

# OFFICE OF RESPONDENT PARENTS' COUNSEL

## ANNUAL PERFORMANCE REPORT



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## I. Agency Overview

The Office of Respondent Parents' Counsel (ORPC) provides court-appointed legal counsel to indigent parents in Dependency and Neglect (D&N) cases in Colorado. 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>1</sup> This deprivation of a parent's relationship with their child is what Respondent Parents' Counsel (RPC) tirelessly defend against.

In creating the ORPC, the Colorado General Assembly declared that an RPC "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 . . . , protecting due process and statutory rights, presenting balanced information to judges, and promoting the preservation of family relationships when appropriate."<sup>2</sup>

### A. Statutory Mandate

The Colorado legislature established the ORPC on January 1, 2016, to protect and oversee the appointment of these critical counsel. C.R.S. § 13-92-104 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> *Lassiter v. Department of Social Services*, 452 U.S. 18, 59 (1981) (Stevens, J., dissenting).

<sup>2</sup> Colo. Rev. Stat. Ann. § 13-92-101(1)(a) (2023).

Additionally, the ORPC Contract, Billing Policies and Procedures, and Chief Justice Directive 16-02 (CJD 16-02) govern the appointment, practice standards, payment, and training of RPC.

## **B. Mission, Vision, and Strategic Plan**

**Mission.** The Office of Respondent Parents' Counsel (ORPC) supports parents in the fight to preserve families, their dignity, and the constitutional right to parent in Colorado dependency and neglect cases. The ORPC recruits, trains, and supports high-quality attorneys and interdisciplinary legal professionals statewide. The ORPC advocates for family centered policies and legislation, holds the state to its burden, and promotes equity and transparency in the system through data collection and analysis.

**Vision.** All families have access to zealous client-centered legal advocacy grounded in justice and equity that addresses the root causes of family separation, leading to family reunification and stronger communities.

The ORPC has identified five essential pillars that support and inform its values and 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.

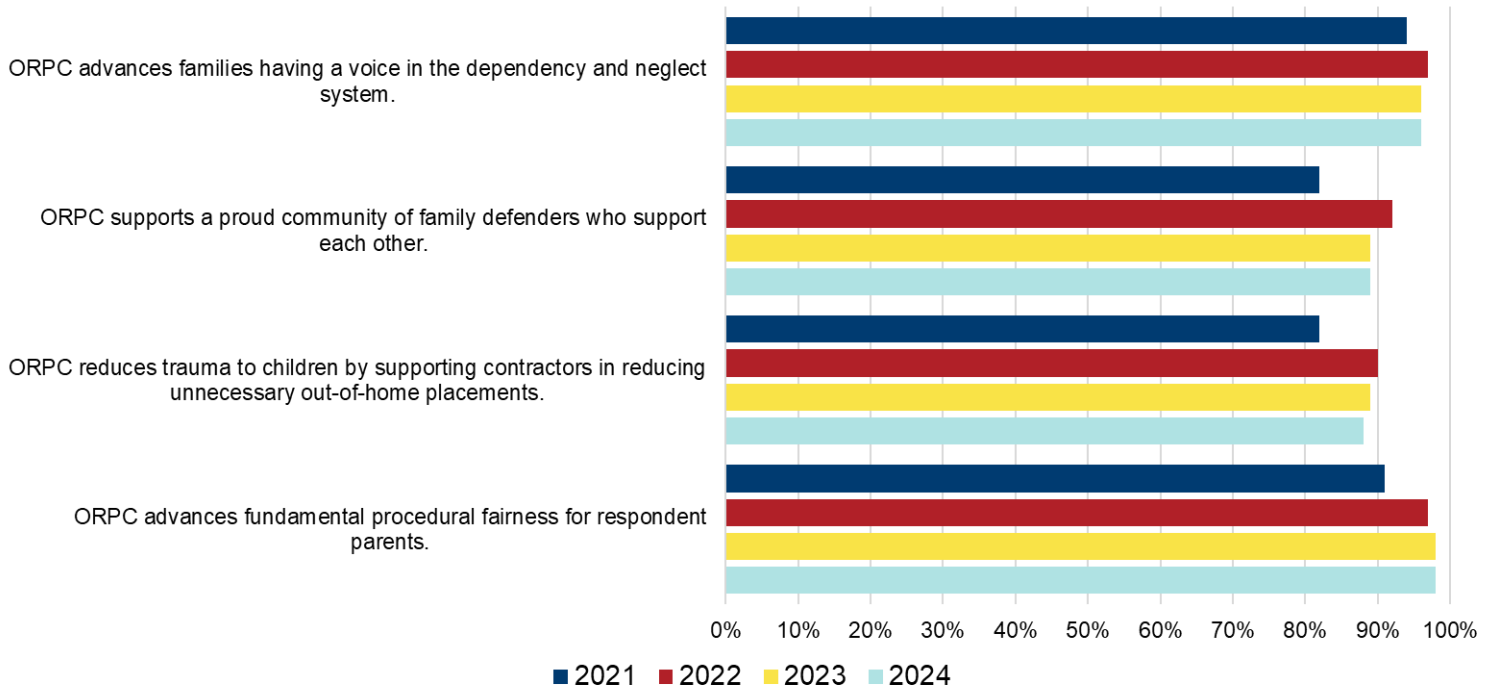
3. **Trauma to Children is Decreased** – Trauma to children is reduced when parents are provided with preventative or in-home supports to keep children with their family of origin, when unnecessary removals are rare, and when children can safely stay with their family.
  
4. **Family Defenders Have a 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 and Productive** – The ORPC achieves its statutory mandate when its reputation, performance, and adherence to its values have a positive impact on the child welfare system.

The ORPC administers an annual contractor survey to solicit essential feedback regarding the agency’s performance, availability and value of resources, training needs, and challenges to effective advocacy. In the 2024 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 2024, for example, 98% of contractors who completed the survey either strongly agreed or agreed that the ORPC advances fundamental procedural fairness for respondent parents, and 96% strongly agreed or agreed that the ORPC advances family voice.

## 2024 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 enhances the provision of respondent parent representation across the State of Colorado by providing oversight to contractors appointed to represent indigent parents in dependency and neglect cases. The items below detail the major functions of the agency and its efforts to meet ORPC legislative mandates and agency values.

### A. Systems are Fair and Followed

- Application Process:** 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, and an interview. Applications are scored by two staff members using a matrix to maximize objectivity and consistency in the review of applicants.
- Ongoing Attorney Evaluation:** Once an attorney is selected for a contract, their efficacy is monitored and evaluated through the survey of judicial officers and court staff, the agency’s billing and data collection systems, verification or renewal

applications, fielding of complaints about contractors, and the court observation process. All contractors submit verifications of their eligibility annually, including compliance with training and insurance requirements. Every five years, the ORPC also requires contractors to reapply and reinterview, engaging in a more comprehensive review of their performance.

On an annual basis, the ORPC seeks feedback from judicial officers and court staff regarding attorney performance. Also considered in the attorney evaluation process are complaints from parents and other stakeholders. Reviewing these complaints offers insight into the client’s satisfaction with their legal counsel and any repetitive performance issues, as well as provides an overview of how often attorneys are withdrawing from cases. Complaints frequently identify areas of concern or confirm the agency’s concerns that were identified through court observations or judicial feedback.

Utilizing the Director of Research’s skills, 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 contractors spend communicating with their clients, whether attorneys are going to contested hearings and preparing for hearings, and whether they are filing motions and engaging in legal research. The agency can also determine whether RPC are engaging experts, investigators, Social Workers, or Parent Advocates on their teams.

<b>Performance Measure A: Evaluate and Recruit Attorney Contractors</b>		<b>FY2021-22</b>	<b>FY2022-23</b>	<b>FY2023-24</b>	<b>FY2024-25</b>	<b>FY2025-26</b>
Number of Attorney Renewals and Verifications Reviewed	Actual	235	194	197	0*	TBD
Number of New Attorney Applicants	Actual	47	35	45	19*	TBD

\*Data provided for FY 2024-25 includes data from July 1, 2024 - November 1, 2024. RPC renewals and verifications are due in March each year, but ORPC reviews new applications when there is a need for new attorneys in a particular jurisdiction throughout the year.

The ORPC's intensive contractor review and selection 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 increases 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. Court observations 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.

The ORPC conducts court observations throughout the year. Scheduling court observations requires intensive coordination between agency staff, local court personnel, and RPC. Agency staff travel throughout the state to witness court appearances in many types of hearings, both contested and uncontested. While the increased volume of virtual hearings creates additional opportunities for court observations, remote hearings provide fewer opportunities for engaging directly with RPC. Additionally, virtual hearings are often difficult to follow. To combat these challenges, the ORPC continues to prioritize and conduct in-person court observations when possible.

In 2019, the ORPC adopted an objective court observation measurement tool tied to the agency's practice standards, the Colorado Rules of Professional Conduct, and legislative mandates. Both the tool and the guidelines for using the tool are updated on a regular basis. The agency aims to observe all renewing contractors at least once in the fiscal year their contract is up for 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.



Performance Measure B: Conduct Court Observations		FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26
Observations of renewing contractors	Target	100%	100%	100%	100%	100%
	Actual	N/A*	100%	94%	40%**	TBD

\*The ORPC extended all RPC contracts by one year for FY 2021-22 in recognition of the continued challenges faced by RPC and the ORPC during the pandemic, as well as the desire to have a more normalized year of court observations before evaluating renewal applications, among other reasons. \*\*Data provided for FY 2024-25 includes data from July 1, 2024-November 1, 2024.

The ORPC is on track to observe 100% of renewing contractors in FY 2024-25. 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.

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.

- **Colorado-Specific Practice Standards:** The ORPC finalized Colorado-specific 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 2019. To do this, the agency drew on guidance from the American Bar Association's national standards of practice for attorneys representing

parents in dependency and neglect cases, in addition to other states' practice guidelines for family defense attorneys. The updated Chief Justice Directive (CJD) with Colorado-specific practice standards for RPC was amended and went into effect in March 2021.

In 2024, the agency drafted practice standards for interdisciplinary legal teams, including Social Workers and Parent Advocates. These practice standards were incorporated into contracts signed by all Social Workers, Family Advocates, and Parent Advocates contracting with the ORPC. The agency is currently updating the attorney practice standards included in the CJD to reflect updates in legislation, Rules of Professional Conduct, case law, and other guidance. The ORPC expects that the CJD will be updated to reflect these revisions in 2025.

- **Appellate Program:** Appellate review of dependency and neglect cases is essential to ensuring the child welfare system is fair and followed. The ORPC's appellate program is critical to fulfilling the agency's statutory mandate to provide high-quality appellate counsel for indigent parents. After assuming oversight of RPC, the agency created an appellate contractor list, selecting appellate attorneys based on objective criteria. The agency also implemented a policy preventing trial attorneys from handling their own appeals to ensure that parents have the opportunity for 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. This specialized training includes a biannual Appellate Brief Writing training to acquaint new RPC with appellate attorney performance and practice standards. The ORPC requires appellate attorneys to complete the Appellate Brief Writing training within two years of appointment. This training was last offered in 2023 and will be offered again in 2025. In addition to training appellate counsel, the Appellate Brief Writing training program allows trial RPC who are interested in doing appellate work to learn more about what the work entails. Other trainings provided to appellate attorneys have included interlocutory appeals, appellate roundtables to discuss current trends, issue spotting, and framing appellate issues.

Data collected by the agency indicate that the ORPC’s appellate program has increased parents’ access to justice over the last eight years. Correcting errors made at the trial court level protects parents’ constitutional rights and encourages trial courts to treat these cases, which involve the most important decision in a family’s life, with due care and deliberation. For the three full fiscal years reported below, approximately seven 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.

<b>Performance Measure C: Appellate Quality</b>		<b>FY2021-22</b>	<b>FY2022-23</b>	<b>FY2023-24</b>	<b>FY2024-25</b>	<b>FY2025-26</b>
Overall percentage of Court of Appeals reversals	Actual	8%	7%	6%	6%*	TBD
Percentage of appellate attorneys trained through ORPC’s Appellate Brief Writing training	Target	100%	100%	100%	100%	100%
	Actual	95%	94%	95%	95%*	TBD

\*Data provided for FY 2024-25 includes data from July 1, 2024 - November 1, 2024.

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 published opinions informed trial courts and trial attorneys about errors they should avoid while clarifying the law in a relatively new and undeveloped area of the law. This has proven generally true over the last three years. As RPC have improved their ability to spot and correct these errors earlier in the case, and as trial courts have made corrections based on new case law and remands from the Court of Appeals, the initial spike in the number of remands has decreased and stabilized.

## B. Family Voice Leads

As fewer dependency and neglect cases are filed, parents whose children are removed often have more complex needs. It is not uncommon for parents to have been in foster care themselves as children, and parents often have complex trauma histories in relation to their interactions with court systems and child welfare. RPC and interdisciplinary team members may be the parent's only advocate in the system, and it is even more crucial that parents who have a history of trauma within child welfare and legal systems have access to an advocate to help them share their stories and to ask for what they need. Additionally, the ORPC as an agency plays an important role in elevating the voices of parents and families, celebrating their successes in whatever form they take, and advocating for family centered policies and legislation.

Attorneys representing indigent parents in dependency and neglect proceedings are client-directed, meaning they must consult with their client and represent their expressed position. When an attorney, assisted by an interdisciplinary team, 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 their story and meaningfully engaging in services.

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.

- **Events:** In 2024, the ORPC celebrated National Reunification Month by spearheading its second annual in-person event, Reaching New Heights Together: Celebrating Reunification in Colorado. As in 2023, the ORPC collaborated with the Office of Children, Youth & Families and the Office of the Child's Representative to cohost the celebration, and this year added the Court Improvement Program and Court Appointed Special Advocates to the list of cosponsors. This year's event occurred at Six Flags Elitch Gardens on June 24, 2024. The event brought the community together to recognize the people and efforts that help families successfully reunite their families.

The event was once again universally well received, and the ORPC hopes it will continue to grow. Below is some feedback from attendees:

- “Wow! That was amazing and once again brought tears to my eyes.”
- “What an amazing event yesterday, thank you all for the work you did and especially [ORPC] for taking the lead on this event. Despite the heat, I think it was an incredible experience and appreciate the collaboration to highlight these incredible families!”

More than 350 reunited families and child welfare professionals attended. The celebration included special recognition of reunification heroes, remarks from local leaders, family activities, and lunch.

- **Redefining Success:** To strengthen advocacy and leadership for ORPC contractors, the agency develops measures of success that encapsulate the challenges facing families. While family reunification is universally recognized in child welfare proceedings as a measure of successful representation, success also includes providing parents with dignity and a voice in the proceedings. Representing parents who have experienced trauma can be emotionally draining and lead to burnout. Defining success in a way that allows contractors to be recognized and celebrated for critical aspects of the work reduces burnout.

For that reason, the agency recognizes contractors for meeting many other goals of representation, including:

- Providing client-centered representation to parents;
- Assisting a parent in relinquishing their parental rights in a dignified manner that allows them to contribute to the narrative of the outcome;
- Acknowledging the impact of separation trauma;
- Communicating client stories and history to opposing parties and courts;

- Exploring opportunities for ongoing contact when reunification is not possible, including allocation of parental responsibilities and open adoption;
- Recognizing and celebrating the culture of families in arguments for reunification;
- Creating dignity for parents who have often experienced extensive trauma; and
- Utilizing an interdisciplinary family defense team approach to parent representation, including Parent Advocates with lived experience.

Since the creation of the ORPC less than a decade ago, parents and families in Colorado have benefited immensely from the provision of high-quality legal representation. From FY 2018-2019 to FY 2023-2024, the percentage of cases ending in terminations of parental rights in Colorado decreased by more than one-fifth (22%). The ORPC focuses on recognizing this advocacy through our weekly Family Defender Digest and at trainings such as the Annual Fall Conference. Having contractors recognize one another publicly through success panels, shout-outs, and award nominations demonstrates not only the importance of redefining success, but also the strength of the community.

Colorado family defenders are also recognized as leaders in the public defender community across the country. ORPC contractors 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 alone, ORPC contractors and staff 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.

- **Advocacy for Family Centered Policies and Legislation:** For far too long, policy discussions about removal of children from their parents did not include the voices of parents. The ORPC works to elevate the voices of parents and families and educate partners about the impact of separation trauma. 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, their extended family, and their community are supported through family time and placement. In 2024, the agency

focused on efforts to implement, through rulemaking and training, legislation passed in 2023 and 2024 to support children being placed with relatives and kin.

The ORPC also continues to work 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 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's efforts have been recognized by the Colorado Criminal Justice Reform Coalition, which awarded the ORPC with its 2024 Gamechanger Award. As these laws are implemented, the ORPC continues to gather information and provide training and support regarding the changes to the law, including to judicial officers, caseworkers, and other child welfare professionals.

Agency staff members 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 (HQPT) Task Force, which was continued through House Bill 23-1027 and which is chaired by the ORPC Policy Director. The Colorado Evaluation & Action Lab recently completed a comprehensive evaluation of family time practices throughout Colorado and promulgated a set of best practice recommendations based on their evaluation. The HQPT Task Force will be sunseting its work by determining how these recommendations may be moved forward throughout the state. Parent Advocates participate in the HQPT Task Force and have been instrumental in continuing to advocate for family-centered policies throughout the state.

The ORPC's advocacy goes beyond collaborating for change at the state legislature to include amicus appellate advocacy, rulemaking, and policy work through participation on dozens of committees. In the last year, the ORPC Policy Director testified in favor of two rule packages in support of legislation advanced by the agency to enhance

opportunities for family time and for parents who are incarcerated to maintain connections with their children. ORPC engagement was also critical in passing rules requiring that parents be notified when their child welfare records are discovered to contain falsified materials. Altogether, the agency is represented on over sixty committees around the state and at the national level.

Additionally, over the last year, the ORPC Appellate Director played an instrumental role in drafting five amicus briefs, with four briefs involving multiple partner advocacy organizations. Amicus advocacy in previous years focused heavily on enforcing the Indian Child Welfare Act (ICWA). The agency is now heavily engaged in supporting the Southern Ute tribe's work to pass comprehensive state legislation to strengthen protections for Indian families and tribal communities.

- **Experts and Investigators:** One of the primary barriers to high-quality legal representation for parents prior to the existence of the ORPC was the lack of RPC access to expert witnesses and investigators. The Final Report of the Respondent Parents' Counsel Work Group noted that increased access to expert witnesses "leads to improved outcomes – shorter time in care for children and earlier, more effective treatment interventions for parents."

The agency works to ensure that high-quality experts and investigators are available throughout the state. The ORPC maintains a database of experts for referral to assist RPC in evaluating cases and presenting evidence supportive of their client's position. The agency is developing a web-based database where contractors can access expert information directly. RPC are also able to request investigative services such as locating clients, interviewing witnesses, obtaining necessary records, and conducting family-finding searches for potential supports and placements. With lower hourly rates than those of RPC, investigators lower case costs while saving valuable time for RPC to concentrate on reaching expeditious resolutions for clients.



Performance Measure D: Recruit and Maintain Experts and Investigators	FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26
Number of parent appointments with at least one <b><u>expert</u></b>	217	280	270	81*	TBD
Number of parent appointments with at least one <b><u>investigator</u></b>	392	328	302	50*	TBD

\*Data provided for FY 2024-25 includes data from July 1, 2024 - November 1, 2024.

Access to expert and investigator assistance improves the quality of services offered to parents and the accuracy of court decisions, thus ensuring fairness for indigent families during the court process. Investigators help engage parents and relatives and ensure family voice leads.

### C. Trauma to Children is Decreased

The ORPC surveys the agency’s contractors each year. In 2024, 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>3</sup> For children in particular, separation trauma can endure and have long-term implications for their educational attainment, mental and physical health, and future employability. 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.

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

<sup>3</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>.

care stays. Individual attorneys use the legislative changes sought by the ORPC 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 term and over a longer period of time.

- **ORPC Interdisciplinary Programming:** The right type of representation in child welfare cases can easily mean the difference between preserving a family and seeing it permanently destroyed. Over the last decade, research from around the country has established that a family's chance of success improves dramatically when parents are provided with an interdisciplinary team (IDT) model of legal representation that includes both a zealous attorney and strong advocacy by a Social Worker or Parent Advocate on the parent defense team. Interdisciplinary legal teams are a nationally established best practice standard for parent and children's defense agencies.<sup>4</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>5</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. This finding is consistent with national research, which additionally found that children whose parents

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<sup>4</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>5</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>.

were represented in an IDT model had a 106% greater likelihood of being permanently placed with relatives than children whose parents were represented by a solo attorney.<sup>6</sup>

ORPC interdisciplinary teams may also include one of the agency’s Parent Advocates, who are parents with lived experience successfully navigating the child welfare system and ultimately reuniting with their children. They are trained to work alongside RPC to guide and support parents. 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 IDT models that include Parent Advocates on legal teams, the ORPC began to recruit, train, and mentor Parent Advocates in FY 2020-21. Parent Advocates have since been assigned to support nearly 1,300 new parent cases since the first cohort joined the ORPC community in 2021.

<b>Performance Measure E: Support the Use of Evidence- Based Practices</b>		<b>FY2021-22</b>	<b>FY2022-23</b>	<b>FY2023-24</b>	<b>FY2024-25</b>	<b>FY2025-26</b>
Percentage of ORPC cases with interdisciplinary representation (Social Worker, Family Advocate, or Parent Advocate)		19%	26%	25%	26%*	TBD
Number of Social Worker/Family Advocate/Parent Advocate contractors available for work on ORPC cases	Target	35	40	50	60	70**
	Actual	42	52	65	60***	TBD

\*Figures provided for FY 2024-25 include data from July 1, 2024 - November 1, 2024. \*\*In upcoming fiscal years, the ORPC's goal is to maintain the existing number of available Social Workers and Family Advocates and to add an additional eight Parent Advocates if federal IV-E funding is made available. \*\*\*Number represents the number of contractors available on July 1, 2024.

<sup>6</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).

Interdisciplinary teams are an evidence-based model for parent defense. In 2022, the Colorado Evaluation and Action Lab (“Colorado Lab”) completed a study of the ORPC’s IDT representation model,<sup>7</sup> which has earned a “promising” evidence designation as defined by House Bill 24-1428 because there is causal evidence demonstrating its effectiveness and Colorado-specific data showing that it is advancing equity for complex cases. Performance Measure F (p. 23) 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 the use of interdisciplinary teams to increase the number of cases that conclude with reunification or kinship placement.

- **ORPC Data Collection and Use of Evidence-Based Practices:** As part of its mission, the ORPC enhances and expands access to interdisciplinary representation for parents. Ensuring the ORPC provides high-quality legal advocacy for indigent parents in child welfare proceedings demands the utilization of data, resources, and partnerships.

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 Colorado Lab to evaluate the agency’s overall effectiveness, allowing the ORPC to continuously improve parent representation and to do so in a fiscally responsible way. The Colorado Lab’s first evaluation of ORPC programming used both ORPC and Colorado Department of Human Services (CDHS) data to explore the value of the IDT representation model versus attorney-only representation. Subsequently, the Colorado Lab has undertaken an evaluation of the ORPC’s pre-filing program and provided research and policy expertise to the High Quality Parenting Time Task Force created by House Bill 23-1027. In addition, the Colorado Lab is building the ORPC’s capacity to evaluate its own efforts in the future.

These evaluations are possible due to the ORPC’s foresight at its inception in building a contractor billing system that serves as both a payment mechanism and a data

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<sup>7</sup> [https://coloradolab.org/wp-content/uploads/2024/05/ORPC-IDT-Phase-I-Report\\_SFY22\\_FINAL.pdf](https://coloradolab.org/wp-content/uploads/2024/05/ORPC-IDT-Phase-I-Report_SFY22_FINAL.pdf)

collection tool. The collection of data on permanency outcomes, out-of-home placement, hours worked in and out of court, case costs, and use of ORPC resources such as experts, investigators, and interdisciplinary teams has positioned the ORPC to build a research- and evidence-based framework for its representation of indigent parents in D&N cases.

In 2025, the agency is preparing to launch a new billing and data collection system with functionalities that will create cost-saving efficiencies for ORPC staff and contractors. This system will also upgrade the ORPC's data collection capacity for evaluating internal agency performance. The ORPC utilizes this data extensively throughout the year to conduct its annual review of contractors seeking renewal, prepare quarterly billing analyses that examine contractor activities in a wide range of areas, assess compliance with ORPC billing policies, inform resource allocation decisions, and support contractor advocacy.

In addition, the ORPC utilizes data sharing agreements with the judicial branch, along with the Judicial Department's public access data request process, to cross-check the ORPC's internal data against external data sources, promote confidence among stakeholders in the agency's data, and enable broader use of the data with systems partners. This data also informs the agency's planning, priorities, and decision-making and facilitates compliance with Federal IV-E funding. The ORPC is also working toward a data sharing agreement with CDHS.

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

Prior to the creation of the ORPC, RPC lacked uniform access to resources and the independence necessary to effectively represent parents across the state. The ORPC recognizes the need to create a community of family defenders who have the training and support required to provide high-quality, effective representation to parents fighting to keep their families together. Effective representation requires an attorney with knowledge of a diverse area of law, excellent trial skills, an ability to react quickly to new information, and the ability to support parents going through the worst time in their lives. Additionally, contractors must manage their own businesses, receive no employee

benefits, and lack access to traditional support structures like supervisors, all while receiving compensation that is less than half of the market rate for attorneys with similar levels of experience. The contractors who take on this work and stick with it have an extraordinary passion for justice and for keeping families together, and the ORPC strives to support them through training, access to resources, and advocacy for increased compensation.

- **Training:** 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 to advocate for parents at all stages of dependency and neglect cases. Among the agency's established, annually held trainings are the New Attorney Boot Camp, Fall Conference, Carrie Ann Lucas Disability Advocacy Training, and the Case Law and Legislative Update.

Historically, the ORPC also held periodic webinars, single day or partial day trainings, and workshops on rotating topics. In 2024, the ORPC began moving away from this approach, instead aiming to incorporate high-priority training needs into recurring annual trainings. There are myriad reasons for this switch, including the ORPC's desire to prioritize training quality over quantity, changes in training budget, and historically lower attendance at one-off trainings and webinars. Because of this switch, the ORPC expects the number of trainings offered will decrease while the number of attendees per training will increase. To ensure high-quality training content remains accessible, the ORPC continues to record most trainings and provides those videos to contractors free of charge. Nearly all ORPC trainings are offered free of charge and are open to the general public.

Below is a sample of recent feedback about the agency's trainings:

- "I love the reason behind this training and the in-depth discussions and material presented. There is nothing else like this and I so appreciate that it is free!"

- "Very well done, lived experience mixed with professional experience is a good instruction model."
- "An amazing day made possible because of incredible competence of each and every presenter/presentation. Thanks!"

In FY 2023-24, the ORPC executed 23 primarily in-person trainings, with virtual attendance options for most trainings. The agency has moved to a mostly hybrid training model for larger trainings, with shorter webinar trainings sprinkled throughout the year. Virtual platforms reach many more trainees and allow the agency to invite national trainers to speak more frequently. 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.

<b>Performance Measure F: Provide High-Quality Trainings</b>		<b>FY2021-22</b>	<b>FY2022-23</b>	<b>FY2023-24</b>	<b>FY2024-25</b>	<b>FY2025-26</b>
Trainings for attorneys, associates, Social Workers, Parent Advocates, and court personnel	Target	10	20	20	20	20
	Actual	46	39	23	12*	TBD
Total Number of Training Hours		184	146	124.8	39*	TBD
Total Number of Attendees**		1,459	1,696	1,348	489*	TBD

\*Data provided for FY 2024-25 includes data from July 1, 2024 - November 1, 2024. \*\*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.

The agency met and exceeded its goal of maintaining attendance at and improving the quality of training programs in FY 2023-24. The ORPC's training evaluation results for FY 2023-24 showed high marks for the quality of trainings. On average, training attendees rated ORPC trainings as "Excellent" 65% of the time and "Good" 28% of the

time. The feedback about the agency's training program in FY 2023-24 was overwhelmingly positive, and the ORPC expects this trend to continue, having already received positive feedback regarding trainings in the first half of FY 2024-25. Of note, the ORPC's 2024 Annual Fall Conference was the agency's most highly rated annual conference to date.

ORPC trainings are now much more accessible to contractors who live far from the Denver metro area. The ORPC has training videos from 64 prior trainings available for contractors to view at their convenience, an increase of 13 since last year's report. Five years ago, the agency only had five recorded training videos available. This particularly benefits new RPC and rural RPC who may otherwise miss trainings offered prior to their time as contractors or in locations far from their homes.

In FY 2023-24, the ORPC held a traveling Legislative & Caselaw Update for the first time in Weld County. The next Legislative & Caselaw Update will occur in January 2025 in Grand Junction. These measures meet the goals of building support and community for smaller jurisdictions and have not resulted in lower overall training attendance.

- **Contractor Support, Resources & Consultation:** The ORPC offers all contractor types strong community support to optimize time and resources for consistent, zealous, client-centered advocacy. Because most contractors practice in small firms or solo offices, they often rely heavily on agency support. The ORPC Case Strategy Director develops, implements and manages the following resources to meet contractor needs:
  - **Jurisdictional Liaisons:** The ORPC assigns a staff attorney and staff social worker liaison to each judicial district. Liaisons answer posts in the jurisdiction's listserv, provide consultations for cases filed within the jurisdiction, address jurisdiction-specific issues, and liaise with the jurisdictions' community partners.
  - **Family Defender Digest:** The agency circulates a biweekly email newsletter, entitled the *Family Defender Digest*. This newsletter includes caselaw summaries, contractor recognition, opportunities to be involved in child welfare reform efforts, and information about upcoming trainings and events.



- **Listsers:** The ORPC provides and maintains listsers statewide, as well as those specific to jurisdictions and practice areas. The Listsers provide forums for contractors to build community, ask legal questions, get legislative updates, and raise jurisdiction-specific concerns.
- **Roundtables:** ORPC staff attorneys schedule periodic roundtable discussions for judicial districts, appellate RPC, and managing RPC. Roundtable discussions examine challenging patterns faced by Roundtable participants and brainstorm strategies to resolve systemic issues.
- **Westlaw:** The agency provides a subscription to the legal research database Westlaw to every RPC. The subscription includes Drafter's Edge, which allows RPC to save time while ensuring that their citations are accurate and up-to-date.
- **Motions Bank:** The ORPC maintains the Motions Bank, a repository of example pleadings, memoranda analyzing common legal questions, and practice tools. The Motions Bank streamlines contractor research and writing time and currently contains over 480 files, with more added weekly.
- **Guided Reference in Dependency (GRID):** The agency collaborates with the Office of the Child's Representative to publish a comprehensive guide for legal professionals practicing in dependency and neglect. The GRID's 2024 third edition is currently pending publication.
- **Trial Co-Counsel:** A list of experienced Trial RPC are available to second-chair adjudicatory jury trials with new RPC as well as legally or factually complex cases at substantial risk of termination of parental rights.
- **Legal Researchers:** The ORPC maintains a roster of qualified and experienced Legal Researchers to assist RPC with time-consuming, essential case-related

tasks including legal and social science research, drafting pleadings, discovery review, and evidentiary preparation for depositions and hearings.

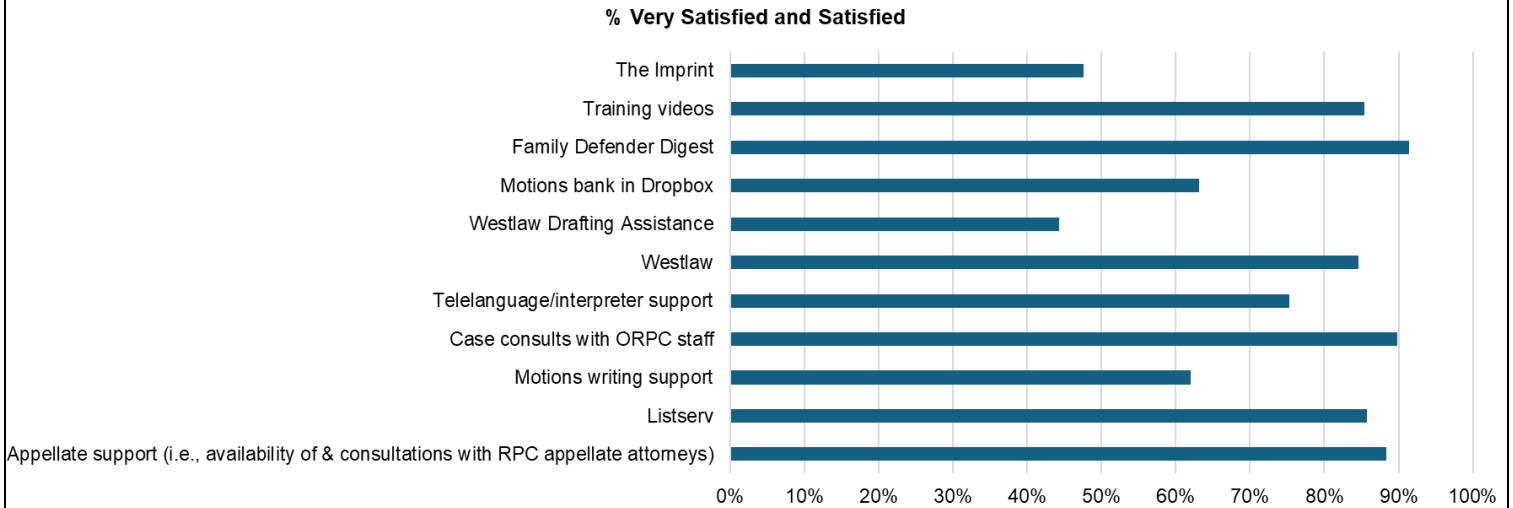
- **Appellate Co-Counsel:** The agency offers a list of Appellate RPC available to provide research and writing support on novel legal issues and to work with trial RPC to prevent errors at the trial level.
- **Sustained Wellbeing Support:** Recognizing the detrimental impact of attorney burnout on clients and their families, the ORPC aids contractors dealing with professional or personal overwhelm by coordinating IDT or litigation support, temporarily removing RPC from appointment lists, or offering case transfer assistance to reduce caseloads.

When these resources are not enough and contractors have more questions, or when they need quick advice, contractors can efficiently book one-on-one or whole interdisciplinary team consultations with the ORPC staff through an automated scheduling system. On average, the ORPC staff handle an average of five case consultations per day, amounting to approximately 500 consultations per year. ORPC staff offer consultations related to: legal and social science research questions, ethical concerns, case reviews, out-of-court collaboration strategies, litigation skills coaching, expert witness referrals, culturally responsive, client-centered advocacy efforts, law practice management advice, and stress and burnout support. Staff attorneys also offer regularly scheduled one-on-one consultations for new RPC to promote competent parent representation amongst new family defense practitioners and reduce legal research and drafting costs by directing contractors to information quickly.

The ORPC adjusts support and resources based on analysis of the agency's billing and data as well as contractor feedback. The agency solicits feedback from contractors on an as-needed basis and through the ORPC Annual Contractor Survey. The 2024 ORPC Annual Contractor Survey asked contractors to rate their level of satisfaction with the various resources made available by the ORPC.

## 2024 ORPC Annual Contractor Survey

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



Based on the feedback in this year’s survey, the agency is pleased that contractors continue to express high levels of satisfaction with training videos, the Family Defender Digest, case consultations with ORPC staff, and the listserv. In contrast, the agency is aware of the need to provide greater support with motions drafting and legal research. In response to survey results, the agency will offer a Motions Writing Training in 2025, increase the types and number of available motions in the Motions Bank, and prioritize increasing availability of Legal Researchers.

Performance Measure G: Contractor Support		FY2021-22	FY2022-23	FY2023-24	FY2024-25	FY2025-26
Percentage of attorneys using case consultations	Target	80%	80%	80%	80%	80%
	Actual	86%	82%	69%	57%*	TBD

\*Data provided for FY 2024-25 includes data from July 1, 2024 - November 1, 2024.

For the first time since ORPC began measuring utilization of case consults, the percentage of contractors accessing case consults fell below the agency’s target despite ongoing high degrees of satisfaction with this resource. This is likely due to staff turnover in three positions, resulting in data on case consultations being unavailable for those three staff members. In the first four months of this fiscal year, over half of contractors have already consulted with ORPC staff.

- **Recruitment and Retention:** For the ORPC community to flourish, it is vital to retain those contractors who already provide strong advocacy for their clients. In creating a strong community of family defenders, it is equally important to recruit talented, dedicated RPC, Social Workers, and Parent Advocates to the practice to inject energy and creativity into pursuing the ORPC's mission.

The ORPC continues to develop multiple pipelines from which to recruit attorneys who are likely to excel in parent representation, including:

- Cultivating networks through law schools;
- Participating in and engaging with specialty bar associations and other professional organizations;
- Tracking new applicants who are not yet qualified to work independently to connect them with firms looking for associates;
- Participating in speaking engagements throughout the state and country;
- Attending public interest career fairs;
- Guest lecturing at classes, clinics, and other opportunities to discuss a family defense career path with students;
- Providing ongoing mentorship of law students from local law schools;
- Hosting externs at ORPC;
- Placing externs from local law schools with RPC, allowing them to gain experience under the Student Practice Act and explore career opportunities;
- Engaging attorneys practicing in juvenile, family, or criminal law who are interested in adding RPC work to their practices; and
- Monitoring attorneys leaving public defense or prosecution offices to explore opportunities as RPC contractors.

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 family defenders do.

The ORPC is committed to establishing mentor relationships at all levels of interest, from law students through experienced attorneys interested in adding parent defense to their practice. One method involves pairing 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 the ORPC values. Similarly, the ORPC connects law students with RPC contractors to allow them to gain real world practical experience under the Student Practice Act. One attorney managing a firm with several RPC associates noted recently that the externship program is the best way she has found to determine whether a graduating law student will be a successful associate with her firm. 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.

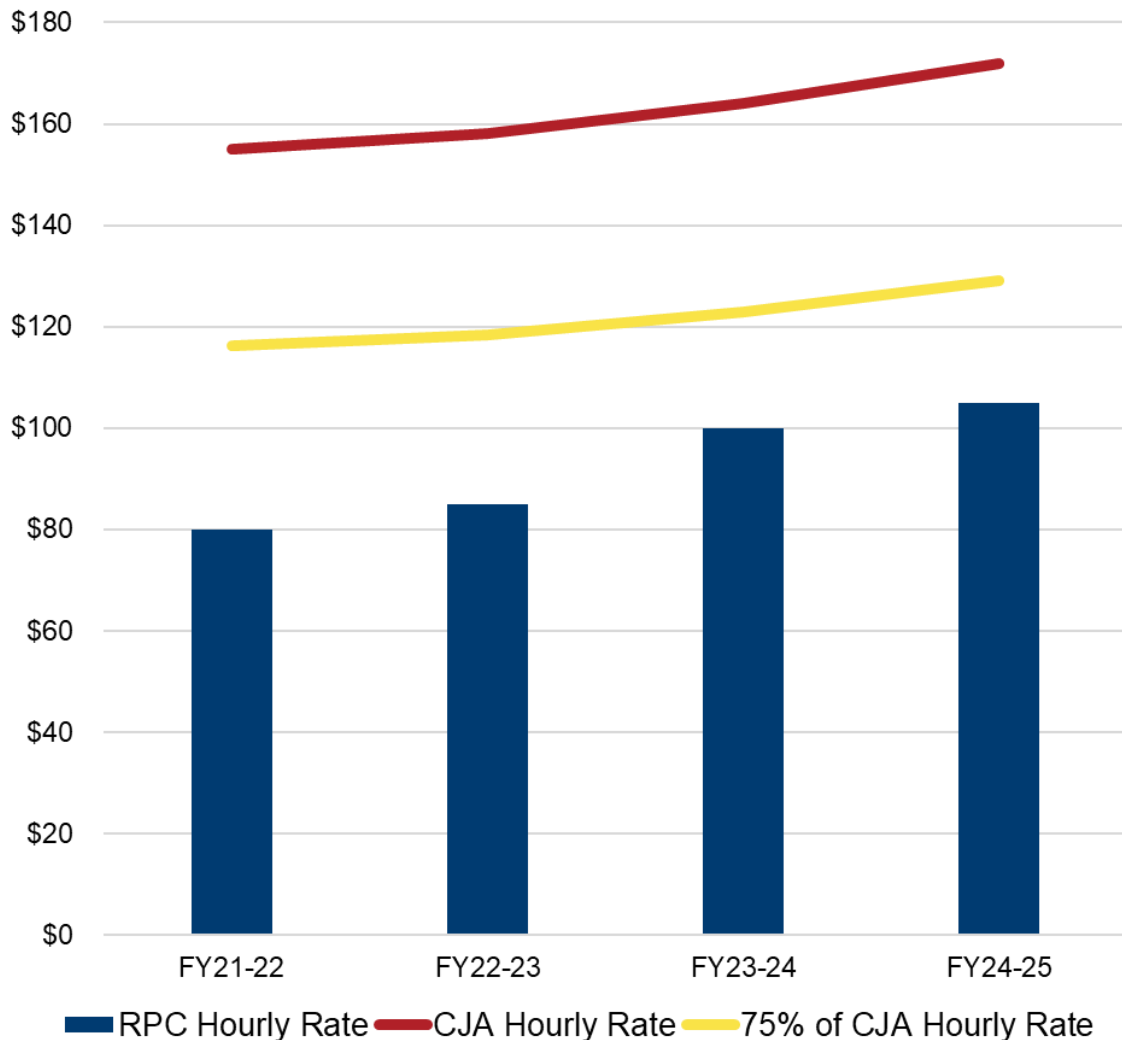
In June 2023, the federal government changed its rules to make some contractors eligible for federal Public Service Loan Forgiveness (PSLF). One year later, the ORPC celebrated the passage of the Judicial Contractor Loan Forgiveness Eligibility Act (House Bill 24-1374), which clarified that contractors for Colorado's independent judicial agencies using independent contractor models are eligible for federal public service loan forgiveness. Since August 2024, the ORPC has certified PSLF hours for eight current and former ORPC contractors, with many more contractors preparing their requests. This legislation aids the ORPC in recruiting both law students and experienced attorneys who are concerned about maintaining eligibility for public service loan forgiveness. Additionally, regular increases to the contractor pay seems to be assisting in both retention and recruitment.

- **Establish Fair and Realistic Contractor Hourly Rates to Attract and Retain High-Quality Professionals:** The agency's enabling legislation charges and entrusts the ORPC with establishing fair and realistic compensation. 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 increase also tied the RPC hourly rate to 75% of the Federal Criminal Justice Act rate (currently \$172 per hour). The RPC hourly rate will increase five dollars a year until it reaches 75% of the Federal Criminal Justice Act rate.

### ORPC Contract Attorney Rates



<b>Performance Measure H: Realistic Rate of Pay</b>		<b>FY2021-22</b>	<b>FY2022-23</b>	<b>FY2023-24</b>	<b>FY2024-25</b>	<b>FY2025-26</b>
ORPC average hourly attorney rate	Target	\$80	\$85	\$100	\$105	\$110
	Actual	\$80	\$85	\$100	\$105	TBD

This increase more closely aligns hourly rates for ORPC contract attorneys with the rates paid to attorneys in other public sectors. It also partially addresses the loss of real earnings due to inflation and decreased the attrition rate of contract attorneys who left ORPC practice for more lucrative and stable areas of practice. Improved retention of existing RPC also increases the experience level of the contractors. The ongoing structured rate increases also allow firms to better compensate associates and provide better benefit packages, helping them to compete with other public interest law practice options. Finally, the increased hourly rate for contractors helps the ORPC attract and recruit strong professionals to the practice of parent representation.

By adhering to the ORPC’s mission, vision, and values, the agency works to meet its legislative mandate to support parents in the fight to preserve families, their dignity, and the constitutional right to parent. Through its work, the ORPC seeks to address the root causes of family separation and to ensure that families facing child welfare system involvement can stay stronger together.