

Further, the memo demonstrates the link between providing competent legal representation and increasing procedural justice, fairness, and the engagement of families in the child welfare system.<sup>8</sup> The ORPC's intensive contractor review and selection

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<sup>5</sup> U.S. DEP'T OF HEALTH & HUM. SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-17-02, HIGH QUALITY LEGAL REPRESENTATION FOR ALL PARTIES IN CHILD WELFARE PROCEEDINGS, (January 17, 2017), at 2, <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 5.

process promotes the appointment of family defense attorneys who have adequate experience and are qualified to handle child welfare cases on behalf of respondent parents. Continuing to improve the availability of high-quality legal representation for parents will improve the fundamental fairness for families in the child welfare system.

**Conduct Court Observations:** In addition to reviewing RPC during the contract renewal process, the ORPC designed a system for observing attorneys in court. The purpose of court observations is to assist the agency in evaluating RPC for contracting decisions, needed RPC supports, and tailored training to address local needs for individual attorneys or whole jurisdictions. Additionally, information gained during the observations is used to evaluate the need to add or subtract lawyers within jurisdictions. Aiming to observe all trial-level RPC multiple times during their contract allows the ORPC to better address concerns as they arise and to celebrate successes with legal teams that encourage excellence for clients. The use of frequent, targeted, and objective evaluations based on ORPC practice standards ensures that indigent parents have access to effective assistance of counsel. The court observation process nurtures RPC who are client-centered, ethical, and prepared for proceedings.

Court 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, and practice tips following observations to ensure parents have access to appropriate treatment plans, services, and resources both as early as possible and throughout the case. Court observations are essential to the ORPC's ability to safeguard fair systems for families.

The ORPC conducts court observations throughout the year. 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. Agency staff travel throughout the state to witness court appearances in many types of hearings, both contested and uncontested.

Both due to the pandemic and subsequent chief justice directives authorizing the increased use of virtual appearances, observations of virtual hearings have increased. The increased volume of virtual hearings across the state creates additional opportunities for court observations due to the elimination of travel time for ORPC staff. This change



permits the ORPC to observe more contested substantive hearings, since these hearing types are often continued with little notice.

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. Additionally, virtual hearings are often difficult to follow due to technical difficulties, poor audio quality, and background noise from multiple participants. ORPC staff have observed that internet outages and poor connection quality for court staff, individual attorneys, and parent 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 accidentally makes a record or appears. Because of these issues, ensuring quality observations and oversight remains a challenge. To combat these challenges, the ORPC continues to prioritize and conduct in-person court observations when possible.

In 2019, the agency adopted an objective court observation measurement tool tied to the ORPC’s practice standards, the Colorado Rules of Professional Conduct, and legislative mandates. The agency aims to observe all renewing contractors at least once in the fiscal year leading up to their contract renewal. The agency also plans to observe contractors at least four times during their contracting period, which is typically five years. The ORPC makes exceptions to these goals for contractors who carry fewer than five contracted cases or who serve only in a supervisory role.

<b>Performance Measure B: Conduct Court Observations</b>		<b>FY2020-21</b>	<b>FY2021-22</b>	<b>FY2022-23</b>	<b>FY2023-24</b>	<b>FY2024-25</b>
Observations of renewing contractors	Target	100%	100%	100%	100%	100%
	Actual	100%	N/A*	100%	50%**	TBD

*\*The ORPC extended all contracts by one year for FY 2021-22 in recognition of the continued challenges faced by RPC and the ORPC during the pandemic and the desire to have a more normalized year of court observations before evaluating renewal applications, among other reasons.*

*\*\*Data provided for the FY 2023-24 year includes data from July 1, 2023-November 1, 2023.*

The ORPC is on track to observe 100% of renewing contractors in FY 2023-24. The data collected during court observations creates follow-up opportunities to advise RPC when their performance falls below practice standards and to offer them resources to improve their performance. It also allows the ORPC to recognize contractors who are excelling in their advocacy and support of clients. The collected data also creates information for the training division to incorporate in planning future training curricula.

**Colorado-Specific Practice Standards:** Based on input from RPC and the need for Colorado-specific practice standards, the ORPC drafted practice standards reflecting the nature of the practice in Colorado. These practice standards draw on guidance from the American Bar Association's national standards of practice for attorneys representing parents in dependency cases in addition to other states' practice guidelines for family defense attorneys.

In 2019, the ORPC finalized these practice standards and worked with the Colorado Supreme Court and the Office of the State Court Administrator to incorporate the updated practice standards into Chief Justice Directive 16-02. In 2020, the ORPC worked with the Office of Attorney Regulation Counsel to review the proposed practice standards and incorporate all feedback. The updated Chief Justice Directive with Colorado-specific practice standards for RPC was amended and went into effect in March 2021. The agency is currently working on draft practice standards for interdisciplinary legal teams, including social workers and parent advocates.

**Appellate Program:** Appellate review of dependency cases is essential to ensuring the child welfare system is fair and follow. The ORPC's appellate program is a crucial part of fulfilling its statutory mandate to provide high-quality legal representation for indigent parents. After assuming oversight of RPC, the agency 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 to have an independent and unbiased review of the trial proceedings.

To further ensure high-quality appellate representation, the ORPC developed an appellate-specific training program for appellate RPC that includes a biannual Appellate Certification training to acquaint new RPC with appellate attorney performance and practice standards. The ORPC requires appellate attorneys to complete the Appellate Certification training within two years of appointment.

In addition to training appellate counsel, the Appellate Certification program allows trial RPC who are interested in doing appellate work to learn more about what the work entails. It requires and allows the ORPC to train and provide professional development opportunities that are rare in an independent contractor model. The ORPC provides other training to appellate attorneys as well, including a Colorado Appellate Rule 21 webinar, appellate roundtables to discuss current trends, training on issue spotting and framing

appellate issues, and scholarships to national conferences such as the annual National Legal Aid and Defender Association’s Appellate Conference.

As noted above, appeals are especially important to ensuring that the child welfare system is fair and followed. This includes ensuring court processes in child welfare cases are fundamentally fair. When the Colorado Supreme Court decides a case or the Court of Appeals publishes an opinion, those decisions become binding, statewide precedent on all trial judges’ application of the Children’s Code. As part of ensuring that court processes remain fair, the ORPC tracks reversal and remand rates in both published and unpublished opinions, listed in the table below.

<b>Performance Measure C: Appellate List Efficiencies</b>		<b>FY2020- 21</b>	<b>FY2021- 22</b>	<b>FY2022- 23</b>	<b>FY2023- 24</b>	<b>FY2024- 25</b>
Overall percentage of remands	Actual	13%	10%	7%	6%*	TBD
Percentage of published remands	Actual	57%	80%	60%	50%*	TBD
Percentage of appellate attorneys trained through ORPC’s Appellate Certification	Target	50%	100%	100%	100%	100%
	Actual	85%	95%	94%	91%**	TBD

*Note: The percentage of published remands by Fiscal Year is subject to change over time as ORPC attorneys administratively close cases in the agency’s billing system that closed in the court system in prior years. The percentages provided here represent cases administratively closed as of November 1, 2023.*

*\*Data provided for the FY 2023-24 year includes data from July 1, 2023-November 1, 2023.*

*\*\*Data provided for the Appellate Certification measure extends through November 7, 2023. All other time periods for this report end November 1, 2023.*

The ORPC also collects data from opinions issued by the Court of Appeals and combines that data with information the agency collects when assigning appellate RPC. This combination of data allows the ORPC to see trends and issues, including when trial RPC are alleged to be ineffective or when counties are experiencing relatively high rates of remand and the bases for those remands. It also allows the agency to understand which issues are being raised on appeal and to have more oversight of appellate RPC work. Further, it assists ORPC staff attorneys in providing better support to appellate and trial RPC. For example, if an appellate RPC wants to raise a novel issue or has a concerning set of facts in a case, the data collected by the ORPC allows staff to locate unpublished

cases that may contain helpful reasoning or permits staff to connect the appellate RPC with another RPC who has made a similar argument.

This data collected by the agency indicate that the ORPC's appellate program has increased parents' access to justice over the last seven years. Correcting errors made at the trial court level protects parents' due process rights and encourages trial courts to treat cases involving the most important decision in a child and parent's life with due care and deliberation. 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 reverses the trial court decision. 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 on a discrete issue, but still maintains jurisdiction over the appeal. If limited remands are included, the rate of reversals is even higher.

Due to the nature of appeals, it was predicted that the percentage of new appeals and remands would level off or decrease as the appellate program matured and many of the previous errors by courts were corrected for future cases. This has proven generally true over the last three years. 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. However, 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 new case law and remands from the Court of Appeals, this increase in the number of remands should also level off.

Over the last two years, the ORPC invested considerable resources to ensure that the federal Indian Child Welfare Act (ICWA) is robustly enforced in Colorado. First, the ORPC participated as amicus curiae in briefing four and orally arguing three cases involving ICWA before the Colorado Supreme Court. The first case involved defining how county departments must make active efforts to assist parents in meeting the goals of their treatment plans.<sup>9</sup> The second case involved whether tribes must be notified when a parent asserts Native American heritage but cannot demonstrate membership in a tribe.<sup>10</sup> In a third case, the Supreme Court was to consider what due diligence is necessary under the state ICWA law when investigating whether a child is an Indian child.<sup>11</sup> However, this third case was dismissed as moot when the department ultimately notified

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<sup>9</sup> *People in the Interest of My.K.M. v. V.K.L.*, 2022 CO 35.

<sup>10</sup> *People in the Interest of E.A.M. v. D.R.M.*, 2022 CO 42.

<sup>11</sup> *People in the Interest of Jay.J.L. v. J.M.G.*, 2022 SC 348.

the tribe as argued by the ORPC, but the issue arose in a fourth case in which the ORPC again argued as amicus.<sup>12</sup>

Unfortunately, the Colorado Supreme Court weakened the ICWA protections by reversing decisions of the Court of Appeals that initially provided greater protection for Indian families and by overturning a 16-year-old precedent that required notice to tribes.<sup>13</sup> This change seems poised to result in yet another tidal wave of uncertainty and disruption for Indian families while severely reducing the involvement of tribes in child welfare cases in Colorado. The ORPC anticipates increased appellate and trial costs as RPC navigate these legal changes while attempting to ensure that tribes are aware of and involved in cases.

**Addressing Colorado’s Disparate Intervention into Families:** The child welfare system is widely acknowledged to police poverty more so than any other factor.<sup>14</sup> While 10% of Coloradans live below the poverty line, *nearly all* of Colorado’s dependency and neglect cases (90%) involve at least one parent who does live below the poverty line.<sup>15</sup>

Poverty is not the only disproportionality in the system. Race and disability follow close behind. This is because poverty, race, and disability are inextricably linked in the United States. Systemic racism causes – and tolerates – people of color to live in poverty at disproportionate rates.<sup>16</sup> For example, White children make up 55% of Colorado’s child population, but only 6.9% of children living in poverty. Black children comprise 4.4% of Colorado’s child population, but almost 23% of the children living in poverty.<sup>17</sup>

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<sup>12</sup> *H.J.B. v. People In Int. of A-J.A.B.*, 2023 CO 48.

<sup>13</sup> *E.A.M.*, 2022 CO 42, ¶ 6.

<sup>14</sup> See, e.g., NAT’L COUNCIL ON DISABILITY, ROCKING THE CRADLE: ENSURING THE RIGHTS OF PARENTS WITH DISABILITIES AND THEIR CHILDREN (2012), at 80-81, [https://ncd.gov/sites/default/files/Documents/NCD\\_Parenting\\_508\\_0.pdf](https://ncd.gov/sites/default/files/Documents/NCD_Parenting_508_0.pdf). The National Council on Disability is an independent federal agency.

<sup>15</sup> U.S. CENSUS BUREAU, *Colorado*, QUICK FACTS, <https://www.census.gov/quickfacts/fact/table/CO/IPE120221#IPE120221> (last visited Nov. 29, 2023); Colo. Jud. Branch, Colo. State Ct. Adm’rs Off., *State Court Data Access System* (analyzed September 2023).

<sup>16</sup> See generally Angela Hanks et al., *Systematic Inequality: How America’s Structural Racism Helped Create the Black-White Wealth Gap*, CENTER FOR AMERICAN PROGRESS, Feb. 21, 2018, <https://www.americanprogress.org/article/systematic-inequality/>.

<sup>17</sup> Compare CHILDREN’S BUREAU CHILD OUTCOMES REPORT, COLORADO 2017-2021, <https://cwoutcomes.acf.hhs.gov/cwdatasite/pdf/colorado.html> (last visited Nov. 29, 2023) with America’s Health Rankings, *Children in Poverty Trends by Race/Ethnicity*, [https://www.americahealthrankings.org/explore/measures/ChildPoverty/CO?population=ChildPoverty\\_multiracial#](https://www.americahealthrankings.org/explore/measures/ChildPoverty/CO?population=ChildPoverty_multiracial#) (last visited Nov. 29, 2023).

In the fall of 2022, the ORPC made an intentional decision to invest in the development of the agency. This development aligned with the missions, goals, and values of promoting and ushering in greater fairness, equity, and justice within the child welfare system. The agency's inaugural Director of Diversity, Equity, Inclusion, and Belonging (DEI&B), Byron L. Conway Jr., is a life-long public defender and nationally sought-after trainer/presenter/lecturer in trial skills and constitutional law. Byron's role within the ORPC focuses primarily on two areas: 1) Making sure that the internal programmatic and policy initiatives undertaken by the office align with advancing diversity, equity, inclusion, and belonging in every aspect of the office's functionality and operations; and 2) Consulting with ORPC contractors on how to effectively spot, raise, and litigate issues of disproportionality with dependency and neglect cases in a way that respects the client but also effectively communicates the issues to the court in a clear, concise, and persuasive manner.

The DEI&B Director and the Carrie Ann Lucas Disability Advocacy Director improve the advocacy and representation of marginalized parents. The child welfare system targets families living in the intersections among poverty, race, and disability.<sup>18</sup> In the nearly half of ORPC cases where race/ethnicity is known, 47% of parents are non-White, compared to 33% of Colorado's adult population. Nationally, between five to ten percent of parents are estimated to be disabled.<sup>19</sup> Yet *nearly half* of all parents served by the ORPC have at least one disability. Compared to non-disabled parents in Colorado, disabled parents are:

- 240% more likely to face permanent family separation via a termination of parental rights (TPR);
- 160% more likely to face partial restriction of parental rights via an allocation of parental responsibilities (APR) or guardianship to a relative;
- 70% less likely to reunify with their children; and
- 250% more likely to have more than one dependency and neglect case.

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<sup>18</sup> See, e.g., Sarah H. Lorr, *Unaccommodated: How the ADA Fails Parents*, 110 CAL. L. REV. 1315, 1326-32 (2022); Robyn M. Powell, *Achieving Justice for Disabled Parents and Their Children: An Abolitionist Approach*, 33 YALE J.L. & FEMINISM 37, 61-65, 73-79 (2022).

<sup>19</sup> Powell, 33 YALE J.L. & FEMINISM at 73.

Even disparities are not distributed equally. Among non-White parents, disabled parents are 240% more likely than non-disabled parents to have their parental rights terminated. The corresponding disparity among White parents is slightly lower: 220%.<sup>20</sup>

Fighting against negative stereotypes of parents, including those with disabilities, parents of color, and parents living in poverty, is a primary challenge that ORPC contractors face daily. While the ORPC trains its contractors to support and advocate for parents impacted by racism, ableism, and classism, there is much work to be done.

### **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, consultations, or the assistance of an investigator, these resources can assist a parent in telling his or her story and meaningfully engaging in services. Treating parents with dignity and respect and providing adequate resources up front in a case can help ensure that parents' voices are heard by the court and by the other professionals working on the case.

As a result of changes made to court appearances during the pandemic, there is a lack of consistency across jurisdictions regarding how appearances must be made in court, as appearances can be held virtually or in person. The ORPC encourages legal teams to center parent voice in making decisions about whether to advocate for virtual or in-person appearances. These decisions must be made in a collaborative way with guidance from the interdisciplinary team. The team must contemplate accessibility, transportation limitations, and persuasion as part of myriad considerations in determining whether to request a virtual hearing. For the families the ORPC serves who struggle daily with poverty, sobriety, and mental health issues, support beyond that of the appointed attorney is crucial in connecting and engaging the parent in an increasingly complex legal system. Non-attorney professionals can be critical to helping families successfully appear and engage in hearings regardless of the format.

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<sup>20</sup> ORPC Internal Data, *Parent Disability FY21-FY23, ORPC Global Statistics FY17-FY23*, RESPONDENT PARENT PAYMENT SYSTEM, (analyzed August 2023); COLO. DEP'T OF LOCAL AFFS., STATE DEMOGRAPHY OFF., <https://demography.dola.colorado.gov/> (last visited Nov. 29, 2023).

In making sure that the voices of all families are heard, particularly recognizing the overrepresentation of BIPOC families in this system, the ORPC is working consistently to improve in the area of diversity, equity, inclusion, and belonging. The agency's efforts in this area are recognized within the community of ORPC contractors. In a recent 2023 survey of ORPC contractors, one stated, "I find ORPC to be one of the most progressive governmental agencies when dealing with the areas of diversity, equity, and a sense of belonging." It is with constant improvement in this area that we can strive to better amplify the voices of these disproportionately impacted families.

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. This has been consistent across multiple years of surveying ORPC contractors. In a 2022 survey of ORPC contractors, a contractor wrote "I am always treated with respect from ORPC staff. They are great to work with." Another contractor noted that "ORPC is open to us making new and creative arguments and I think that is the only way we are going to make movement in the law in this area."

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. Currently, parents feel more isolated and marginalized than ever before. Surrounding them with a team of advocates creates hope that their voice is being heard.

**Attorney Consultations and 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. Since 2021, with a restructuring of attorney duties, case consultations have been handled primarily by the Case Strategy Director and the Appellate Director with assistance from the Carrie Ann Lucas Director Disability Advocacy Director, other staff attorneys and social workers, and occasionally contractors with specialized knowledge in specific areas of law. On average, ORPC team members handle an average of five case consultations per day with RPC regarding case strategy, amounting to approximately 500 consultations per year. The primary consulting ORPC staff have 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 for parents to questions on caselaw and statutory provisions, such



as the Americans with Disabilities Act (ADA). Through these optional consultations, attorneys are provided with the resources and support to ensure that their clients' voices are heard.

The ORPC has created weekly office hours where the Director of Diversity, Equity, Inclusion, and Belonging and the Carrie Ann Lucas Disability Advocacy Director are available to consult with contractors regarding issues specifically related to civil rights, racial justice, and disability advocacy. While these professionals are also available for individual case consultations on an ad hoc basis, the ORPC community has found this opportunity to meet and address issues that come up repeatedly in the work to be immensely useful. These opportunities promote the notion that while these issues can be complex and challenging to raise, they are often at the core of families' concerns and must be addressed head on.

Optional case consultations and attorney coaching are part of a broader initiative by the ORPC to provide supports to attorney contractors. As a result of increased staff capacity, case consultations can also be more targeted and broadly offered. For cases involving evidentiary issues, RPC are often directed to the Training Director for consultation. In cases where lawyers are preparing for trial, they are connected to the Director of Engagement, the Case Strategy Director, or the Appellate Director to discuss case theory, themes, and trial strategy. For the overwhelming number of cases where the family has a disability, they are directed to the Carrie Ann Lucas Disability Advocacy Director beyond what is offered during weekly office hours.

Attorney coaching consists of individual case consultations related to specific cases. This sometimes involves concentrating on litigation skills, client-centered advocacy efforts, ethical concerns, disability advocacy for individual clients, concerns regarding a family's cultural preservation, racial injustice, or even law practice management advice. Based upon the ORPC's jurisdictional court observations, coaching can also consist of targeting groups of attorneys facing similar challenges to craft litigation strategies or resolve systemic issues unique to child welfare practice in their county. The format of coaching includes one-on-one feedback, roundtable discussions, strategy brainstorming, skill building, case reviews, and office hours. ORPC supports can reduce costs and mitigate attorney burnout by helping attorneys avoid spending hours drafting motions or researching issues when ORPC staff can quickly point them in the right direction.

Beginning FY 2019-20, 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 specialized knowledge, such as disability advocacy or trial and investigation strategy, the ORPC has increased its capacity to offer meaningful feedback to attorneys more frequently and more broadly.

Performance Measure D: Attorney Coaching		FY2020-21	FY2021-22	FY2022-23	FY2023-24*	FY2024-25
Percentage of attorneys using case consultations	Target	80%	80%	80%	80%	80%
	Actual	80%	86%	82%	71%*	TBD

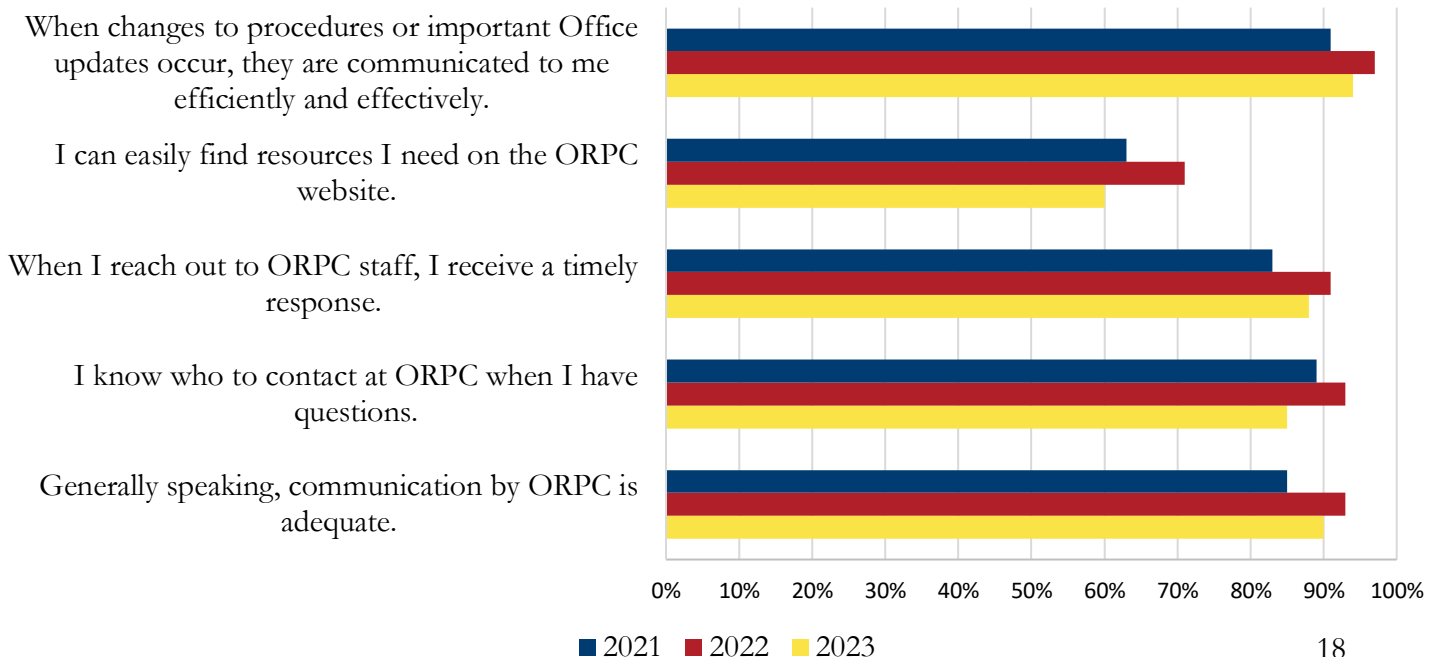
*\*Data provided for the FY 2023-24 year includes data from July 1, 2023-November 1, 2023.*

In addition to tracking the percentage of attorneys who utilize the case consultation resource, the ORPC also asked contractors in its past two annual surveys for feedback regarding responsiveness by the ORPC staff, as well as the overall effectiveness of communication with the agency. The ORPC prioritizes constructive and timely communications to ORPC contractors, and the below chart shows the extent to which the ORPC staff is achieving this according to contractors. The agency is pleased to report that contractor satisfaction with ORPC responsiveness is increasing.

### 2023 ORPC Annual Contractor Survey

Please indicate your level of agreement with the following statements about the ORPC's communication with you.

**% Strongly Agree and Agree**



**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 a web-based application to house expert information that will increase efficiency for the agency staff who routinely consult with RPC about the availability of experts across the state. The ORPC also focused the agency's annual conference on how to best utilize experts in family defense, including practical litigation strategies and principles of persuasion and strategy in employing experts.

Experts may provide an evaluation that recommends a service for a client that has not yet been considered, but that could address a safety concern to permit earlier reunification of the family. A psychologist can recommend specific accommodations for a parent with a cognitive or intellectual disability that would allow them to independently parent. A toxicologist may review a report and determine that accusations that a parent tested positive for a drug are not accurate. An expert may be called upon to debunk antiquated theories regarding attachment or provide information to the court and other parties regarding separation trauma. An expert may provide perspective on the importance of race and culture in determining permanency for a child.

The ORPC offers a wide range of experts that assist attorneys in both evaluating their cases and presenting evidence that supports the parent's position. The ORPC works to consistently expand the list of available experts and encourages RPC to be expansive in their ideas about what types of experts may be helpful to juries and judges in better understanding their clients' positions and unique family situations. Expert assistance in dependency and neglect 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 appointed in the representation of parents each fiscal year. The data below do not include social workers, family advocates, or parent advocates who are appointed as members of the legal defense team. The data refer to the use of experts approved for parent evaluations or those used through the course of litigation. The data are useful internally in determining the number of RPC accessing expert services, training regarding appropriate use of experts, and the costs associated with such use. While the numbers related to expert appointments are useful to the agency, many variables can cause fluctuation in the number of requests. For that reason, the ORPC does not use the number of parent appointments with experts as a measure of performance. Rather, this number is useful strictly as an informational data point for

improving the representation of parents and helping to understand the overall costs of legal representation. The performance measure below instead lists the number of experts available for appointment through the ORPC.

Additionally, the ORPC continues to expand the availability of investigators, which creates efficiencies in the amount of time spent by RPC on cases and therefore the overall cost of cases. Specifically, investigative professionals can assist in locating clients, interviewing possible witnesses, obtaining necessary records and files, and gathering information about possible family supports and kinship placements at a lower hourly cost than RPC. These lower costs also result from improved outcomes in cases. In one 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 and avoiding ongoing litigation in the case. 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 resulting from extended litigation, allowing the parent to proceed through the process with dignity. These are a few examples of how using a lower-cost resource can ensure attorneys have the information they need to make parents' voices heard and to move towards permanency for children more quickly, while using agency resources more efficiently.

During the past year, attorneys have started to find investigators in their communities who are interested in assisting parents. This has helped increase the number of investigators in some of our more rural communities, thus impacting costs in a positive way by reducing travel time and mileage costs in completing investigations. When a new investigator is added on an individual case, the Appellate Director reaches out to determine if that investigator is interested and qualified to help other parents in that region. Nearly always, investigators are excited to help support parents in their efforts to reunify their families.

In the upcoming years, as illustrated in the chart below, the ORPC plans to increase available litigation support for attorney contractors to create law practice efficiencies. The number of investigators the agency works with may begin to stabilize as agency recruiting efforts result in engaging a large percentage of the high-quality investigators suited for this work.

Performance Measure E: Recruit and Maintain Experts and Investigators		FY2020-21	FY2021-22	FY2022-23	FY2023-24*	FY2024-25
Number of <u>experts</u> available for appointment through ORPC	Target	265	300	300	300	300**
	Actual	350	278	236	289	TBD
Number of <u>investigators</u> available for appointment through ORPC	Target	40	50	50	50	50
	Actual	44	53	54	68	TBD
Number of <u>expert</u> appointments	Target	No target established	No target established	No target established	No target established	No target established
	Actual	348	305	389	125*	TBD
Number of <u>investigator</u> appointments	Target	200	250	250	250	250
	Actual	512	442	375	135*	TBD

*\*Data provided for the FY 2023-24 year includes data from July 1, 2023-November 1, 2023.*

*\*\*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.*

**Legislative Initiatives:** The ORPC's mission includes advocating for systemic and legislative change. In 2023, the legislature approved funding for a new full-time Policy Director in recognition of the importance of this work. Also in 2023, the ORPC advocated at the legislature with the urgency demanded by ongoing, unnecessary family separations and discrimination against people of color and people with disabilities in the child welfare system.<sup>21</sup> Combined, the agency's staff and independent contractors testified on over twenty bills in support of legislation aimed at keeping families together and initiated three substantial pieces of legislation which passed either unanimously (House Bill 23-1024 and House Bill 23-1027) or nearly so (Senate Bill 23-039).

Most of the agency's advocacy focuses on efforts to ensure children can remain safely at home wherever possible and, when they cannot, that their connections with their parents,

<sup>21</sup> See, e.g., HUMAN RIGHTS WATCH, *If I Wasn't Poor, I Wouldn't Be Unfit: The Family Separation Crisis in the US Child Welfare System* (Nov. 17, 2022), <https://www.hrw.org/report/2022/11/17/if-i-wasnt-poor-i-wouldnt-be-unfit/family-separation-crisis-us-child-welfare>.

their extended family, and their community are supported through family time and placement.

In 2023, the ORPC focused its legislative advocacy on strengthening families and increasing opportunities for their voices to be heard in the system. House Bill 23-1024 prioritized placement with safe and available family members. Social science research shows that children placed with relatives experience fewer placement changes, reduced separation trauma, better mental health, better preservation of their cultural identities, and higher rates of reunification with their parents.<sup>22</sup> The ORPC recognized that increasing the number of relative and kin placements made greater financial support for relatives and kin crucial, so the agency made this its top priority during the 2023 Child Welfare System Interim Study Committee, and Senator Zenzinger and Representative Pugliese will be sponsoring a bill during the 2024 general session that the ORPC wholeheartedly supports. In just one year, the agency's legislative and rulemaking advocacy has significantly increased the likelihood that children will be placed with relatives and kin and have the support they need to remain and thrive there.

The ORPC also worked to strengthen families by addressing the needs of incarcerated parents and their children. With nearly 25% of parents in ORPC cases experiencing incarceration at some point during the proceedings, Colorado needed a stronger framework for providing treatment, services, and family time. Prior to implementation of Senate Bill 23-39, most incarcerated parents were not able to participate in court hearings or meetings where important decisions about their children were made. The ORPC fought for legislation to ensure that incarcerated parents have a seat at the table when decisions are made that impact the rest of their lives and the lives of their children.

The agency continues to spend significant time participating in statewide task forces, including the Mandatory Reporting Task Force created by House Bill 22-1240 and the High Quality Parenting Time Task Force, which was continued through House Bill 23-1027, and which is chaired by the ORPC Policy Director. In 2023, the High Quality Parenting Time Task Force initiated House Bill 23-1027, which provides for the maximum contact possible between children and their parents, siblings, and other relatives when it

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<sup>22</sup> T.D. Moore et al., *Assessing Risk of Placement Instability to Aid Foster Care Placement Decision Making*, 2 J. PUB. CHILD WELFARE 117 (2016); Marc Winokur et al., *Kinship Care for the Safety, Permanency, and Well-being of Children Removed from the Home for Maltreatment: A Systematic Review*, 10 CAMPBELL SYSTEMATIC REV. 2 (2014); CASEY FAMILY PROGRAMS, WHY SHOULD CHILD PROTECTION AGENCIES ADOPT A KIN-FIRST APPROACH? (2020), [https://www.casey.org/media/SF\\_Kin-First-Approach.pdf](https://www.casey.org/media/SF_Kin-First-Approach.pdf); CHILDREN'S BUREAU, PARTNERING WITH RELATIVES TO PROMOTE REUNIFICATION (2020), [https://www.childwelfare.gov/pubPDFs/factsheets\\_families\\_partner\\_relatives.pdf](https://www.childwelfare.gov/pubPDFs/factsheets_families_partner_relatives.pdf).

is in children’s best interests and encourages parental participation in important activities like educational, medical, and extracurricular activities. It also encourages more family time to take place in community settings and to be supervised by family and other informal supports rather than in small, windowless rooms in government offices.

In 2024, the agency will support the bills put forward by the 2023 Child Welfare System Interim Study Committee, including legislation the ORPC drafted to increase language access for people with limited English proficiency, who make up approximately seven percent of parents in dependency and neglect cases. The agency will also support bills that were drafted for the Interim Committee’s consideration but did not advance through the Interim Committee. One of these initiatives includes a bill to increase due process for parents who are appealing administrative findings of abuse or neglect. The other would finally create a standard for removal of children in Colorado that recognizes the harm done to families and communities when children are removed, while still keeping children safe, and follows the work of seven other states and jurisdictions in adopting similar legislation.

The ORPC continues to work to mitigate contractor turnover rates and the loss of RPC attorneys. Just this year, the federal government changed the eligibility rules for the federal public service loan forgiveness program to make independent contractors eligible for the program if the work they do for the government cannot be done as direct government employees by law.<sup>23</sup> Because of the ORPC’s legislative work in recent years, the agency is well positioned to collaborate with legislators to make the agency’s independent contractors eligible for public service loan forgiveness, while also considering ways to better retain and attract talented lawyers and interdisciplinary team members.

The ORPC has increased its efforts to engage parent advocates, RPC, and social workers in legislative initiatives. During the last legislative session, half of the agency’s parent advocates engaged in legislative or regulatory advocacy at the Capitol or State Board of Human Services. The ORPC consults regularly with both internal and external stakeholders when determining whether the agency will support legislation and which of the agency’s legislative agenda items should be prioritized. The ORPC and policymakers at the state and federal levels continue to answer the call for justice “to be bold and insistent upon ensuring that we create that place where all families have the

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<sup>23</sup> FEDERAL STUDENT AID, *Public Service Loan Forgiveness FAQ: Qualifying Employer Q&A*, <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service/questions>.

opportunity to experience respect, self-determination, inclusion, and kindness.”<sup>24</sup> In 2023, legislators welcomed parent advocates into stakeholder meetings and into their offices and heard their testimony. The ORPC’s most important work is to amplify the voices of parents with lived experience and their families, and the ORPC looks forward to continuing this work at the legislature to create a state where all families experience respect, self-determination, inclusion, and kindness.

### **C. Decrease Trauma to Children**

The ORPC surveys the agency’s contractors each year. In 2023, almost 90% of survey respondents agreed that the ORPC reduces trauma to children by supporting contractors in reducing unnecessary out-of-home placements. Research demonstrates that children have better long-term outcomes when they are raised in their families of origin.<sup>25</sup> 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 when compared with youth in the general population, youth aging out of foster care experience the following:

- Lower high school graduation and college enrollment rates;
- Lower employment rates;
- Lower incomes;
- Higher rates of homelessness;
- Higher occurrence of mental health problems that affect daily functioning;
- Higher rates of addiction; and
- Increased involvement in the criminal justice system.<sup>26</sup>

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<sup>24</sup> Jerry Milner & David Kelly, *The Need for Justice in Child Welfare*, December 2021, THE CHILD WELFARE LEAGUE OF AMERICA, <https://www.cwla.org/the-need-for-justice-in-child-welfare/>.

<sup>25</sup> Mimi Laver, *Improving Representation for Parents in the Child-Welfare System*, October 7, 2013, AMERICAN BAR ASSOCIATION, <https://web.archive.org/web/20200812041719/https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2013/improving-representation-parents-child-welfare-system/>.

<sup>26</sup> Peter J. Pecora et al., *Educational and Employment Outcomes of Adults Formerly Placed in Foster Care: Results from the Northwest Foster Care Alumni Study*, 28 *Child and Youth Servs. Rev.* 1459 (2006); see also Laura



These negative, long-term traumatic effects for children experiencing out-of-home care demand system-wide efforts to prevent unnecessary family separation when possible and, if not possible, to focus on safe and timely family reunification efforts.

Keeping children safely at home whenever possible leads to the best outcomes for children at the lowest costs. Specifically, keeping children safely in their homes for one year through the use of services such as mental health supports, substance use treatment, or parental skills education is approximately one-tenth to one-third the cost of placing a child in foster care for a year, with far better long-term outcomes for the child.<sup>27</sup>

The ORPC is committed to providing the resources and innovative programming that parents' attorneys need to successfully prevent unnecessary removals or separations, whenever possible. In addition to training, consultations, experts, and investigators, ORPC programs include interdisciplinary legal teams that pair attorneys with parent advocates and social workers, leading to earlier reunification and reductions in foster care stays. Additionally, the agency's legislative advocacy recently led to the passage of 2023 landmark legislation prioritizing relative and kinship placement, which research shows will create better outcomes for children and families and reduce costs for everyone. Individual attorneys use these legislative changes and the extensive training provided by the ORPC to advocate for thoughtful solutions that keep children safely with their families whenever possible, further improving outcomes for individual children and families and reducing costs in both the short and long terms.

"Truly addressing inequitable social systems that maintain racial disproportionality will require a profound shift in how the sector utilizes public funding to significantly increase prevention-based efforts, eliminate inequitable outcomes, and decrease the numbers of all families with child welfare involvement."<sup>28</sup> The ORPC's programming, advocacy, training, and leadership are key to creating this shift in Colorado.

**ORPC Interdisciplinary Programming:** The right type of representation in child welfare cases can easily mean the difference between preserving a family and seeing it

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Gypen et al., *Outcomes of Children Who Grew Up in Foster Care: Systematic Review*, 76 Child. and Youth Servs. Rev. 74-83 (May 2017).

<sup>27</sup> ALIA, THE CASE AGAINST FAMILY SEPARATION: FAMILY PRESERVATION AND KINSHIP CARE COST AND BENEFIT ANALYSIS, 5 (May 2022), <https://online.fliphtml5.com/dqaor/zybb/#p=1>.

<sup>28</sup> Dave Newell & Shrounda Selivanoff, *Keeping Families Together: Studying the Past to Inform the Future Reimagining, How to Assist Families*, FIJ Q. (Summer 2022), at 70, <https://publications.pubknow.com/view/288644440/70/>.

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 that includes 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 or peer advocate on the parent defense team. Interdisciplinary legal teams are a nationally established best practice standard for parent and children's defense agencies.<sup>29</sup>

Since its inception, the ORPC has both studied and piloted interventions to improve the quality of representation for parents in Colorado. In FY 2017-18, the ORPC launched a Social Worker Pilot Program (SWPP) with the goal of offering holistic, high-quality legal representation to parents. This inclusion of social workers on legal defense teams immediately produced positive results, measured through an independent evaluation conducted by Metropolitan State University in 2019.<sup>30</sup> Put simply, the evaluation concluded that the interdisciplinary team model of parent representation practiced in Colorado reduces the time that children spend in out-of-home care and increases the likelihood of a parent and child being reunified safely at case closure.

One example highlighted in this evaluation involved reunification in El Paso County. There, parents who had a social worker assigned to their family defense team achieved reunification with their children at over twice the rate of the state and county averages. This also included data showing that when placed out-of-home, the time a child spent in placement was reduced.<sup>31</sup>

Additionally, the SWPP outcomes reflected the national research. In a 2019 published study examining outcomes for 9,582 child welfare cases over seven years, researchers compared the efficacy of interdisciplinary legal teams to solo law practitioners for parents in child welfare cases. The results were staggering. Specifically, researchers concluded that the interdisciplinary teams achieved the safe return of children to their families 43% more often than solo practitioners in the first year of a case, and 25% more often in the

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<sup>29</sup> AM. BAR ASS'N, STANDARDS OF PRAC. FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (2006), at 30, [https://www.americanbar.org/content/dam/aba/administrative/child\\_law/aba-parent-rep-stds.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf).

<sup>30</sup> Lori Darnel & Dawn Matera Bassett, *A Program Evaluation of the Colorado Office of Respondent Parents' Counsel Social Work Program*, METRO. STATE UNIV. OF DENVER, DEP'T OF SOC. WORK (2019), <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>.

<sup>31</sup> *Id.* at 11-13, 16.

second year.<sup>32</sup> Further, even when reunification was not possible, the interdisciplinary model allowed children to be permanently released to relatives over 106% more often in the first year of a case and 67% more often in the second year.<sup>33</sup>

ORPC interdisciplinary teams may also include a parent advocate. Parent advocates have lived experience successfully navigating the child welfare system and ultimately reuniting with their children. They are trained and supervised to work alongside RPC to guide and support parents with current dependency and neglect cases. Peer coaching and support has been an integral part of mental health and substance use intervention for decades, and the inclusion of peer advocates on legal representation teams is expanding across the country.

Based on the successful outcomes of interdisciplinary models that include parent advocates on legal teams,<sup>34</sup> the ORPC began to recruit, train, and mentor parent advocates in FY 2020-21. The agency contracted with the first class of parent advocates in November 2020, the second class in December 2021, the third class in February 2023 and will recruit for the next cohort in Spring 2023. Parent advocates have since been assigned to support nearly 780 parents statewide.

**Use of Evidence-Based Practices:** The ORPC diligently engages in evidence-based analysis as the primary foundation for its budget requests. The agency defines evidence-based budgeting as analyzing data to project costs and justify requests based on the best empirical evidence available, including research published in peer-reviewed journals.

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<sup>32</sup> Lucas A. Gerber et al., *Understanding the Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 102 Child and Youth Servs. Rev. 42-55, 52 (July 2019).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

Performance Measure F: Support the Use of Evidence-Based Practices		FY2020-21	FY2021-22	FY2022-23	FY2023-24*	FY2024-25
Number of ORPC cases with interdisciplinary representation (social worker, family advocate, or parent advocate)	Target	425	500	500	600	1400
	Actual	1,684	1,817	1,980	1,368*	TBD
Number of social worker/family advocate/parent advocate contractors available for work on ORPC cases	Target	30	35	40	50	60
	Actual	33	42	52	65*	TBD

*\*Data provided for the FY 2023-24 year includes data from July 1, 2023 – November 1, 2023.*

Performance Measure F tracks the ORPC’s implementation of evidence-based practices in dependency and neglect cases, showing that the agency has steadily increased availability of and access to social workers and parent advocates. Finally, the ORPC works to ensure that its training program is focused on evidence-based practices and the use of interdisciplinary teams to increase the number of cases that conclude with reunification or kinship placement.

#### **D. Family Defenders Have a Strong Community**

**Training and Events:** For the ORPC, training 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 dependency and neglect case proceedings. These opportunities to share information and ideas are valuable in energizing and strengthening RPC practice for all professionals. The ORPC’s nationally recognized training model aims to build a strong community of parent representation professionals across Colorado. Among the agency’s established, annually held trainings are New Attorney Boot Camp, Fall Conference, the Carrie Ann Lucas Disability Advocacy Training, and the Diversity, Equity, Inclusion & Belonging (DEIB) Training. The ORPC also holds a bi-annual Appellate Certification training which all appellate RPC are required to attend. In addition to these annual training and community building events, the ORPC holds periodic webinars, single day or partial day trainings, and workshops on rotating topics. Nearly all ORPC trainings are offered free of charge and are open to the general public.

Our values-based training program provides opportunities for contractors and other stakeholders to participate in legal skills-building, interdisciplinary learning, antiracist education, and more. In FY 2022-23, the ORPC executed 39 trainings. Below is a sample of recent feedback about the agency's trainings:

*"I loved every moment of it."*

*"Informative, eye-opening, challenging, provocative."*

*"I feel like this training is going to alter the way attorneys, social workers, family advocates, and parent advocates work for the better!! After the training a few of the ORPC colleagues and I made revisions to intakes and social histories."*

*"I learned so much today! It is immediately applicable."*

*"It was so so SO powerful. I was in tears!"*

*"Relevant material that I can put into practice immediately."*

*"A++"*

In FY 2022-23, the ORPC's training program shifted from being primarily virtual to being primarily in-person, with virtual attendance options for most trainings. The ORPC has also shifted toward advertising trainings to all child welfare stakeholders. The ORPC's current training director has held the position for nearly five years, which has allowed for a consistent and cohesive training program throughout FY 2022-23, and across fiscal years. The COVID-19 pandemic required significant adjustment and has fundamentally altered the way the ORPC approaches training. The agency has moved to a mostly hybrid training model for larger trainings, with shorter webinar trainings sprinkled throughout the year. One new addition to the ORPC's virtual learning opportunities was the Cultural Education webinar series, a recurring lunchtime training that touched on topics such as transracial adoption, immigration, policing the black family, and more. The ORPC will continue to offer the Cultural Education series in 2024, adding new topics and expanding attendance across stakeholder groups. This training model – mixing virtual and in-person training opportunities – provides the best of both worlds. Virtual platforms reach many more trainees and allow the agency to invite national trainers to speak. Yet the community building and collaboration that occurs at in-person events cannot be replicated virtually. Thanks to lessons learned during the pandemic, and the return of in-person learning, the ORPC's training program reaches more attendees and is more

adaptable to changing training modalities, making the current training program stronger now than it has ever been.

The agency met and exceeded its goal of increasing attendance and improving the quality of its training program in FY 2022-23, surpassing its highest historical training attendance. Additionally, the ORPC's training evaluation results for FY 2022-23 showed high marks for quality of trainings. In fact, two of the ORPC's 2023 trainings – the Justice, Equity, Diversity, and Inclusion training in January and the cross-examination training in June – rated higher than any previous training the ORPC has held. On average, training attendees rated ORPC trainings as “Excellent” 69% of the time and “Good” 24% of the time.<sup>35</sup> This means that the feedback about the agency's training program in FY 2022-23 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 2023-24.

ORPC trainings are now much more accessible for contractors who live far from the Denver metro area. The ORPC has training videos from 51 prior trainings available for contractors to view at their convenience, an increase of 14 since last year's report. At this time four years ago, that number was only five. The increased availability in training videos means that ORPC contractors who are not able to attend in-person trainings – either due to conflicts or because the training took place before they began working with the ORPC – can access valuable training information that they otherwise would have missed.

Due to dwindling attendance, the ORPC is no longer holding virtual contractor roundtables. For this reason, the ORPC anticipates fewer individual trainings going forward. Instead, the ORPC has incentivized rural contractor attendance at in-person trainings through travel and lodging scholarships increased ORPC staff travel to rural jurisdictions; and the addition of a rotating destination legislative/caselaw update training. These measures will meet the goals of building support and community for smaller jurisdictions and have not resulted in lower overall training attendance.

In the next three years, the ORPC will continue to implement trainings based on ORPC practice standards, the principles of interdisciplinary practice, and the ORPC's fundamental belief that all systems must be anti-discriminatory. The agency has

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<sup>35</sup> These percentages are based on training attendees who chose to complete training evaluations. The percentages were calculated by taking the number of training evaluations which rated a training “excellent” or “good” and dividing that number by the total number of training evaluations received during the entire FY22-23 period.

succeeded in its goal of expanding online training resources and will continue to prioritize remote access to training. The ORPC will offer a hybrid training calendar, which will incorporate virtual webinar trainings, in-person trainings, and trainings offered both in-person and virtually. The ORPC has and will continue to expand the reach of its training program through publicizing and advertising trainings to the broader child welfare community.

Performance Measure G: Provide High-Quality Trainings		FY2020-21	FY2021-22	FY2022-23	FY2023-24*	FY2024-25
Training for attorneys, associates, social workers, parent advocates, and court personnel	Target	10	10	20	20	20
	Actual	43	46	39	6*	TBD
Total Number of Training Hours		139.8	184	146	41.5	TBD
Total Number of Attendees**		1177	1459	1696	386	TBD

*\*Data provided for the FY 2023-24 year includes data from July 1, 2023-November 1, 2023.*

*\*\*The total number of training attendees is calculated by adding together the total number of attendees at each training. As such, a training attendee who attends multiple trainings in a year will be counted each time they attend an individual training.*

In 2023, the ORPC celebrated National Reunification Month by spearheading a new in-person event, Together Today, Stronger Tomorrow: A Reunification Celebration. The ORPC collaborated with the Office of Children, Youth & Families and the Office of the Child’s Representative to cohost the celebration at the Denver Zoo on June 14, 2023. This first-of-its-kind event brought child welfare stakeholders together to recognize the people and efforts that help families stay together and successfully navigate the family regulation system to reunite their families. Nearly 300 reunited families and child welfare professionals attended. The celebration included special recognition of reunification heroes, remarks from local leaders, family activities, and lunch. After that, attendees had the opportunity to enjoy the zoo with their families. Celebrating outstanding work and success within the child welfare field provided a much-needed morale boost and greater community building amongst professionals doing difficult work and the families served by this system. The event was universally well received, was covered by local news outlets, and garnered interest from other child welfare stakeholders who wish to cohost in future years. The ORPC expects this to be a recurring annual event for the broader child welfare community, and expects it will grow in size and popularity.

**Motions Bank, Caselaw Updates, and Resources for Contractors:** The ORPC provides several resources to build and maintain a strong community of family defenders. Attorneys are encouraged to share motions, and the ORPC assists with updating and drafting some motions. The agency contracts with attorneys to provide motions drafting assistance, and these attorneys share the motions they draft with the ORPC to increase resources available to contractors. To update the available resources more quickly for contractors, the ORPC transitioned its Motions Bank to a DropBox account that can only be accessed by ORPC staff and contractors.

In addition to Motions, the ORPC provides access to case management orders, records policies, and other commonly used documents and forms from other jurisdictions. This allows RPC to look at examples of best practices in other jurisdictions to work on adopting such practices in their own jurisdictions. The Motions Bank currently contains over 327 files, with more added each week.

The ORPC also provides biweekly written caselaw summaries as a service to its contractors. The agency monitors legal opinions at both the state and federal levels involving dependency and neglect cases, including published and unpublished cases, and sends out a written summary of critical opinions impacting dependency cases. The ORPC supplements these written caselaw summaries with caselaw updates via training and in the community.

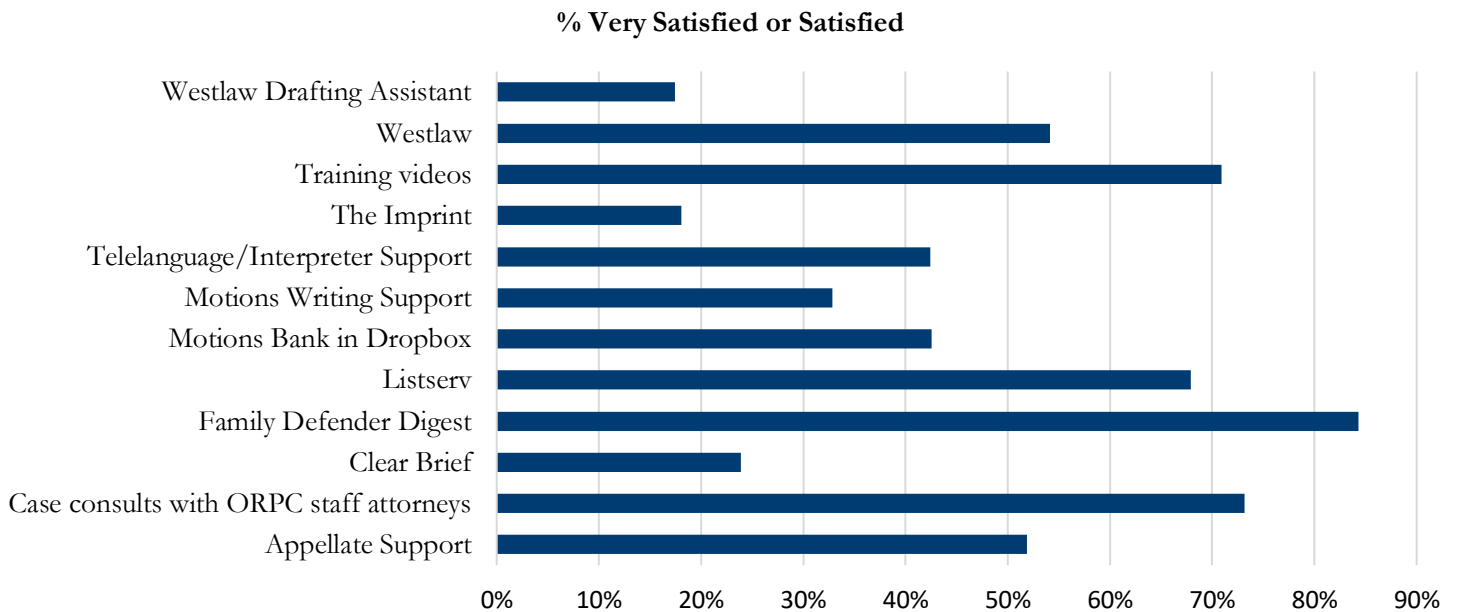
In 2021 the ORPC launched a biweekly email update, the *Family Defender Digest*, which provides an update on caselaw trends, resources (including draft motions), disability advocacy practice pointers, and recognition of contractors who had a significant success or otherwise deserve kudos for their efforts. The biweekly caselaw update provided is also uploaded to DropBox so contractors can easily revisit or search in the future.

The 2023 ORPC Annual Contractor Survey asked contractors to rate their level of satisfaction with the various resources made available by the ORPC.



## 2023 ORPC Annual Contractor Survey

Please rate your level of satisfaction with the following resources offered by ORPC.



**Recruitment and Retention:** Promotion of excellent representation for indigent parents is an ongoing and overarching goal for the agency. For the ORPC community to flourish, it is vital to retain those contractors who already provide strong advocacy for their clients. Such contractors model the 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, social workers, and parent advocates to the practice to inject energy and creativity into pursuing the ORPC’s mission.

Over the past four years, the ORPC surveyed contractors regarding their satisfaction with family defense work and dependency practice. Over those four years, burnout in RPC work has risen steadily, with a slight decrease from 2022 to 2023. In 2023, 76% of contractors reported experiencing burnout as compared to 78% in 2022. Despite these concerning rates of burnout, contractors have consistently cited the culture and leadership of ORPC as reasons they feel valued and choose to continue their work. Additionally, the ORPC expects its efforts to substantially increase contractor pay will continue to mitigate burnout.

The ORPC continues to observe the impact of the pandemic on all its contractors. Recruitment and retention of RPC, particularly in rural communities, continues to be challenging. The impact of the pandemic has been felt across all professionals in court systems. The result seems to be people in all aspects of the dependency and neglect

system working beyond their capacity and communication challenges amongst stakeholders. Family defense work is uniquely challenging. The agency works very hard to meet the contractors where they are, listen to concerns, and support the challenging work of family defenders in courtrooms where their work is rarely celebrated.

The ORPC continues to develop multiple pipelines from which to recruit attorneys who are likely to excel in parent representation. ORPC staff attorneys 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 mentoring partnerships. When a lawyer new to representing parents' contracts with the ORPC, the Director of Engagement connects them with a well-established RPC who exemplifies the practice and culture ORPC values. The 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 with established RPC firms. When an established RPC is looking to expand her or his law firm, the ORPC strives to provide potential candidates for positions with those firms. Through cultivating relationships with regional attorneys and local bar associations, ORPC staff attorneys find opportunities to introduce high-quality lawyers to the field of family defense. ORPC relies on these supports to develop practitioners with a desire for longevity in the practice.

ORPC staff also proudly represent the agency by participating on committees and boards and appearing at speaking engagements throughout the state and the country. ORPC staff routinely participate in public interest career fairs at local law schools and attend classes, clinics, and other recruitment opportunities to share information about a family defense career path with students. With a return to in-person opportunities, staff have been invited to speak at law schools including the University of Denver Sturm College of Law (DU), the University of Colorado Law School (CU), and the University of Wyoming College of Law (UW). ORPC staff attorneys provide ongoing mentorship of law students from the local law schools. Additionally, the ORPC externship through DU's Sturm College of Law has produced externs for the agency for the past several semesters. As a result of the student practice act, several students have appeared in court advocating for parents, learning the practice of being an RPC in the same way promising public defenders and district attorneys have for years. Through this practice of placing externs with existing RPC firms, ORPC hopes to bring new energy and interest to the family defense practice.

Agency staff routinely engage with attorneys practicing in child welfare, family law, or criminal law in who are interested in transitioning to or adding RPC work to their practices. The Director of Engagement follows up with attorneys who are leaving public practice to educate them about family defense work. 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.

Despite these efforts, the ORPC continues to struggle with retention, particularly for RPC contractors. Each year, the agency loses RPC who opt for the stability of salaried positions with benefits over the demands of solo practice. To address this, the ORPC has sought and will continue to seek any measures it can to make RPC practice a viable career path capable of supporting RPC and their families. This includes seeking pay rate increases for all contractors, pursuing legislation that would allow contractors to seek Public Service Loan Forgiveness, and exploring the possibility of additional supports and resources for contractors.

**Establish Fair and Realistic Contractor Hourly Rates to Attract and Retain High-Quality Professionals:** The ORPC is responsible for paying contractors tasked with representing indigent parents in dependency and neglect cases. The agency's enabling legislation charges and entrusts the ORPC with enhancing the provision of RPC by establishing fair and realistic compensation.<sup>36</sup> Attracting and retaining experienced, effective contractors for the difficult work of representing indigent parents is critical to the ORPC's mission and is directly impacted by the hourly rates paid to contractors.

After several years of small or no increases in rates of pay for public interest attorneys and contractors, in FY 2023-24 the ORPC successfully requested and received a \$15/hour increase in the hourly rate for attorneys and a commensurate 18% increase in the hourly rates of other contractors such as social workers and parent advocates. This is the largest rate-of-pay increase Colorado public-interest contractors have ever received by a large margin. This increase also tied the RPC hourly rate to 75% of the Federal Criminal Justice

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<sup>36</sup> Sections 13-92-101 - 104, C.R.S. (2022).

Act rate (currently \$164 per hour).<sup>37</sup> The RPC hourly rate will increase five dollars a year until it reaches 75% of the Federal Criminal Justice Act rate.

The ORPC sought and received this sizable rate increase recognizing that requesting increases to contractor hourly rates in the same percentage as increases to State employee pay does not take into account two critical factors: total compensation and salary range adjustments. In determining employee pay increases, the State uses total compensation calculations, which include ever-increasing health insurance and other benefit premiums absorbed by the State, when determining the percentage of across-the-board increases to provide to employees. When contractors are given the same absolute percentage increase as State employees, the effective increase in pay is less than that of State employees because contractors must absorb the higher benefits costs themselves. In addition, the State compares job classes and salary ranges to those in the private sector and provides additional adjustments for employees in job class ranges in which the pay falls a certain percentage below the market range. This critical adjustment helps the State retain employees in job class ranges which are increasing faster than the overall market. Attorneys are one such class in which pay has increased faster than that in the overall market, but the hourly rates of ORPC contract attorneys have not kept pace.

Since early 2020, the agency has noted increased turnover of RPC contractors and reduced capacity of existing RPC to manage a full-time practice while balancing the increased demands of personal health and family obligations. Compensation alone cannot completely address retention issues, but it is one means of attracting and maintaining high-quality legal representation for indigent parents. The ORPC sought additional funding to increase the hourly rates of ORPC contract attorneys to \$100/hour so family defenders can afford to dedicate their time and expertise to the preservation of Colorado families.

This increase did not close the gap between rates of pay, but it more closely aligns hourly rates for ORPC contract attorneys with the rates paid attorneys in other public sectors. It also partially addressed the loss of real earnings due to inflation and will decrease the attrition rate of contract attorneys who leave ORPC practice for more lucrative and stable areas of practice. Improved retention of existing RPC will increase the experience level of the contractors who do the difficult and essential work of representing indigent parents.

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<sup>37</sup> CRIM. JUST. ACT GUIDELINES VOL. 7A § 230.16: HOURLY RATES AND EFFECTIVE DATES IN NON-CAPITAL CASES, [https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230\\_16](https://www.uscourts.gov/rules-policies/judiciary-policies/cja-guidelines/chapter-2-ss-230-compensation-and-expenses#a230_16).

Finally, the increased 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		FY2020-21	FY2021-22	FY2022-23	FY2023-24	FY2024-25
ORPC average	Target	\$84	\$80	\$85	\$100	\$105
hourly attorney rate	Actual	\$80	\$80	\$85	\$100	TBD

**Redefining Success:** To strengthen advocacy and leadership for ORPC contractors, the agency works to develop measures of success that encapsulate all the challenges facing family defenders. While family reunification is universally recognized in child welfare proceedings as a measure of successful representation, success also includes providing 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 agency recognizes contractors for meeting many other goals of representation, including:

- 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;
- Communicating client stories and history to opposing parties and courts;
- Exploring alternatives to reunification including allocation of parental responsibilities and open adoption;
- Providing data and expert research to better inform courts and stakeholders of potential harm often overlooked by well-meaning professionals;
- Recognizing and celebrating the culture of families in arguments for reunification;
- Creating dignity for parents who have often experienced extensive trauma themselves;
- Utilizing an interdisciplinary family defense team approach to parent representation; and
- Employing parent advocates with lived experience to work on cases and to educate the community regarding the challenges parents face within the system.

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 courtrooms across the state is a success independent of the case's resolution.

The change in RPC practice and culture is evident. ORPC contractors are now looking at success from many angles. As RPC deliver high-quality representation for parents across the state, confidence in the system as a whole improves and case outcomes inevitably shift. Since the creation of the ORPC just less than a decade ago, parents and families in Colorado have benefited immensely from the provision of high-quality legal representation. From FY 2016-2017 to FY 2020- 2021, the percentage of cases ending in of terminations of parental rights in Colorado reduced by one-third. The ORPC focuses on recognizing this advocacy through our weekly Family Defender Digest and at trainings such as the Annual Fall Conference. These successes are felt deeply by the community and often shared by other professionals on our listservs so that every contractor can celebrate these successes.

Even when the result of the proceeding is not what the parent or the RPC hopes it will be, contractors are able to focus on ways clients' lives have improved. 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. RPC carrying the stories of their clients proudly into family engagement meetings or review hearings is often a success for parents who express that they have never truly felt heard.

The ORPC is committed to supporting contractors when their clients identify other objectives as the primary goal in a case, such as allocating parental rights to other family members 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 define success for attorneys in these cases so that they are recognized and celebrated for all critical aspects of the important work they are doing.

Colorado family defenders are also recognized as leaders in the public defender community across the country. Because ORPC contractors are working creatively and strategically toward better outcomes and broader models of success, they are often invited to speak at national public defender conferences where family defense tracks are becoming an integral part of defender training. In the past year, Colorado lawyers, social workers, and parent advocates have presented at conferences hosted by the American Bar Association Center for Children and the Law, National Association for Public Defense, The National Association of Counsel for Children, and the National Legal Aid and Defender Association. The recognition of ORPC contractors as experts in family defense instills a sense of pride in the work they are doing at home, celebrates their

excellence, enhances their reputation as leaders in their field, and is not dependent upon individual case outcomes.

**ORPC Collaboration with the Colorado Evaluation and Action Lab:** As part of its mission, the ORPC enhances and expands interdisciplinary representation of parents and pursues systemic change at the state and county levels. Ensuring the ORPC provides the most cost-effective legal advocacy for indigent parents in child welfare proceedings, preventing system involvement, and leveling the playing field, particularly for families of color and families with disabilities, demands the utilization of high-quality data, resources, and partnerships.

To accomplish these goals, the ORPC takes an evidence-based, data-driven approach to assessing the efficacy and efficiency of the agency's ongoing programming. The ORPC contracts with the innovative and respected Colorado Evaluation and Action Lab ("Colorado Lab") to evaluate the agency's overall effectiveness, allowing the ORPC to continuously improve parent representation and do so in a fiscally responsible way.

In the first year of a planned four-year collaboration, the Colorado Lab focused on the ORPC's interdisciplinary representation model, an evidence-informed model of parent representation. The first phase of the evaluation defined interdisciplinary team roles and indicators of client-centered representation within the unique context of Colorado's child welfare system. The second phase, which is currently in progress, is exploring the value of the interdisciplinary model versus attorney-only representation, while identifying activities and practices associated with positive case outcomes, long-term return on investment, and systemic changes. The final phase will identify activities and practices associated with positive case outcomes, explore the interdisciplinary model's long-term return on investment, and recommend systemic changes to further support the use of the model.

Additionally, last year the Colorado Lab began an evaluation of the pre-filing representation pilot program that the ORPC launched in early 2022. Assessment of the program's referral and parental engagement processes, as well as its outcomes, will inform the ORPC's broader implementation of pre-filing work and the decision on whether to make this program permanent. With the passage of House Bill 23-1027 in the 2023 legislative session, the Colorado Lab is also partnering with the High Quality Parenting Time Task Force, led by the ORPC, to: 1) examine the current landscape of providing family time across Colorado; 2) synthesize existing research on best practices; and 3) develop recommendations for funding high-quality family time.

As the Colorado Lab works with the ORPC on these projects, their staff is also building the ORPC's capacity to evaluate its own efforts in the future. In the last year, the ORPC also engaged in independent efforts to ensure access to high-quality data, both internal and external. After receiving news that the ORPC's current billing and data collection system will no longer be supported due to the upcoming retirement of the system programmer, the agency identified and contracted with the vendor that will build a new and cutting-edge contractor billing system. The new billing and data collection system will include new functionalities that will create cost-saving efficiencies for both ORPC staff and contractors. In addition to streamlining the input and review of payment requests, the new system will upgrade the ORPC's data collection capacity for evaluating internal agency performance. The system will also implement industry standards for data security that meet regulatory and compliance standards for handling sensitive personally identifiable information (PII) data.

The ORPC also continues to utilize data sharing agreements with the judicial branch, along with the Department's public access data request process, to cross-check the ORPC's internal data against external data sources, promote confidence in the agency's data, and enable broader use of the data with systems partners. Analysis of this data also informs the agency's ongoing activities, priorities, and decision-making and facilitates compliance with federal IV-E funding.

Ultimately, the ORPC prioritizes these data driven investments and evidence building activities to promote systemic change in Colorado's child welfare system by ensuring systems are fair and followed, family voice leads, the agency's programs decrease trauma to children, and that family defenders have a strong community. Such systemic change encompasses preventing system involvement, reducing trauma to children and families, and shining a spotlight on the particularly dismal child welfare outcomes for families of color, families in poverty, and families with disabilities.