

OFFICE OF RESPONDENT PARENTS' COUNSEL

FISCAL YEAR 2023-24
BUDGET REQUEST



MELISSA MICHAELIS THOMPSON
EXECUTIVE DIRECTOR

November 1, 2022

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OFFICE OF RESPONDENT
PARENTS' COUNSEL
Protecting the Fundamental Right to Parent

November 1, 2022

To the Citizens and Legislators of the State of Colorado:

Thank you for your consideration of the Office of Respondent Parents' Counsel's (ORPC) annual budget. The ORPC is an independent agency within the State of Colorado Judicial Branch vested with the oversight and administration of legal representation for indigent parents in child welfare cases across the state. Since its inception in 2016, the ORPC has advocated for parents' due process rights, access to appropriate services, and the constitutional right to parent their children. This budget request includes highlights of the amazing work, yet often overwhelming barriers, faced by family defense teams in carrying out the mission and values of the ORPC.

The ORPC seeks the worthy investment of additional general fund to increase contractors' hourly rates so that family defenders can afford to dedicate their time and expertise to the preservation of Colorado families. The current compensation for respondent parents' counsel (RPC) not only lags drastically behind the private sector but trails many other public sector professionals as well. This trend is true before accounting for inflation but is even more stark when taking into account the inflationary forces that have acted on the state and national economy. The last few years have been unpredictable to say the least, something that has been felt even more acutely by our contractors who lack the stability of a full-time job with benefits. This has played a factor in recruitment and retention of RPC in particular. Since FY 2019-20, the percentage of RPC leaving the work for a full-time job with benefits has risen drastically from 13% to nearly 50% in the last fiscal year.

When asked what a rate increase would mean to them, our contract attorneys touched on a variety of challenges that would be ameliorated with a move to more equitable compensation. Many mentioned inflation, the difficulty of obtaining health insurance as a solo practitioner, and the challenges of managing student loan payments. One contractor stated,

“It is getting harder and harder to keep doing this work when we could be earning much more — with benefits — in private practice or other branches of the government; plus no option for student loan forgiveness which is really frustrating.”

Others reflected that, while the work is meaningful and they feel passionate about defending Colorado families, they are not sure how much longer they can continue as a contractor in the current economic climate. As one contractor wrote, “I take [cases] because I want to help people, but with inflation it is getting [harder] to take as many cases because I need to offset costs with more private cases.” Overwhelmingly, RPC express a passion for parent defense, but recognize that economic factors may keep them from taking as many appointments as they would like. Increasing the rate of pay would help ease recruiting issues in many judicial districts, as RPC could afford to take more appointments. “[A rate increase] would be so beneficial,” said one contractor, “[I] could quit my second job and just work with my clients.”

Supporting our contractors in these uncertain times has become increasingly time consuming for ORPC staff, both administratively and as the ORPC identifies other programs and legislation that will bolster the fundamental right to parent. Staff attorneys are spending significant amounts of time on tasks like appellate assignments and reviewing expert requests – tasks that could most efficiently be done by a qualified paralegal. As federal priorities and Colorado

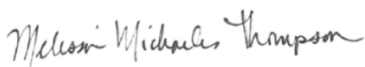
law continue to develop, staff attorneys find themselves monitoring a growing list of bills and legislative priorities. In the last two years alone, no fewer than five task forces/workgroups have been created in which the ORPC is statutorily required to participate and which require the expertise of an attorney. These taskforces are extremely time consuming for the agency's already stretched staff. The ORPC believes our contractors are best able to support Colorado families when the agency is best able to support them. For this reason, we are asking the legislature to fund two positions, a paralegal and a policy and legislative staff attorney.

Both ORPC contractors and agency staff work tirelessly to preserve communities and prevent trauma to children and families. As Amelia Franck Meyer stated in her 2022 article "Harm Caused by the Adoption and Safe Families Act,"

The fundamental problem with the last four decades of child welfare policy is that it was created on the assumption that if children are in a permanent family, it would be an equally good substitute for their own family, and the research is clear, it is not. As ASFA implementation progressed forward with great focus and speed, there was a push for timely guardianships and adoptions, often with unknown and/or unrelated caregivers, breaking the bonds forged by blood and by birth and untethering children from their roots, their identity, their culture, and their people with dire life-long predictive outcomes.

The ORPC was created to defend the fundamental right to parent. After the past several years of economic uncertainty, professionals who still have a passion for the work are leaving at high rates for the stability of a full-time job with benefits. Increasing the rate of pay for RPC and paralegals will allow more dedicated family defenders to stay in the work, ease recruiting issues, and help maintain high quality legal representation for Colorado families.

Sincerely,



Melissa M. Thompson
Executive Director

Why ORPC Contractors Do the Work

It is vitally important that the talented advocates working on behalf of indigent parents feel supported in their efforts. The ORPC is dedicated to creating a strong community of family defenders. Contractors say this about what makes their heart soar as they engage in this difficult work:

Seeing people completely turn their lives around

Reuniting families

Parents finding their inner strength to fight for their children

Knowing that I get to help someone have a voice

Helping a family reunify and be in a better place as a family

The supportive community ...makes us feel like we are fighting a good and noble fight

Closing a case successfully with a full return home to parents brings tears to my eyes every time!

Being present through thick and thin

Being a support for a parent who has not experienced it before

Office of the Respondent Parents' Counsel FY 2023-24 Budget Summary Narrative

The total FY 2023-24 budget request for the Office of Respondent Parents' Counsel (ORPC) is \$36,523,660 and 20 FTE.

FY 2022-23 Appropriation of \$31,191,058

LESS Special Bill Annualizations of \$4,193

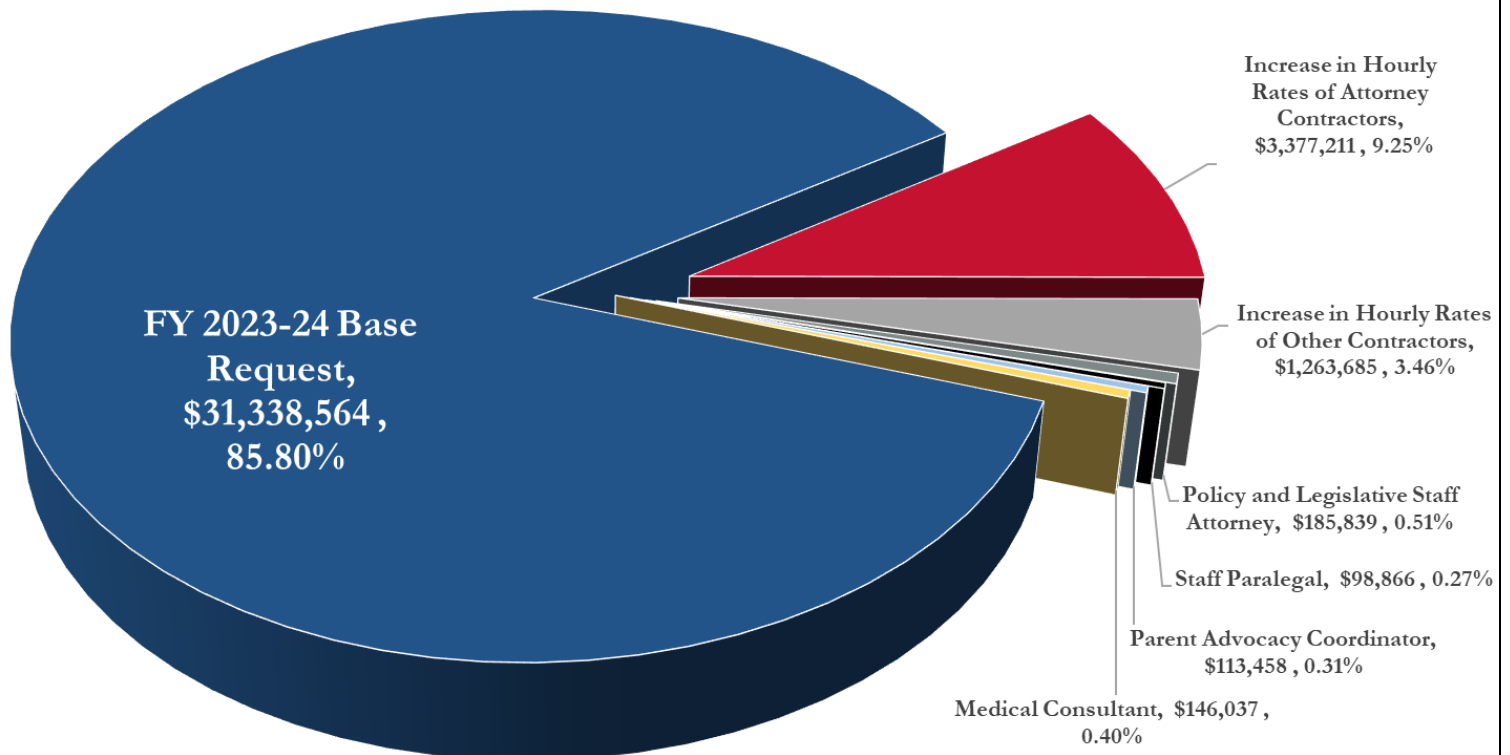
PLUS PY Decision Item Annualizations of \$5,386

PLUS Common Policy Adjustments of \$146,313

PLUS Requests of \$5,185,096 and 4.0 FTE

FY 2023-24 Total Budget Request of \$36,523,660

FY 2023-24 Budget Request



Office of the Respondent Parents' Counsel
FY 2023-24 Budget Change Summary - by Fund Source

	FTE	Total	GF	CF	RF
Long Bill					
H.B. 22-1329, Office of the Respondent Parents' Counsel	15.8	\$31,191,058	\$25,529,320	\$48,000	\$5,613,738
Special Bills (2022 session)					
H.B. 22-1133, Family and Medical Leave Insurance Fund	0.0	(\$4,193)	(\$3,907)	\$0	(\$286)
Total FY2022-23 Appropriation	15.80	\$31,186,865	\$25,525,413	\$48,000	\$5,613,452
Special Bill Annualizations					
Total Special Bill Annualizations	0.00	\$0	\$0	\$0	\$0
Prior Year Budget Change Annualizations					
R-2, EDI Specialist	0.1	\$4,888	\$4,888	\$0	
R-3, Social Work Outreach Coordinator	0.1	\$498	\$498	\$0	\$0
Total Prior Year Budget Change Annualizations	0.2	\$5,386	\$5,386	\$0	\$0
Salary Survey and Merit					
FY 2023-24 Salary Survey Increase	0.0	\$110,284	\$102,824	\$0	\$7,460
FY 2023-24 Merit Increase	0.0	\$0	\$0	\$0	\$0
Total Salary Survey and Merit	0.0	\$110,284	\$102,824	\$0	\$7,460
Common Policy Adjustments					
Health, Life and Dental Change	0.0	\$15,558	\$6,779	\$0	\$8,779
Short-term Disability Change	0.0	\$121	\$117	\$0	\$4
AED Change	0.0	\$10,175	\$9,612	\$0	\$563
SAED Change	0.0	\$10,175	\$9,612	\$0	\$563
Paid Family and Medical Leave	0.0	\$0	\$0	\$0	\$0
Total Common Policy Adjustments	0.0	\$36,029	\$26,120	\$0	\$9,909
Total FY 2023-24 Base Request	16.00	\$31,338,564	\$25,659,743	\$48,000	\$5,630,821
Decision Items/Budget Amendments					
R-1, Increase in Hourly Rates of Contract Attorneys	0.0	\$3,377,211	\$3,369,883	\$0	\$7,328
R-2, Policy and Legislative Staff Attorney	1.0	\$185,839	\$185,839	\$0	\$0
R-3, Staff Paralegal	1.0	\$98,866	\$98,866	\$0	\$0
R-4, Increase in Hourly Rates of Non-Attorney Contractors	0.0	\$1,263,685	\$446,420	\$0	\$817,265
R-5, Parent Advocacy Coordinator	1.0	\$113,458	\$113,458	\$0	\$0
R-6, Medical Consultant	1.0	\$146,037	\$146,037	\$0	\$0
Total Decision Items/Budget Amendments	4.0	\$5,185,096	\$4,360,503	\$0	\$824,593
Total FY 2023-24 Budget Request	20.00	\$36,523,660	\$30,020,246	\$48,000	\$6,455,414
#/\$\$ change from FY 2022-23	4.20	\$5,336,795	\$4,494,833	\$0	\$841,962
% change from FY 2022-23	27%	17%	18%	0%	15%

Office of the Respondent Parents' Counsel - FY 2023-24

Reconciliation of Department Request

Long Bill Line Item	Total Funds	FTE	General Fund	Gen'l Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$2,199,742	15.8	\$2,042,482	\$0	\$0	\$157,260	\$0
HB 18-1322, Footnote 66		0.0		\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$2,199,742	15.8	\$2,042,482	\$0	\$0	\$157,260	\$0
Annualization of FY 2022-23 R-2, EDI Specialist	\$11,088	0.1	\$11,088	\$0	\$0	\$0	\$0
Annualization of FY 2022-23 R-3, Social Work Outreach Coordinator	\$6,698	0.1	\$6,698	\$0	\$0	\$0	\$0
FY 2022-23 Salary Survey allocated to Personal Services	\$54,090	0.0	\$49,902	\$0	\$0	\$4,188	\$0
FY 2023-24 Base Request	\$2,271,618	16.0	\$2,110,170	\$0	\$0	\$161,448	\$0
R-2, Policy and Legislative Staff Attorney	\$148,983	1.0	\$148,983	\$0	\$0	\$0	\$0
R-3, Staff Paralegal	\$69,194	1.0	\$69,194	\$0	\$0	\$0	\$0
R-5, Parent Advocacy Coordinator	\$82,580	1.0	\$82,580	\$0	\$0	\$0	\$0
R-6, Medical Consultant	\$112,468	1.0	\$112,468	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$2,684,843	20.0	\$2,523,395	\$0	\$0	\$161,448	\$0
Health Life and Dental							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$254,473	0.0	\$238,747	\$0	\$0	\$15,726	\$0
FY 2022-23 Total Appropriation	\$254,473	0.0	\$238,747	\$0	\$0	\$15,726	\$0
Total Compensation Common Policy (incremental change)	\$15,558	0.0	\$6,779	\$0	\$0	\$8,779	\$0
FY 2023-24 Base Request	\$270,031	0.0	\$245,526	\$0	\$0	\$24,505	\$0
R-2, Policy and Legislative Staff Attorney	\$15,422	0.0	\$15,422	\$0	\$0	\$0	\$0
R-3, Staff Paralegal	\$15,422	0.0	\$15,422	\$0	\$0	\$0	\$0
R-5, Parent Advocacy Coordinator	\$15,422	0.0	\$15,422	\$0	\$0	\$0	\$0
R-6, Medical Consultant	\$15,422	0.0	\$15,422	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$331,719	0.0	\$307,214	\$0	\$0	\$24,505	\$0
Short Term Disability							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$2,953	0.0	\$2,749	\$0	\$0	\$204	\$0
FY 2022-23 Total Appropriation	\$2,953	0.0	\$2,749	\$0	\$0	\$204	\$0
Total Compensation Common Policy (incremental change)	\$121	0.0	\$117	\$0	\$0	\$4	\$0
FY 2023-24 Base Request	\$3,074	0.0	\$2,866	\$0	\$0	\$208	\$0
R-2, Policy and Legislative Staff Attorney	\$224	0.0	\$224	\$0	\$0	\$0	\$0
R-3, Staff Paralegal	\$104	0.0	\$104	\$0	\$0	\$0	\$0
R-5, Parent Advocacy Coordinator	\$124	0.0	\$124	\$0	\$0	\$0	\$0
R-6, Medical Consultant	\$169	0.0	\$169	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$3,695	0.0	\$3,487	\$0	\$0	\$208	\$0
Paid Family and Medical Leave Insurance							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$4,193	0.0	\$3,907	\$0	\$0	\$286	\$0
FY 2022-23 Total Appropriation	\$4,193	0.0	\$3,907	\$0	\$0	\$286	\$0
S.B. 22-1133, Family and Medical Leave Insurance Fund	(\$4,193)	0.0	(\$3,907)	\$0	\$0	(\$286)	\$0
Total Compensation Common Policy (incremental change)	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
AED							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$92,283	0.0	\$85,920	\$0	\$0	\$6,363	\$0
FY 2022-23 Total Appropriation	\$92,283	0.0	\$85,920	\$0	\$0	\$6,363	\$0
Total Compensation Common Policy (incremental change)	\$10,175	0.0	\$9,612	\$0	\$0	\$563	\$0
FY 2023-24 Base Request	\$102,458	0.0	\$95,532	\$0	\$0	\$6,926	\$0
R-2, Policy and Legislative Staff Attorney	\$6,595	0.0	\$6,595	\$0	\$0	\$0	\$0
R-3, Staff Paralegal	\$3,063	0.0	\$3,063	\$0	\$0	\$0	\$0
R-5, Parent Advocacy Coordinator	\$3,656	0.0	\$3,656	\$0	\$0	\$0	\$0
R-6, Medical Consultant	\$4,979	0.0	\$4,979	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$120,751	0.0	\$113,825	\$0	\$0	\$6,926	\$0

Office of the Respondent Parents' Counsel - FY 2023-24

Reconciliation of Department Request

Long Bill Line Item	Total Funds	FTE	General Fund	Gen'l Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
SAED							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$92,283	0.0	\$85,920	\$0	\$0	\$6,363	\$0
FY 2022-23 Total Appropriation	\$92,283	0.0	\$85,920	\$0	\$0	\$6,363	\$0
Total Compensation Common Policy (incremental change)	\$10,175	0.0	\$9,612	\$0	\$0	\$563	\$0
FY 2023-24 Base Request	\$102,458	0.0	\$95,532	\$0	\$0	\$6,926	\$0
R-2, Policy and Legislative Staff Attorney	\$6,595	0.0	\$6,595	\$0	\$0	\$0	\$0
R-3, Staff Paralegal	\$3,063	0.0	\$3,063	\$0	\$0	\$0	\$0
R-5, Parent Advocacy Coordinator	\$3,656	0.0	\$3,656	\$0	\$0	\$0	\$0
R-6, Medical Consultant	\$4,979	0.0	\$4,979	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$120,751	0.0	\$113,825	\$0	\$0	\$6,926	\$0
Salary Survey							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$54,090	0.0	\$49,902	\$0	\$0	\$4,188	\$0
FY 2022-23 Total Appropriation	\$54,090	0.0	\$49,902	\$0	\$0	\$4,188	\$0
Salary Survey allocated to Personal Services	(\$54,090)	0.0	(\$49,902)	\$0	\$0	(\$4,188)	\$0
Total Compensation Common Policy (full amount for FY24)	\$110,284	0.0	\$102,824	\$0	\$0	\$7,460	\$0
FY 2023-24 Base Request	\$110,284	0.0	\$102,824	\$0	\$0	\$7,460	\$0
FY 2023-24 November 01 Request	\$110,284	0.0	\$102,824	\$0	\$0	\$7,460	\$0
Merit Pay							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Merit allocated to Personal Services	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Total Compensation Common Policy (full amount for FY21)	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Annualization of FY 2016-17 salary survey	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0
Operating Expenses							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$141,500	0.0	\$140,550	\$0	\$0	\$950	\$0
FY 2022-23 Total Appropriation	\$141,500	0.0	\$140,550	\$0	\$0	\$950	\$0
Annualization of FY 2022-23 R-2, EDI Specialist	(\$6,200)	0.0	(\$6,200)	\$0	\$0	\$0	\$0
Annualization of FY 2022-23 R-3, SW Outreach Coord.	(\$6,200)	0.0	(\$6,200)	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$129,100	0.0	\$128,150	\$0	\$0	\$950	\$0
R-2, Policy and Legislative Staff Attorney	\$8,020	0.0	\$8,020	\$0	\$0	\$0	\$0
R-3, Staff Paralegal	\$8,020	0.0	\$8,020	\$0	\$0	\$0	\$0
R-5, Parent Advocacy Coordinator	\$8,020	0.0	\$8,020	\$0	\$0	\$0	\$0
R-6, Medical Consultant	\$8,020	0.0	\$8,020	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$161,180	0.0	\$160,230	\$0	\$0	\$950	\$0
Training							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$106,000	0.0	\$30,000	\$0	\$48,000	\$28,000	\$0
FY 2022-23 Total Appropriation	\$106,000	0.0	\$30,000	\$0	\$48,000	\$28,000	\$0
FY 2023-24 Base Request	\$106,000	0.0	\$30,000	\$0	\$48,000	\$28,000	\$0
FY 2023-24 November 01 Request	\$106,000	0.0	\$30,000	\$0	\$48,000	\$28,000	\$0
IV-E Legal Representation							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$5,025,969	0.0	\$0	\$0	\$0	\$5,025,969	\$0
FY 2022-23 Total Appropriation	\$5,025,969	0.0	\$0	\$0	\$0	\$5,025,969	\$0
FY 2023-24 Base Request	\$5,025,969	0.0	\$0	\$0	\$0	\$5,025,969	\$0
R-1, Increase in Hourly Rates of Contract Attorneys	\$7,328	0.0	\$0	\$0	\$0	\$7,328	\$0
R-4, Increase in Hourly Rates of Non-Attorney Contractors	\$756,545	0.0	\$0	\$0	\$0	\$756,545	\$0
FY 2023-24 November 01 Request	\$5,789,842	0.0	\$0	\$0	\$0	\$5,789,842	\$0

Office of the Respondent Parents' Counsel - FY 2023-24

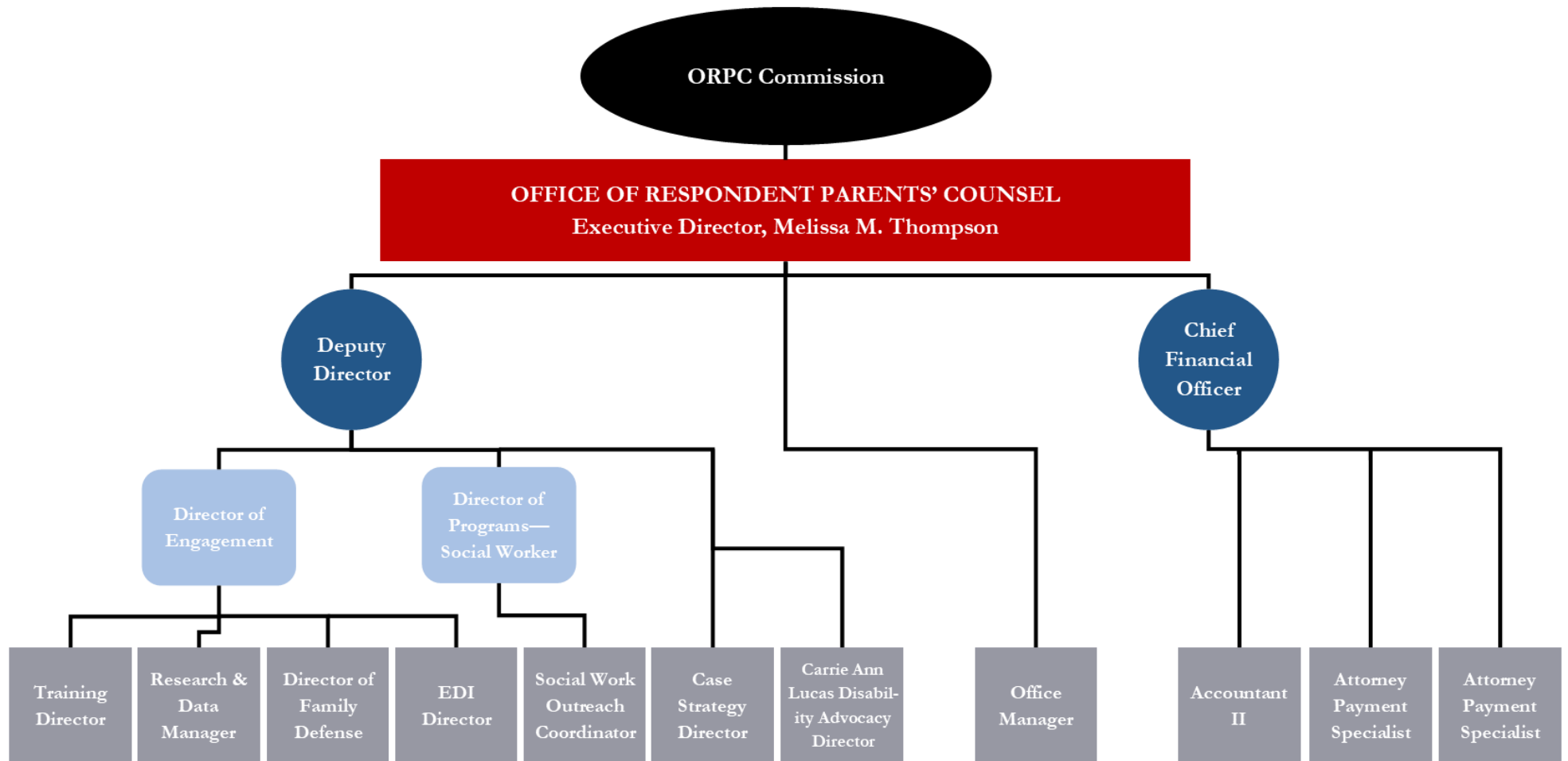
Reconciliation of Department Request

Long Bill Line Item	Total Funds	FTE	General Fund	Gen'l Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds
Court-Appointed Counsel							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$22,247,566	0.0	\$21,910,232	\$0	\$0	\$337,334	\$0
FY 2022-23 Total Appropriation	\$22,247,566	0.0	\$21,910,232	\$0	\$0	\$337,334	\$0
FY 2023-24 Base Request	\$22,247,566	0.0	\$21,910,232	\$0	\$0	\$337,334	\$0
R-1, Increase in Hourly Rates of Contract Attorneys	\$3,369,883	0.0	\$3,369,883	\$0	\$0	\$0	\$0
R-4, Increase in Hourly Rates of Non-Attorney Contractors	\$507,140	0.0	\$446,420	\$0	\$0	\$60,720	\$0
FY 2023-24 November 01 Request	\$26,124,589	0.0	\$25,726,535	\$0	\$0	\$398,054	\$0
Mandated Costs							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$938,911	0.0	\$938,911	\$0	\$0	\$0	\$0
FY 2022-23 Total Appropriation	\$938,911	0.0	\$938,911	\$0	\$0	\$0	\$0
Annualization of S.B. 20-162, Changes for Federal Family First Policy	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 Base Request	\$938,911	0.0	\$938,911	\$0	\$0	\$0	\$0
R-1, Increase in Hourly Rates of Contractors		0.0		\$0	\$0	\$0	\$0
R-4, Align Appropriations with those of other Independent Agencies		0.0		\$0	\$0	\$0	\$0
Add'l adjustment if R-1 and R-4 are approved	\$0	0.0	\$0	\$0	\$0	\$0	\$0
FY 2023-24 November 01 Request	\$938,911	0.0	\$938,911	\$0	\$0	\$0	\$0
Grants							
FY 2022-23 Long Bill Appropriation, HB 22-1329	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2022-23 Total Appropriation	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2023-24 Base Request	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2023-24 November 01 Request	\$31,095	0.0	\$0	\$0	\$0	\$31,095	\$0
FY 2022-23 Total Appropriation (Long Bill plus Special Bills)	\$31,186,865	15.8	\$25,525,413	\$0	\$48,000	\$5,613,452	\$0
FY 2023-24 Base Request	\$31,338,564	16.0	\$25,659,743	\$0	\$48,000	\$5,630,821	\$0
FY 2023-24 November 01 Request	\$36,523,660	20.0	\$30,020,246	\$0	\$48,000	\$6,455,414	\$0
Change, FY 2022-23 Appropriation to FY 2023-24 Base Request	\$151,699	0.2	\$134,330	\$0	\$0	\$17,369	\$0
Change, FY 2022-23 Appropriation to FY 2023-24 November 01 Request	\$5,336,795	4.2	\$4,494,833	\$0	\$0	\$841,962	\$0
Percentage Change from FY 2022-23	17.1%	26.6%	17.6%	0.0%	0.0%	15.0%	0.0%
<i>Change FY 2022-23 Appropriation to FY 2023-24 Base Request - FROM ANNUALIZATIONS</i>	<i>\$5,386</i>	<i>0.2</i>	<i>\$5,386</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
<i>Percent Changes - FROM ANNUALIZATIONS</i>	<i>0.0%</i>	<i>1.3%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Change FY 2022-23 Appropriation to FY 2023-24 Base Request - FROM COMMON POLICY</i>	<i>\$146,313</i>	<i>0.0</i>	<i>\$128,944</i>	<i>\$0</i>	<i>\$0</i>	<i>\$17,369</i>	<i>\$0</i>
<i>Percent Changes - FROM COMMON POLICY</i>	<i>0.5%</i>	<i>0.0%</i>	<i>0.5%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.3%</i>	<i>0.0%</i>
<i>Change FY 2022-23 Appropriation to FY 2023-24 Base Request - FROM DECISION ITEMS</i>	<i>\$5,185,096</i>	<i>4.0</i>	<i>\$4,360,503</i>	<i>\$0</i>	<i>\$0</i>	<i>\$824,593</i>	<i>\$0</i>
<i>Percent Changes - FROM DECISION ITEMS</i>	<i>16.6%</i>	<i>25.3%</i>	<i>17.1%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>14.7%</i>	<i>0.0%</i>

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III. Agency Overview

OFFICE OF RESPONDENT PARENTS' COUNSEL
Organizational Chart



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A. Background

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.”¹ 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.² 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.³ 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.”⁴

B. 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 14-203⁵ 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. The ORPC’s enabling legislation charges and entrusts the ORPC, at a minimum, with enhancing the provision of respondent parents’ counsel by:

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

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 respondent parents’ counsel.

¹ *Troxel v. Granville*, 530 U.S. 57, 66 (2000).

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

³ See § 19-3-202, C.R.S. (2022).

⁴ § 13-92-101, C.R.S. (2018).

⁵ §§ 13-92-101 - 104, C.R.S. (2022).

C. Mission Statement

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

The ORPC believes that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC has identified five essential pillars that support and inform 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, which include the Five Pillars of the ORPC, have a positive impact on the child welfare system

D. Representing Colorado Parents and Current Practice Trends

1. Overrepresentation in the Child Welfare System of People Living in Poverty, People of Color, and People with Disabilities

Nationwide, one out of every 100 children in the United States will experience the termination of their parents' rights by the time they turn 18.⁶ Moreover, the risk that a child will experience a termination

⁶ Christopher Wildeman et al., *The Cumulative Prevalence of Termination of Parental Rights for U.S. Children, 2000-2016*, CHILD MALTREATMENT, 2020, at 32-42, <https://journals.sagepub.com/doi/pdf/10.1177/1077559519848499>.

of parental rights has doubled in just the last two decades,⁷ and one-third of all U.S. children will experience a child welfare investigation.⁸ Most of these investigations and subsequent removals occur due to “[n]eglect, often a proxy for the consequences of poverty,” and not due to physical or sexual abuse.⁹ In fact, 10% of removals are associated with unsafe or substandard housing.¹⁰ While these numbers demonstrate the wide reach and impact of the child welfare system, the risk of child welfare involvement (including removal and termination of parental rights) is not equally distributed.

Indeed, data shows that families who already experience discrimination because they are poor, people of color, or people with disabilities are funneled into a system that traumatizes them even further by separating children from their parents and their communities. As Professor Dorothy Roberts recently wrote:

From a political perspective, removing children from their homes is one of the most severe exercises of government power. From a child’s perspective, it is terrifying. The very act of being pried away from parents is by itself damaging — “a significant turning point... that many children will relive over and over again in their minds.”¹¹

Generations of families caught in this cycle experience “trauma that is proven to result in significant harm that can last a lifetime.”¹²

i. The Link Between Poverty and Child Welfare Involvement

The ORPC provides counsel to indigent parents in dependency cases, meaning the parents served by the agency live below the poverty line.¹³ Statewide, 10% of Coloradoans live below the poverty line, but almost 90% of parents involved in dependency and neglect cases have incomes below the poverty line.¹⁴ Families living below the poverty line are 22 times more likely to have child welfare involvement

⁷ *Id.*

⁸ Hyunil Kim, et al., *Lifetime Prevalence of Investigating Child Maltreatment Among US Children*, 107(2) AM. J. PUB. HEALTH 274, 274 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5227926/>.

⁹ CHILDREN’S DEFENSE FUND, THE STATE OF AMERICA’S CHILDREN 2021: CHILD WELFARE (2021), <https://www.childrensdefense.org/state-of-americas-children/soac-2021-child-welfare/>.

¹⁰ *Id.*; see also U.S. DEP’T. OF HEALTH AND HUMAN SERVS., CHILDREN’S BUREAU, THE AFCARS REPORT: PRELIMINARY FY 2019 ESTIMATES OF JUNE 23, 2020 – NO. 27, at 2 (2020), <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>.

¹¹ DOROTHY E. ROBERTS, TORN APART: HOW THE CHILD WELFARE SYSTEM DESTROYS BLACK FAMILIES—AND HOW ABOLITION CAN BUILD A SAFER WORLD 49 (2022) (Citing MONIQUE B. MITCHELL, THE NEGLECTED TRANSITION: BUILDING A RELATIONAL HOME FOR CHILDREN ENTERING CARE (2016)).

¹² CHILDREN’S RIGHTS, FIGHTING INSTITUTIONAL RACISM AT THE FRONT END OF CHILD WELFARE SYSTEMS (May 25, 2021); see also Vivek Sankaran et al., *A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families*, 102 MARQ. L. REV. 1163-94 (2019); CHILDREN’S RIGHTS ET AL., RACIAL (IN)JUSTICE IN THE U.S. CHILD WELFARE SYSTEM: RESPONSE TO THE COMBINED TENTH TO TWELFTH PERIODIC REPORTS OF THE UNITED STATES TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (July 2022), <https://www.childrensrights.org/wp-content/uploads/2022/07/Childrens-Rights-2022-UN-CERD-Report-FINAL.pdf>.

¹³ See Rules of the Supreme Ct. of Colo., Chief Justice Directive 16-02, Attach. B (Mar. 2022). As an example, a mother with two children would qualify for counsel only if making less than \$28,788 annually, or around \$14 an hour working full time.

¹⁴ U.S. Census Bureau, *Colorado*, QUICK FACTS, <https://www.census.gov/quickfacts/fact/table/CO/IPE120221#IPE120221> (accessed September 2022); In FY 2021-22, 88% of all dependency cases filed in Colorado involved at least one indigent parent. Colo. Judicial Branch, Colo. State Ct. Administrator’s Off., *State Court Data Access System* (analyzed July 2022).

than families living above the poverty line.¹⁵

This disparity has its deep roots in the last 150 years of child welfare policy, with early children's rights activists advocating explicitly for the removal of children based on conditions of poverty.¹⁶ When families ask for help, "[t]his increases the number of entities surveilling them, thereby potentially fostering apprehension and thwarting service engagement."¹⁷ In other words, families living in poverty end up being referred to child welfare when they need access to resources, which perversely makes them less likely to engage in services and more likely to end up separated.

Additionally, poverty disproportionately affects racial and ethnic minorities.¹⁸ For example, while white children make up 55% of Colorado's child population, they only make up 30% of the child population living in poverty,¹⁹ whereas Black children make up 4% of Colorado's child population, yet they comprise 25% of the child population living in poverty.²⁰ Similar inequities exist for all children of color.²¹ Consequently, the ORPC's efforts to address the issues a family in poverty faces intersect with the agency's efforts to combat other discrimination in the child welfare system.

ii. The New "Jane Crow": The Disparate Impact of State and Federal Child Welfare Law on Racial and Ethnic Minorities

In order to create a system of family well-being and reduce family separation, it is crucial that we confront "the history of injustice in America's foster care system—particularly against Black and Native Americans."²² The Deputy Assistant Secretary of the U.S. Department of Health and Human Services recently acknowledged at a public hearing of the United Nations Committee on the Elimination of Racial Discrimination (CERD) that "racial disparities occur at nearly every decision-making point along the child welfare continuum,"²³ specifically singling out the overrepresentation of Black, Hispanic, and Native American families in investigations and foster care placements.

¹⁵ Martin Guggenheim, *General Overview of Child Protection Laws in the United States*, in REPRESENTING PARENTS IN CHILD WELFARE CASES: ADVICE AND GUIDANCE FOR FAMILY DEFENDERS 1, 17 (Martin Guggenheim & Vivek S. Sankaran eds., 2015).

¹⁶ See, e.g., ELISA MINOFF, CENTER FOR THE STUDY OF SOCIAL POLICY, ENTANGLED ROOTS: THE ROLE OF RACE IN POLICIES THAT SEPARATE FAMILIES (2018), www.cssp.org/resource/entangled-roots; Amy Mulzer & Tara Urs, *However Kindly Intentioned: Structural Racism and Volunteer CASA Programs*, 20 CUNY L. REV. 23, 48 (2016), <https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1413&context=clr>.

¹⁷ See Child Welfare Information Gateway, *Child Welfare Practice to Address Racial Disproportionality and Disparity*, BULL. FOR PROFESSIONALS (U.S. Dep't. of Health and Human Servs., Children's Bureau), April 2021, at 5, https://www.childwelfare.gov/pubPDFs/racial_disproportionality.pdf.

¹⁸ *Id.*

¹⁹ See Annie E. Casey Foundation, *Population by Race*, KIDS COUNT DATA CENTER, <https://datacenter.kidscount.org/data/tables/44-children-in-poverty-by-race-and-ethnicity#detailed/2/7/false/2048,1729,37,871,870,573,869,36,868,867/10,11,9,12,1,185,13/324,323>, (last visited on October 8, 2022); U.S. DEPT. OF HEALTH AND HUMAN SERVS., CHILDREN'S BUREAU, CHILD WELFARE OUTCOMES REPORT DATA: COLORADO CONTEXT DATA (2015-2019), <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/colorado.html> [hereinafter CHILDREN'S BUREAU CHILD WELFARE OUTCOMES REPORT].

²⁰ *Id.*

²¹ *Id.*

²² Proclamation No. 10379, 87 Fed. Reg. 26,657 (May 5, 2022), <https://www.federalregister.gov/documents/2022/05/05/2022-09759/national-foster-care-month-2022>.

²³ Michael Fitzgerald, *United Nations Panel Presses Biden Officials on Racial Discrimination in Child Welfare*, THE IMPRINT (Aug. 18, 2022), <https://imprintnews.org/subscriber-content/united-nations-child-welfare-racism/67233>.

Following the hearing, CERD issued formal observations expressing its concern at the disproportionate number of children of racial and ethnic minorities who are removed and placed in foster care, and “that families of racial and ethnic minorities are subjected to disproportionately high levels of surveillance and investigation and are less likely to be reunified with their children.”²⁴ Advocates in the U.S. have even dubbed our system “‘The New Jane Crow,’ because in many ways, it mirrors its criminal legal counterpart: both are mechanisms by which the state exerts coercive control over low-income Black and Brown populations.”²⁵

The statistics show that just over 1 in 4 white children will be subject to a child welfare investigation before turning 18, but more than 1 in 2 Black children will experience such an investigation.²⁶ Teachers and doctors are more likely to report Black families than white families, and medical professionals are twice as likely to test Black newborns for maternal drug use as they are white infants.²⁷ The same disparity extends to whether reports are substantiated. Black children are nearly twice as likely as white children to be the subject of a substantiated child abuse or neglect report, and white children are more than twice as likely to receive in-home services while Black children are more likely to be placed in foster care.²⁸ This table, adapted from data in a recent study that examined nearly two decades of federal child welfare data, shows how racial disparities persist from investigation to out-of-home placement all the way to termination.²⁹

²⁴ Comm. on the Elimination of Racial Discrimination, Concluding Observations on the Combined Tenth to Twelfth Reports of the U.S., at 10, U.N. Doc. C/USA/CO/10-12 (2022), <https://www.ecoi.net/en/file/local/2078960/G2249596.pdf>.

²⁵ N.Y. CIVIL LIBERTIES UNION, TESTIMONY OF THE NYCLU TO THE N.Y. STATE ASSEMBLY COMM. ON CHILDREN AND FAMILIES REGARDING FAMILY INVOLVEMENT IN THE CHILD WELFARE SYSTEM, at 2 (Oct. 21, 2021), https://www.nyclu.org/sites/default/files/field_documents/211021-testimony-familyregulation_0.pdf.

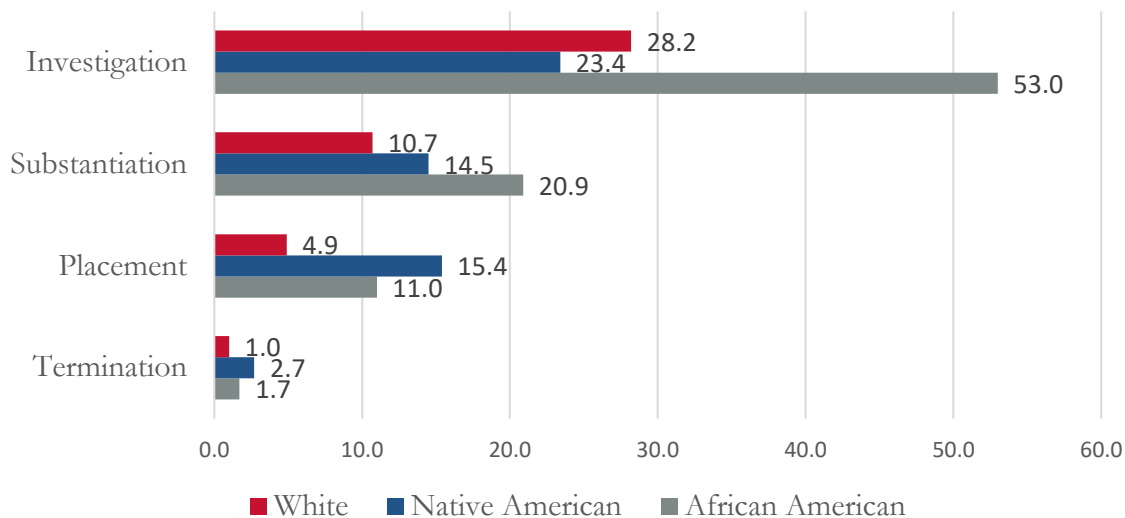
²⁶ Hyunil Kim, *supra* note 8, at 278; *see also* Frank Edwards et al., *Contact with Child Protective Services is Pervasive but Unequally Distributed by Race and Ethnicity in Large US Counties*, 118 PROCEEDINGS NAT’L ACAD. SCIS. 1 (2021).

²⁷ Kathryn Suzanne Krase, *Child Maltreatment Reporting by Educational Personnel: Implications for Racial Disproportionality in the Child Welfare System*, 37 CHILD. AND SCHOOLS 89 (2015); Benard P. Dreyer, *Racial/Ethnic Bias in Pediatric Care and the Criminalization of Poverty and Race/Ethnicity-Seek and Ye Shall Find*, 174 J. AM. MED. ASS’N PEDIATRICS 751 (2020); MOVEMENT FOR FAM. POWER, & NAT’L ADVOCATES FOR PREGNANT WOMEN, VIOLENCE AGAINST WOMEN IN THE MEDICAL SETTING: AN EXAMINATION OF THE U.S. FOSTER SYSTEM, at 7-8 (May 31, 2019).

²⁸ Youngmin Yi et al., *Cumulative Prevalence of Confirmed Maltreatment and Foster Care Placement for US Children by Race/Ethnicity, 2011-2016*, 110 AM. J. PUB. HEALTH 704, 707 (2020), <https://pubmed.ncbi.nlm.nih.gov/32191517/>; 3 Kathryn Maguire-Jack et al., *Child Protective Services Decision-Making: The Role of Children’s Race and County Factors*, 90 AM. J. ORTHOPSYCHIATRY 48, 55 (2020), <https://pubmed.ncbi.nlm.nih.gov/31081655/>.

²⁹ Christopher Wildeman, *supra* note 6, at 35.

Percentage of U.S. Children Experiencing
Four Levels of CPS Contact, by Child Race/Ethnicity



Despite efforts to recognize the problem of racial inequities in child welfare, Colorado remains mired in the national trend. Specifically, while children of color make up 45% of Colorado’s child population,³⁰ they comprise 57% of the children involved in the Colorado child welfare system³¹ and 60% of children who age out of the system.³² Additionally, 55% percent of the children placed in congregate care, rather than in a family-like setting, are children of color.³³

Overrepresentation is especially prevalent for Black and Latinx children in Colorado. While only 4% of Colorado children are Black, they make up 11% of children in an out-of-home placement and 13% of children in congregate care.³⁴ Latinx children comprise 32% of the child population but make up

³⁰ CHILDREN’S BUREAU CHILD WELFARE OUTCOMES REPORT, *supra* note 19

³¹ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Children Involved in an Open Case*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=580 (choose “Last Full Calendar Year” from select time period; then click “apply time period”; then select “white” under “ethnicity” in the filters tab) (data accessed Sept. 2022) [hereinafter “CDHS Data on Children Involved in an Open Case”].

³² Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Permanency for Children Served in a Child Welfare Case*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=644 (choose “Last Full Calendar Year” from select time period start quarter dropdown; then click “apply time period”; then choose ethnicity or race from “ethnicity” field under “filter”) (data accessed Sept. 2022) [hereinafter CDHS Data on Permanency for Children].

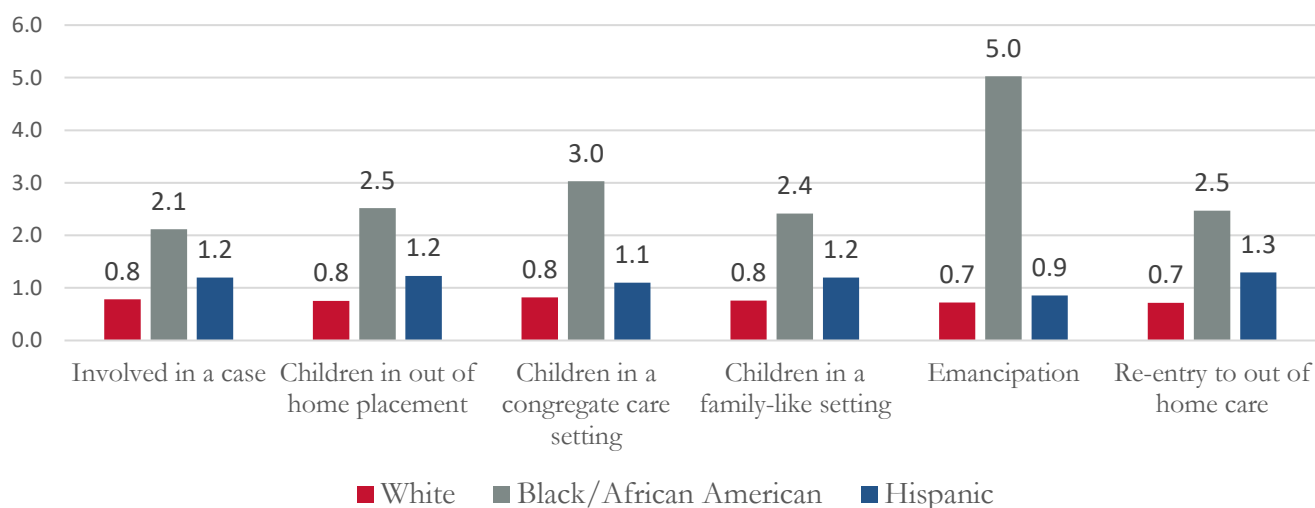
³³ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Children in Out-of-Home Placement by Type of Placement*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=773 (choose “Last Full Calendar Year” from select time period start quarter dropdown; then click “apply time period”; then choose ethnicity or race from “ethnicity” field under “filter”) (data accessed Sept. 2022) [hereinafter CDHS Data on Types of Placement].

³⁴ *Id.*; Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Child Population in Out-of-Home Care*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=574 (choose “Last Full Calendar Year” from select time period start quarter dropdown; then click “apply time period”; then choose “Black or African American” from “ethnicity” field under “filter”) (data accessed Sept. 2022); CHILDREN’S BUREAU CHILD WELFARE OUTCOMES REPORT, *supra* note 19.

38% of children involved in child welfare cases and 41% of children who reenter out-of-home care.³⁵

In the table below, this overrepresentation is shown in the form of indices for White, Black, and Latinx children that compare the percentage of each race/ethnicity group that experiences aspects of the child welfare system with their percentage of the Colorado population. An index greater than one indicates overrepresentation/disproportionality, e.g., the percentages of Black children who are removed from their homes and who experience re-entry are 2.5 times greater than their percentage of the child population. An index less than one denotes underrepresentation, as with White children for all child welfare aspects charted here.

Racial/Ethnic Disproportionality Indices for
Colorado Children in Child Welfare



Further, this legislative body recently acknowledged Colorado’s involvement in the shameful history of forced cultural assimilation, family separation, and abuse of Native American children by passing House Bill 22-1327. This bill recognized the immeasurable impact of the intergenerational trauma caused by state and federal child welfare policies that forcibly separated Indian children from their families, finding that “[c]hildren at these boarding schools were subjected to the loss of their cultural identities, physical and sexual abuse, and forced labor, and suffered the effects of disease due to their confinement.”³⁶

Over the past year, the ORPC has invested considerable resources in ensuring that the Indian Child Welfare Act (ICWA) continues to be robustly enforced in Colorado. First, the ORPC participated as amicus curiae in both briefing and oral arguments in two cases at the Colorado Supreme Court involving the ICWA. The first case involved defining how county departments must make active efforts to assist parents in meeting the goals of their treatment plans.³⁷ The second case involved

³⁵ CHILDREN’S BUREAU CHILD WELFARE OUTCOMES REPORT, *supra* note 19; CDHS Data on Children Involved in an Open Case, *supra* note 31; Colo. Off. of Child., Youth & Fam., Div. of Child Welfare, (*Federal*) *Re-entry to Out-of-Home Care*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=707 (choose “Last Full Calendar Year” from select time period start quarter dropdown; then click “apply time period”; then choose “Hispanic” from “ethnicity” field under “filter”) (data accessed Sept. 2022).

³⁶ H.B. 1327, 2021 Leg., 73rd Gen. Assemb. (Colo. 2021).

³⁷ *My.K.M. v. V.K.L.*, 2022 CO 35.

whether tribes must be notified when a parent proclaims Native American heritage but cannot demonstrate membership in a tribe.³⁸ Yet a third case is currently being briefed in which the Supreme Court will consider what due diligence is necessary in investigating whether a child is an Indian child.

Unfortunately, the Colorado Supreme Court has weakened the protections of the ICWA by reversing decisions of the Court of Appeals that provided greater protection for Indian families and by overturning a sixteen-year-old precedent that required notice to tribes.³⁹ 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.

The ORPC is committed to engaging *every* parent in *every* case and directly confronting the issues each client faces, including negative stereotypes, assumptions, and bias. In the agency's most recent survey of contractors, 86% agreed or strongly agreed that "[t]he ORPC does a good job promoting diversity, equity, and inclusion." But 62% of contractors also reported that "systemic racism" is a large or moderate barrier to parental engagement in their jurisdiction. Thus, contractors still need hands-on support and access to resources to help them confront racism and bias in individual cases and systemically.

To continue making these changes a reality, interdisciplinary teams of attorneys, social workers, and parent advocates must have the necessary tools. The ORPC must act, including continuing to press for earlier appointment of counsel for parents in accordance with Chief Justice Directive 16-02. Ensuring appointment of counsel at the earliest possible stage for parents is vital to protecting families of color from the systemic racism they experience in this system from the very beginning.⁴⁰ The federal government has also recognized this priority with President Biden's budget for the current fiscal year continuing to call for grants to address racial inequity in the child welfare system.⁴¹

In addition to supporting contractors, the ORPC has prioritized hiring and retaining more employees and contractors of color and from diverse backgrounds, which aligns with the state of Colorado's employment mission.⁴² Additionally, the ORPC is thrilled to have hired the first Director of Equity, Diversity, and Inclusion in the agency's history. This position will allow the ORPC to better support contractors across the state in addressing systemic racism and overrepresentation in their jurisdictions while building towards Colorado becoming a leader in confronting the long history of discrimination in child welfare interventions.

iii. The Invisibility of Parents and Children with Disabilities in Child Welfare

Just as impoverished families and families of color have faced discrimination during child welfare interventions, both parents and children with disabilities have long experienced discrimination. As recognized by the American Bar Association, people with disabilities are often denied the fundamental right to parent their children "based on discriminatory assumptions, generalizations, biases,

³⁸ *People in Interest of E.A.M.*, 2022 CO 42.

³⁹ *Id.*

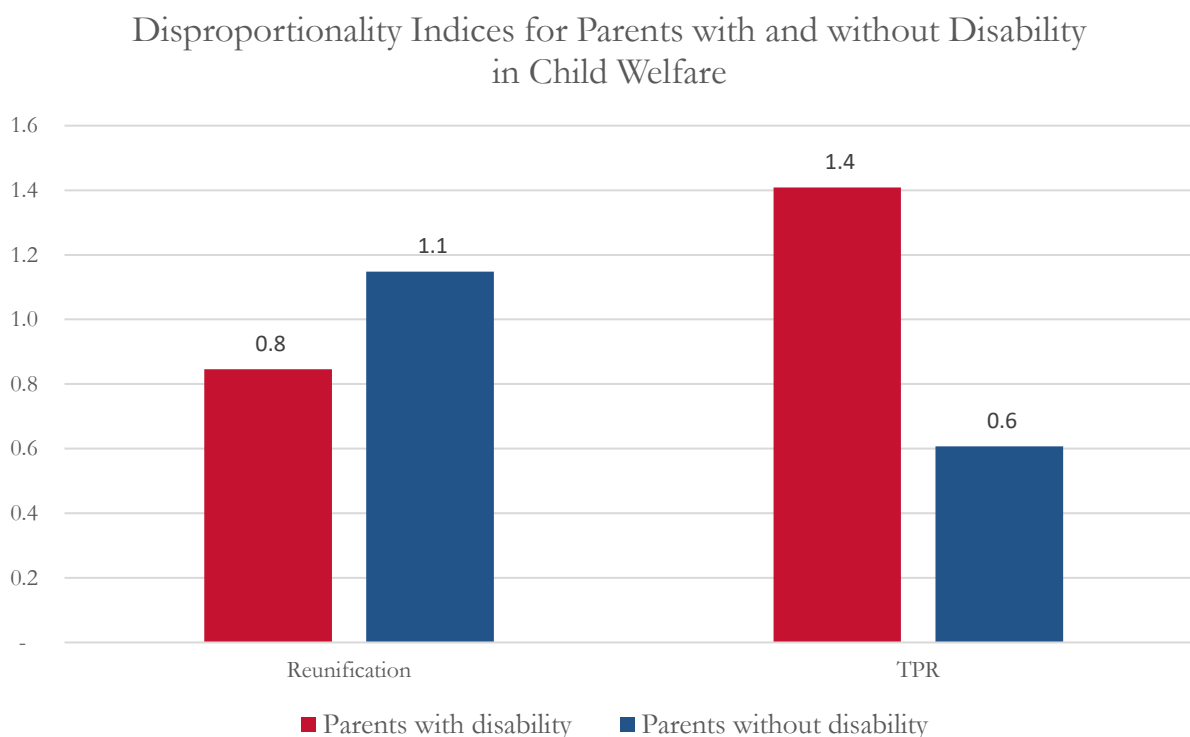
⁴⁰ CHILDREN'S RIGHTS, *supra* note 12; *see also* N.Y. CIVIL LIBERTIES UNION, *supra* note 25.

⁴¹ Proclamation No. 10379, *supra* note 22; CONG. RSCH. SERV., R47080, CHILD WELFARE IN THE PRESIDENT'S FY2023 BUDGET (2022).

⁴² COLO. DEP'T OF PERSONNEL & ADMIN., EQUITY, DIVERSITY, AND INCLUSION (2022), <https://dpa.colorado.gov/about-us/edi>.

stereotypes or misconceptions about disabilities and the ability to parent, instead of individualized determinations supported by objective evidence.”⁴³ When children are placed out of the home, parents and children with disabilities often do not receive the services they need to support reunification. President Biden recently recognized that “foster care systems do not provide children with disabilities or LGBTQI+ youth with the individualized support, resources, and safety measures they need and deserve.”⁴⁴

Of the population of parents served by the ORPC, almost half (49%) have one or more disabilities.⁴⁵ These parents are more than twice as likely as parents without disabilities to have their parental rights severed permanently.⁴⁶ While parents with disabilities account for nearly half of the parents ORPC serves, they comprise nearly 70% of the parents whose parental rights are ultimately terminated but only 41% of parents who reunify with their children, as shown in this chart representing FY 2018-20 thru FY 2021-22 data.⁴⁷



Parents see disparate case outcomes based on their disability status as well. While parents without disabilities enjoy a 71% reunification rate, for parents with disabilities, that rate decreases to 50%.⁴⁸

⁴³ Am. Bar Ass’n Resolution 114 (Feb. 6, 2017), <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2017/2017-midyear-114.pdf>, see also H.B. 1104 2018 Leg., 71st Gen. Assemb. (Colo. 2018).

⁴⁴ Proclamation No. 10379, *supra* note 22.

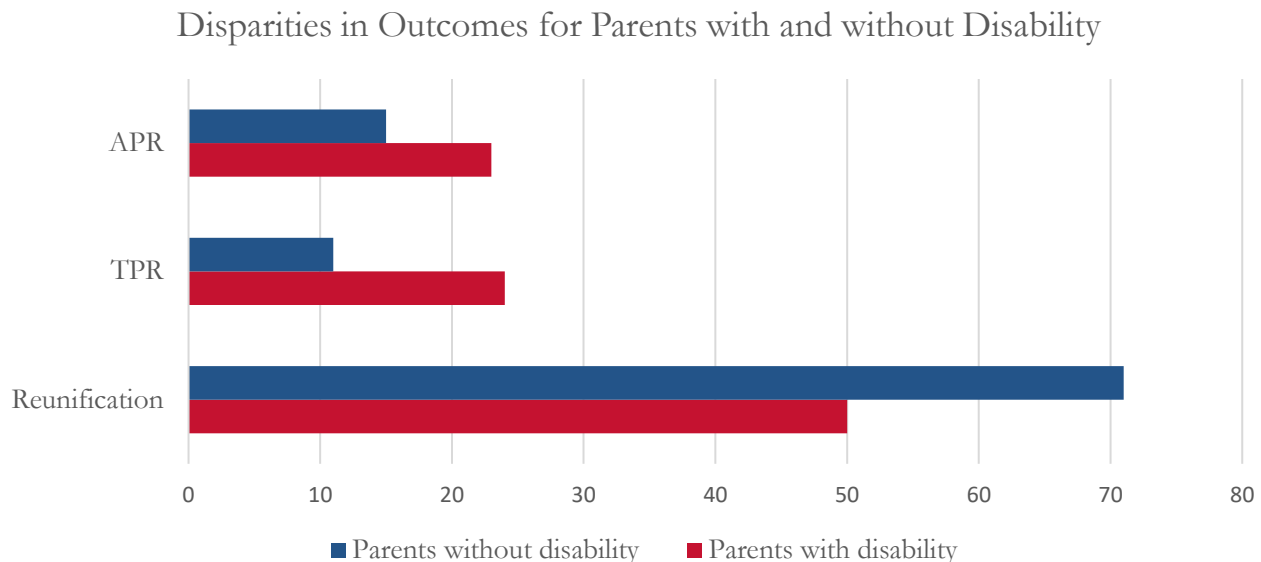
⁴⁵ ORPC Internal Data, Respondent Parent Payment System, analyzed September 2022 for the period FY 2018-19 through FY 2021-2022.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Parents with no disability see their parental rights terminated in 11% of cases, but this figure rises to 24% for parents with disability.⁴⁹



Fighting against negative stereotypes of parents with disabilities is one of the primary roles of the ORPC. In 2019, ORPC Case Strategy Director Carrie Ann Lucas died at the age of 47. Ms. Lucas dedicated her life to fighting for and defending the fundamental right to parent for parents with disabilities. Her lifelong devotion to her community was recognized with the re-naming of the Carrie Ann Lucas Parental Rights for People with Disabilities Act in 2021. The ORPC carries on the work of Ms. Lucas through the Carrie Ann Lucas Disability Advocacy Director position, created in 2020. This position continues the work of Carrie Ann Lucas through training interdisciplinary teams to recognize when parents have disabilities and to provide tools to advocate for their clients, increasing their chances of access to justice and amplifying their voices.

The ORPC is the only state agency tracking whether a parent in the child welfare system has a disability, despite disabilities often being the primary reason that a family is referred into the system. This frequently occurs when a parent’s mental health condition is not effectively managed, a substance use disorder is uncontrolled, or a parent with an Intellectual/Developmental disability (I/DD) is denied appropriate supports. The Colorado Department of Human Services, at the direction of the Children’s Bureau, will begin collecting data on children with disabilities in September 2022. This is an important step, but until child welfare agencies begin tracking information on parents with disabilities, they “are not able to plan for providing appropriate services or supports for parents with disabilities, nor track whether or not they are providing appropriate services or supports.”⁵⁰

These efforts are just the beginning of what is needed to ensure that parents with disabilities are not

⁴⁹ *Id.*

⁵⁰ UNIV. OF MINN. CTR. FOR ADVANCED STUD. IN CHILD WELFARE, PARENTAL DISABILITY IN CHILD WELFARE: POLICY STRATEGIES FOR IMPROVING CHILD WELFARE SERVICES FOR PARENTS WITH DISABILITIES AND THEIR CHILDREN, at 2 (Spring 2017), https://cascw.umn.edu/wp-content/uploads/2017/03/Policy-Brief-10_a.pdf. The data collected by the ORPC is consistent with the available national data. See NAT’L COUNCIL ON DISABILITY, ROCKING THE CRADLE: ENSURING THE RIGHTS OF PARENTS WITH DISABILITIES AND THEIR CHILDREN, at ch. 5 (2012), <https://www.ncd.gov/publications/2012/Sep272012>; see also Am. Bar Ass’n Resolution 114, *supra* note 43.

discriminated against and that they enjoy the full right to parent. While the ORPC arms its contractors with the information and resources needed to help support indigent parents with disabilities and educate other stakeholders about the rights of people with disabilities, much work remains.

A parent's race, ethnicity, disability, or income should not determine whether they enter the child welfare system or the outcome of their case. Yet, it often does. The ORPC is recognized for promoting diversity, equity, and inclusion, and the agency needs more resources to support lawyers, social workers, and parent advocates in changing the status quo of inequity, racism, and bias in Colorado's child welfare system.

2. Lessons of the COVID-19 Pandemic

The COVID-19 pandemic disproportionately impacted the poor,⁵¹ people of color,⁵² and people with disabilities.⁵³ The pandemic also coincided with a nationwide reckoning on systemic racism, particularly in the criminal justice system. "But while a substantial body of law has developed to protect the rights of individuals involved with the criminal legal system, the same attention has not been paid to the targets of family regulation. . . in part due to the compounded marginalization impacted communities face at the intersection of gender, race, and class."⁵⁴

At the outset of the pandemic in 2020, child welfare, medical, and educational professionals raised alarm that with more children at home while schools were shut down, fewer allegations of abuse and neglect would be reported, creating a pandemic of undetected child abuse with long term impacts.⁵⁵ These dire warnings were firmly rooted in "racist underpinnings,"⁵⁶ which demonstrated the system's "distrust and lack of faith in the poor families and families of color that disproportion[ately] populate the child welfare system."⁵⁷

Tellingly, the feared pandemic of child abuse and neglect did not materialize.⁵⁸ In an interview two years after the start of the pandemic, pediatric researcher Dr. Robert Sege of Tufts Medical Center opined on why three different statistical indicators of child abuse sharply dropped during the pandemic, drawing a straight line between increased economic supports available for families during the pandemic and decreased rates of child abuse and neglect. He observed:

⁵¹ Memorandum from Elizabeth Ramey (Principal Economist), Legislative Council Staff (Feb. 11, 2021), https://leg.colorado.gov/sites/default/files/r20-1320_income_inequality_and_the_economy.pdf.

⁵² Latoya Hill & Samantha Artiga, *COVID-19 Cases and Deaths by Race/Ethnicity: Current Data and Changes Over Time*, KAISER FAM. FOUND. (Aug. 22, 2022), <https://www.kff.org/658f598/>.

⁵³ NAT'L GOVERNORS' ASS'N., GOVERNORS' ROLE IN PROMOTING DISABILITY EMPLOYMENT IN COVID-19 RECOVERY STRATEGIES (Mar. 23, 2021), <https://www.nga.org/center/publications/governors-role-in-promoting-disability-employment-in-covid-19-recovery-strategies/>.

⁵⁴ *Id.*

⁵⁵ See, e.g., Angela Ufheil, *Calls to Colorado's Child Abuse Hotline Have Dropped—And That's Not a Good Thing*, 5280 (May 18, 2020), <https://www.5280.com/2020/05/calls-to-colorados-child-abuse-hotline-have-dropped-and-thats-not-a-good-thing/>.

⁵⁶ David Crary, *HHS Leaders: No Evidence of Child Abuse Surge Amid Pandemic*, AP NEWS, Jan. 14, 2021.

⁵⁷ David Kelly, *Child Welfare Alarmism Paints Unfair Picture of Families*, THE IMPRINT, June 12, 2020, <https://imprintnews.org/child-welfare-2/child-welfare-alarmism-paints-unfair-picture-of-families/44315>; see also Eli Hager, *Is Child Abuse Really Rising During the Pandemic?*, THE MARSHALL PROJECT, June 15, 2020, <https://www.themarshallproject.org/2020/06/15/is-child-abuse-really-rising-during-the-pandemic>.

⁵⁸ Barbara Chaiyachati et al., *Emergency Department Child Abuse Evaluations During COVID-19: A Multicenter Study*, 150(1) PEDIATRICS (July 2022), <https://publications.aap.org/pediatrics/article/150/1/e2022056284/188279/Emergency-Department-Child-Abuse-Evaluations>.

most parents really love their children. When child abuse occurs, it's not because parents don't love their kids; it's because they've reached the end of their rope...We have known for a long time that supports for families—food benefits, utility assistance, all those things—decrease child abuse.⁵⁹

Early data out of Colorado shows alignment with national trends. While educators make the most referrals for child abuse or neglect, these referrals declined with school closures. Because calls from educators are far less likely than calls from other types of mandatory reporters to be screened in and substantiated for abuse or neglect, this reduction in referrals does not suggest a pandemic of unreported child abuse or neglect occurred in Colorado.⁶⁰ Instead, child welfare leaders in Colorado have attributed their success at reducing removals during the pandemic to provision of in-home services in 70% of cases.⁶¹

However, those parents who had the misfortune of being involved in dependency and neglect cases during the pandemic faced huge challenges. Left with an unprepared, patchwork system, many parents separated from their children were provided only virtual visits and, to this day, continue to have limited in-person visitation, sometimes just one visit per week even with newborns. Access to the courts to address these issues remains an obstacle, with some courts conducting hearings to determine whether children should be removed from their homes over the phone and without attorneys appointed for parents in advance. Courts continue to issue automated emergency orders permitting restricted visitation and restricted court access.

Despite these serious challenges, the pandemic also required innovation that ultimately increased parental engagement in many cases. For example, parents with transportation challenges are more able to access family meetings and court hearings when they are held virtually. Services that were not available in rural areas before the pandemic became increasingly available through telehealth opportunities. Additionally, ORPC Contractors were more able to maximize their time helping clients and spend less time driving, particularly those practicing in rural locations. Many jurisdictions have embraced these positive changes with plans to continue using virtual options to further increase participation in the future.

The ORPC urges the General Assembly to heed the lessons of COVID-19: it is not the removal of children from their parents that saves children. Instead, it is the deployment of concrete supports and preventative services to our marginalized communities that will protect children from the generational cycle of trauma and family separation.⁶² For, “[i]f we are truly a field and a society that looks to data and facts to help us understand the world, it is time to put to rest the preconceived notion and prejudiced narrative that parents are a danger to their children, because in the overwhelming majority

⁵⁹ Brenda Patoine, *Child Abuse Actually Decreased During COVID. Here's Why*, TUFTSNOW (Feb. 14, 2022), <https://now.tufts.edu/2022/02/14/child-abuse-actually-decreased-during-covid-heres-why>; See also Robert Sege & A. Stephens, *Child Physical Abuse Did Not Increase During the Pandemic*, 176(4) J. AM. MED. ASS'N PEDIATRICS (2022).

⁶⁰ Samantha M. Brown et al., *The Impact of the COVID-19 Pandemic on Child Protection System Referrals and Responses in Colorado, USA*, 27(1) CHILD MALTREATMENT 3-11 (Feb. 2022), <https://journals.sagepub.com/doi/epub/10.1177/10775595211012476>.

⁶¹ *Calls to Colorado Child Abuse and Neglect Hotline Increase as More Mandatory Reporters are Seeing Kids in Person*, CO4KIDS BLOG (March 9, 2022), <https://co4kids.org/blog/calls-colorado-child-abuse-and-neglect-hotline-increase-more-mandatory-reporters-are-seeing>. “Even with the increased risk factors, in approximately 70% of child welfare cases, counties have been able to provide services directly to families so children can remain safely at home with their parents.”

⁶² Anna Arons, *An Unintended Abolition: Family Regulation During the COVID-19 Crisis*, 11 COLUM. J. RACE & LAW 1 (2022), <https://ssrn.com/abstract=3815217>.

of families involved with child welfare that is simply not the case.”⁶³

3. Assessing the True Cost of Foster Care and Out-of-Home Placement

Prior to the 2018 passage of the Family First Prevention Services Act (FFPSA), federal child welfare funding had largely been funneled to the costs of foster care maintenance for eligible children (among other program-related costs).⁶⁴ This skewed funding stream unintentionally created a system in which removal of children and placement in foster care became a primary child welfare system intervention. As a result of this imbalance,

“the federal government spends almost **10 times** more on foster care and adoption than on programs geared toward reunification.”⁶⁵

Importantly, while the number of children entering foster care in Colorado is decreasing,⁶⁶ the costs of foster care continue to rise. The projected federal costs for IV-E foster care maintenance and administrative costs will likely reach \$6 billion in 2023.⁶⁷ In contrast, the proposed FFY2023 budget allocates just \$183 million for prevention services.⁶⁸ Put differently, the budget allocates over 3,000% more funding to foster care maintenance and administrative costs than it does prevention services.

For FY 2019-20, Colorado received an estimated \$90.6 million in federal funds for foster care services, with only 1,429 children being served through those funds.⁶⁹ That amounts to a staggering annual cost of \$63,423 for every IV-E eligible child in foster care in Colorado. Yet, IV-E reimbursements for foster care do not cover every child in foster care, nor do they cover all foster care costs, with just 1 out of 3 foster children in Colorado eligible for federal IV-E dollars in 2018.⁷⁰ That means that it costs Colorado **much** more on average per child in foster care than \$63,423 per year, or \$5,285 per month, because the state picks up the tab for children who are not IV-E eligible. The annual expenditure per foster child is nearly three times higher than the poverty line for a family of three in Colorado.⁷¹

Colorado spends over half of federal child welfare dollars received on out-of-home placements and just 6% of federal funds received on preventative services.⁷² And, Colorado spends far more of its preventative child welfare dollars on caseworker visits and administration than other states, spending

⁶³ Kelly, *supra* note 57.

⁶⁴ Karen U. Lindell et al., *The Family First Prevention Services Act: A New Era of Child Welfare Reform*, 2 PUB. HEALTH REP. 135, 282-86 (2020).

⁶⁵ Elizabeth Brico, *The Government Spends 10 Times More on Foster Care and Adoption Than Reuniting Families*, TALK POVERTY (Aug. 23, 2019).

⁶⁶ COLO. OFF. OF CHILD., YOUTH & FAMS., DEPT. OF HUMAN SERVS., 2023 ANNUAL PROGRESS AND SERVICES REPORT: 2020-2024 CHILD AND FAMILY SERVICES PLAN, at 43 (June 2022) [hereinafter 2023 APSR REPORT].

⁶⁷ CONG. RSCH. SERV., *supra* note 41.

⁶⁸ *Id.*

⁶⁹ CASEY FAM. PROGRAMS, STATE FACT SHEET: COLORADO (2021), <https://caseyfamilypro-wpengine.netdna-ssl.com/media/colorado-fact-sheet-2021.pdf>.

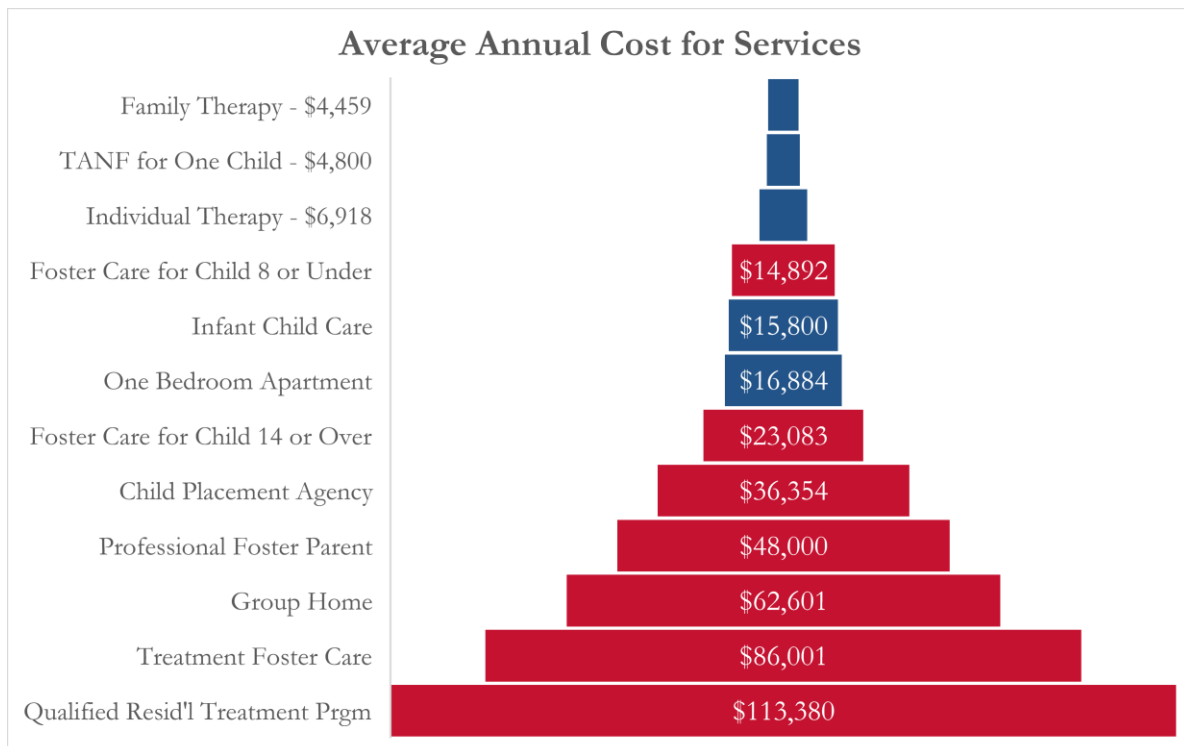
⁷⁰ CHILD TRENDS, CHILD WELFARE AGENCY SPENDING IN COLORADO IN SFY 2018 (Mar. 2021), https://www.childtrends.org/wp-content/uploads/2021/01/Colorado_SF2018-CWFS_03.03.2021.pdf. The amount spent on foster care in Colorado continues to go up.

⁷¹ U.S. DEPT. HEALTH & HUMAN SVCS., U.S. FEDERAL POVERTY GUIDELINES USED TO DETERMINE FINANCIAL ELIGIBILITY FOR CERTAIN PROGRAMS (2022), <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines>.

⁷² CHILD TRENDS, *supra* note 70.

very little on actual services or concrete supports.⁷³

Funding preventative services can result in huge cost savings over time while avoiding the negative and deleterious costs associated with poor outcomes for children placed in foster care.⁷⁴ Preventing unnecessary removal and the reduction of a child's length of stay in foster care also produces better outcomes for families. The following chart demonstrates the annual costs for common preventative interventions as compared to the costs of out-of-home placement. This chart shows that investing in preventative services and concrete supports designed to keep children at home is far more cost effective than investing in out-of-home placement, which has long term negative social costs due to the adverse impacts on children and families who experience out-of-home placement.



Children who are able to have supports to stay in their homes safely and who do not experience separation trauma are less likely to have long term mental health conditions⁷⁵ and to end up in the delinquency or criminal justice system as adults.⁷⁶ Children and youth who live in the foster care system are more than three times as likely to drop out of high school as their non-foster care peers,⁷⁷ which

⁷³ *Id.*

⁷⁴ See e.g., CASEY FAMILY PROGRAMS, TRANSFORMING CHILD WELFARE SYSTEMS: WHAT DO WE KNOW ABOUT THE RETURN ON INVESTMENT IN PREVENTION CHILD MALTREATMENT? (June 2019), https://caseyfamilypro.wpengine.netdna-ssl.com/media/TS_Research-return-on-investment-maltreatment-prevention.pdf.

⁷⁵ See Kristin Turney & Christopher Wildeman, *Mental and Physical Health of Children in Foster Care*, 138(5) PEDIATRICS (2016); see also Peter J. Pecora et al., *Mental Health Services for Children Placed in Foster Care: An Overview of Current Challenges*, 88 CHILD WELFARE 5, 10 (2009).

⁷⁶ Joseph J. Doyle, Jr., *Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care*, 116 J. OF POLITICAL ECON. 4 (2008).

⁷⁷ COLO. DEP'T OF ED., 2019-2020 STATE POLICY REPORT: DROPOUT PREVENTION AND STUDENT ENGAGEMENT, at 16 (2021) (6.4% for foster children vs. 1.8% statewide average for non-foster children).

greatly impacts their lifetime individual earnings⁷⁸ and, therefore, the future economic health of the state as a whole. Unsurprisingly given these statistics, foster children are more likely to experience homelessness as adults.⁷⁹ These costs are unsustainable on both a financial and a moral level and, just as importantly, unnecessary.

When children cannot return home safely but can be placed with family instead of in foster care, they also have better outcomes. The federal budget proposal for federal fiscal year (FFY) 2023 fully recognizes this and proposes providing states with higher IV-E reimbursements when children are placed in kinship foster care to promote familial placement.⁸⁰ High quality interdisciplinary teams can help locate and encourage family placements, but these families often lack the financial resources to take on the full-time care of a child or children. The ORPC hopes that increased federal funding for kinship placements will persuade more counties to aggressively seek certification of kinship foster homes, which would further the state's goal of having half of all initial out-of-home placements occur with kin.

E. ORPC Programs and Initiatives Supported by Federal Title IV-E Funding

1. Evolution of Parent Representation Funding

Since the creation of the ORPC just six years ago, parents and families in Colorado have benefited immensely from the provision of high quality legal representation. From FY 2016-2017 to FY 2021-2022, the percentage of cases ending in terminations of parental rights in Colorado reduced one-third. This means that through the provision of high quality legal representation, hundreds of families have avoided the trauma of permanent separation that often felt inevitable prior to the creation of the ORPC. The Agency's provision of resources, previously only available to parents in the system with financial means, has changed the lives of indigent parents and their families in ways never before possible in Colorado. The ORPC is proud to provide a voice to indigent parents who were previously silenced, and to reduce the trauma of separation for Colorado's children.

Nationally, child welfare stakeholders have become keenly aware of the benefits of a wrap-around, interdisciplinary approach to legal representation in child welfare proceedings. For example, in 2021, the Children's Bureau issued a new information memorandum citing a New York study that looked at the interdisciplinary approach.⁸¹ The study showed that parents represented by an interdisciplinary law office reunified with their children faster and more often. Specifically, in the first year of a court case, parents who were represented by an interdisciplinary law office reunified with their children a staggering 43% more often than those parents represented solely by an attorney.⁸² Similarly, in the second year of a court case, those parents working with an interdisciplinary law office were successful in reuniting their families 25% more often than those represented by an attorney alone.⁸³ Moreover,

⁷⁸ Joseph J. Doyle Jr, *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, AM. ECON. REV. 1583, 1607 (2007).

⁷⁹ Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. REV. OF LAW & SOC. CHANGE 523, 541-552 (2019).

⁸⁰ CHILD WELFARE LEAGUE OF AM., THE PRESIDENT'S FISCAL YEAR 2023 BUDGET REQUEST, at 3 (Mar. 29, 2022), [CWLA-Summary-of-Presidents-FY-2023-Childrens-Child-Welfare-Budget.pdf](#).

⁸¹ U.S. DEP'T. OF HEALTH & HUMAN SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-21-06, UTILIZING TITLE IV-E FUNDING TO SUPPORT HIGH-QUALITY LEGAL REPRESENTATION AND PROMOTE CHILD AND FAMILY WELL-BEING (Jan. 20, 2021) [hereinafter ACYF-CB-IM-21-06].

⁸² *Id.* at 5.

⁸³ *Id.*

the higher rate and faster speed of reunification occurred “without any negative impact on child safety.”⁸⁴

Based on such successful outcomes, the Children’s Bureau “strongly urges all Title IV-E agencies to actively pursue utilization of Title IV-E funding to create, expand and sustain models of multi-disciplinary representation....”⁸⁵ In other words, the federal government is actively urging child welfare stakeholders across the country to use federal dollars to pay for paralegals, investigators, peer advocates, and social workers to better respond to the overall needs of parents and families who may be candidates for foster care.⁸⁶

Responding to these encouraging outcomes, the Colorado ORPC implemented this interdisciplinary system of representation. The ORPC brought on its first independent social worker in 2017, and its first parent advocate in 2020, during the pandemic. The ORPC’s interdisciplinary program has proven very successful. Specifically, the rates of family reunifications have increased and the rates of terminations of parental rights continues to fall,⁸⁷ and the Children’s Bureau specifically recognized Colorado’s interdisciplinary model in its 2021 memorandum.⁸⁸

The ORPC continues to capitalize on the opportunities afforded by changes in federal funding and is currently implementing a pilot program to provide legal assistance to parents prior to the filing of a dependency case. The goal of this program is to assist parents with legal needs, such as housing and protection order issues, that are obstacles to successful parenting so that the family can avoid entry into the child welfare system and possible separation. Through these innovative and interdisciplinary approaches, the ORPC strives to reduce out-of-home placements, terminations of parental rights, and the trauma that is caused to both parents and children as a result of such actions.

2. ORPC’s Federal Title IV-E Funding Priorities to Enhance the Quality of Legal Representation for Parents and Families

In light of the priorities of the Children’s Bureau,⁸⁹ the ORPC has developed a plan for use of IV-E reimbursement funds that include the following new initiatives and expansions of existing programming:

1. Increasing RPC access to an interdisciplinary team, which may include social workers, parent advocates, experts, and other professionals.

⁸⁴ *Id.*

⁸⁵ *Id.* at 6.

⁸⁶ *Id.* at 3

⁸⁷ ORPC Internal Data, Reunification and Termination of Parental Rights, *infra* page 59.

⁸⁸ ACYF-CB-IM-21-06, *supra* note 81, at 10.

⁸⁹ *See generally id.*; U.S. DEP’T. OF HEALTH & HUMAN SERVS., CHILDREN’S BUREAU, ACYF-CB-IM-20-02, FAMILY TIME AND VISITATION FOR CHILDREN AND YOUTH IN OUT-OF-HOME CARE (Feb. 5, 2020); U.S. DEP’T. OF HEALTH & HUMAN SERVS., CHILDREN’S BUREAU, ACYF-CB-IM-19-03, ENGAGING, EMPOWERING, AND UTILIZING FAMILY AND YOUTH VOICE IN ALL ASPECTS OF CHILD WELFARE TO DRIVE CASE PLANNING AND SYSTEM IMPROVEMENT (Aug. 1, 2019) [hereinafter ACYF-CB-IM-19-03]; U.S. DEP’T. OF HEALTH & HUMAN SERVS., CHILDREN’S BUREAU, ACYF-CB-IM-18-05, STRENGTHENING FAMILIES THROUGH PRIMARY PREVENTION OF CHILD MALTREATMENT AND UNNECESSARY PARENT-CHILD SEPARATION (Nov. 16, 2018); and U.S. DEP’T. OF HEALTH & HUMAN SERVS., CHILDREN’S BUREAU, ACYF-CB-17-02, HIGH QUALITY LEGAL REPRESENTATION FOR ALL PARTIES IN CHILD WELFARE PROCEEDINGS (Jan. 17, 2017) [hereinafter ACYF-CB-17-02].

2. Expansion of available legal services to parents and families through:
 - a. Ensuring early appointment of RPC prior to initial hearings and early access to an interdisciplinary team;
 - b. Providing legal representation during investigations and upon initial filings to address a family's ancillary civil legal issues that may impact the removal of children and reunification, such as protective orders, housing and eviction issues, and guardianships;
 - c. Exploring methods to recruit new RPC talent, provide mentoring to attorneys, and incentivize work in rural communities and "legal deserts" where there are fewer than 10, or even no, registered attorneys;⁹⁰
 - d. Contracting with professionals to assist in providing agency supports and to conduct quality assurance, supervision, and mentoring of ORPC contractors such as attorneys, social workers, family advocates, and parent advocates; and,
 - e. Evaluating contractor rate of pay and advocating for timely and appropriate rates to establish fair and realistic state rates by which to compensate ORPC contractors.⁹¹
3. Expansion of the Respondent Parent Payment System (RPPS) to allow for efficiency in processes, tracking of IV-E eligible costs and spending on new initiatives, and robust data collection.
4. Continuing a partnership with the Colorado Data Lab to develop a data analysis plan to identify best practices and effective programs and to fully utilize the ORPC's access to the Linked Information Network of Colorado, which will assist the agency in obtaining individual, case-level child welfare data as opposed to aggregate data.
5. Assessing ORPC administrative and operational needs to ensure adequate staffing, resources, and supports for agency programming.

The above efforts are designed to deliver timely, evidence-based legal interventions to parents and families and to move child welfare policy toward a future where removal of a child from his or her home is reserved for only the most extreme circumstances.

RPC who address ancillary civil issues earlier in a case can make a significant impact and reduce the number of out-of-home placements. This is because unresolved civil legal issues can drive continual child welfare involvement in the lives of some indigent families. Indeed,

[s]eventy-one percent of low-income households experienced at least 1 civil legal issue in the past year. Twenty-five percent had more than 6 legal issues. But only 20% of low-income Americans even sought legal assistance to resolve their problems. Of those who did, most could not find help. As a result, over 80% of civil legal problems

⁹⁰ In a 2020 Annual Report, the Colorado Office of Attorney Regulation highlighted the limited number of attorneys in many rural jurisdictions of Colorado. See: OFF. OF ATT'Y REGUL. COUNS., 2020 ANNUAL REPORT, at 4 (2020), <https://coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2020%20Annual%20Report.pdf>.

⁹¹ C.R.S. § 13-92-104(1)(b) (2022).

reported by low-income Americans received no or inadequate help. That equals approximately 1.1 million unresolved legal issues per year.⁹²

Providing early help with lawyers trained to address housing, immigration, domestic violence, healthcare, and public benefits issues may help “prevent children from entering foster care or help children return home sooner.”⁹³ As discussed above, another component of effective parental legal services in the child welfare system includes access to an interdisciplinary team that incorporates a social worker or similarly qualified professional, which is a practice the Children’s Bureau encourages all jurisdictions to consider for both parents and children.⁹⁴ The ORPC’s Social Worker Pilot Program (SWPP) evaluation⁹⁵ and other recent studies⁹⁶ have demonstrated that an interdisciplinary team with a social worker can reduce the time that children are placed in out-of-home care and increase a parent and child’s likelihood of being reunified safely at case closure.

Increasing and expanding access to an RPC lawyer with an interdisciplinary team at earlier stages of child welfare proceedings and addressing related civil legal issues to prevent the trauma of removal to children and parents is part of the ORPC’s strategic plan, supported by research, and encouraged by the Children’s Bureau.

F. ORPC Innovations Increase Savings and Reduce Trauma to Children and Families

1. Interdisciplinary Model of Representation

a. Social Workers and Family Advocates as Members of Parent Defense Teams

Since its inception, the ORPC has studied and piloted interventions to improve the quality of representation for parents in Colorado, including the interdisciplinary representation model.

The ORPC’s interdisciplinary representation model pairs attorneys with social workers or parent advocates⁹⁷ who work in partnership to support families in dependency and neglect cases and protect the fundamental right to parent. Interdisciplinary representation is a best practice model that helps improve outcomes for families who face multiple, complex challenges. The team works to address root causes of systems involvement, engage the client and build confidence, and develop structural and social supports that strengthen the family and keep kids safely in the home. The ORPC launched a Social Worker Pilot Program (SWPP) in FY 2017-18 and quickly documented positive results, as measured through an independent evaluation conducted by Metropolitan State University in 2019.⁹⁸

⁹² Vivek Sankaran, *Redesigning the Delivery of Legal Services to Prevent Children from Entering Foster Care*, RETHINKING FOSTER CARE (July 10, 2018), <http://rethinkingfostercare.blogspot.com/2018/07/redesigning-delivery-of-legal-services.html>.

⁹³ ACYF-CB-17-02, *supra* note 89.

⁹⁴ *Id.*

⁹⁵ LORI DARNEL & DAWN MATERA BASSETT, A PROGRAM EVALUATION OF THE COLORADO OFFICE OF RESPONDENT PARENTS’ COUNSEL SOCIAL WORK PROGRAM (2019), <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>.

⁹⁶ Lucas A. Gerber, et al., *Understanding the Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 116 CHILD. & YOUTH SERVS. REV. (Sept. 2020), <https://www.sciencedirect.com/science/article/pii/S0190740920304643>.

⁹⁷ Parent Advocates use their lived experience successfully navigating the child welfare system to join the parent defense teams to support and advocate for parents involved in D&N proceedings.

⁹⁸ Darnel & Basset, *supra* note 95.

Because of its success, Colorado's interdisciplinary parent representation model has influenced models for other state agencies working to implement interdisciplinary programming.⁹⁹

In addition to finding success in Colorado, the American Bar Association integrated the interdisciplinary representation approach into its Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases.¹⁰⁰ The federal Children's Bureau also actively promotes this approach in the legal representation of parents and children,¹⁰¹ offering practice guides¹⁰² and, more recently, changing federal policy to directly fund interdisciplinary representation through Title IV-E reimbursement.¹⁰³

The ORPC's Program Director is a Licensed Clinical Social Worker who oversees the contracting, training, and oversight of non-attorney contractors. Because the ORPC is a data-driven agency and to ensure the model continues to serve parents effectively, the ORPC has partnered with the Colorado Evaluation and Action Lab to engage in an ongoing review of interdisciplinary programming and monitoring of outcomes.

Responding to having Social Workers on their legal teams, RPC reported in the 2022 ORPC Contractor Survey that:

Clients feel more supported when there is a 'team' of advocates assisting them.

They assist the client in navigating treatment, expanding visits and returning children home quicker.

[They] form bonds with clients that have been crucial in our cases and changed the outcome. They work hard, do things I would never think to ask of them and can literally turn a case around.

It is difficult to work the complex cases without the expertise, education and training of social workers.

The defense team can also seek support from experts, investigators, paralegals, and interpreters throughout the life of the case. The availability of these additional professionals helps ensure RPC have access to the resources needed to build a strong parent defense team and deliver high quality legal representation.

b. Parent Advocates Further Support Parents and Enhance Family Voice

ORPC interdisciplinary teams often include a parent advocate who has personally navigated the child welfare system and reunited 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 and successful part of mental health and substance use intervention for

⁹⁹ Colorado has provided technical assistance in the development of interdisciplinary parent representation programs in Oklahoma, South Carolina, New Jersey, New Mexico, North Carolina, Minnesota, and Maine.

¹⁰⁰ AM. BAR ASS'N, STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (2006), https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf.

¹⁰¹ ACYF-CB-17-02, *supra* note 89.

¹⁰² ACYF-CB-IM-19-03, *supra* note 89, at 2.

¹⁰³ ACYF-CB-IM-21-06, *supra* note 81.

decades. The Children’s Bureau and the National Center on Substance Abuse and Child Welfare promote and provide technical assistance for agencies to include peer mentors on interdisciplinary teams.¹⁰⁴ Indeed, the Children’s Bureau even includes parent advocacy as a reimbursable expense for parental defense teams.¹⁰⁵

Based on the successful outcomes of interdisciplinary models, including parent advocates on legal teams,¹⁰⁶ the ORPC has recruited, trained, and mentored two classes of parent advocates since January 2021 and anticipates a third class will begin in early 2023. Parent advocates have been assigned to support more than 450 parents statewide since January 2021.

In the 2022 ORPC Contractor Survey, RPC shared their experiences partnering with parent advocates on their legal teams, including:

“They can often relate to a client in ways that I can’t.”

“Clients have really connected with parent advocates on my cases, and I think their relationship with the parent advocate has directly contributed to the parent’s success in treatment.”

“I have a parent advocate that is helping my client attend social events to build up her support network and focus on more healthy relationships.”

“I generally look to parent advocates when I have a client who is wary of the system and feels like the world is against them. I think it helps them to have someone on their team that has had a similar experience and can relate to what they are going through.”

Parent advocates are also effective in bringing the voice of parents and families to critical policy and lawmaking bodies. For example, ORPC parent advocates testified at the legislative hearings on “Preserving Family Relationships in Child Placement,” HB 21-1101,¹⁰⁷ which was signed into law in July 2021. They also serve in a leadership role on the Pre-Adolescent Services Task Force established by House Bill 22-1131 and have applied for positions on the Mandatory Reporter Task Force established by House Bill 22-1240, which requires appointment of members with lived experience. The ORPC is proud to bring the voices of parents to the table to inform and influence policymaking decisions.

c. Pre-filing Legal Services Pilot Program in Jefferson County

Pre-filing representation is an innovative practice whereby parents are provided legal representation to address a range of civil legal problems that could create family instability and child welfare system

¹⁰⁴ Child Welfare Capacity Building Collaborative, *Parent Partner Program Navigator*, CAPACITY BUILDING CENTER FOR STATES (July 10, 2018), <https://capacity.childwelfare.gov/states/topics/foster-care-permanency/parent-partner-navigator> (last visited Oct. 16, 2022); NAT’L CTR. ON SUBSTANCE ABUSE & CHILD WELFARE, THE USE OF PEERS AND RECOVERY SPECIALISTS IN CHILD WELFARE SETTINGS, https://ncsacw.samhsa.gov/files/peer19_brief.pdf (last visited Oct. 16, 2022).

¹⁰⁵ CHILDREN’S BUREAU, TECHNICAL BULLETIN—FREQUENTLY ASKED QUESTIONS: INDEPENDENT LEGAL REPRESENTATION, at 2 (July 20, 2020), https://www.acf.hhs.gov/sites/default/files/documents/cb/technical_bulletin_faq_legal_representation.pdf.

¹⁰⁶ Gerber, *supra* note 96.

¹⁰⁷ H.B. 1101, 2021 Leg., 73rd Gen. Assemb. (Colo. 2021), <https://leg.colorado.gov/bills/hb21-1101>.

involvement. This supports families safely parenting in the home, avoids the trauma of parent-child separation, and prevents either initial child welfare involvement or further penetration into the system.

To avoid costly and unnecessary child protective interventions and the use of foster care, the ORPC's preventive legal services program provides interdisciplinary legal services in areas such as domestic violence, custody, guardianship, and eviction. As mentioned earlier, nearly three-quarters of low income families face civil legal challenges, but few can access legal assistance.¹⁰⁸ To combat this, from 2009-2016, the Detroit Center for Family Advocacy employed a model where lawyers, social workers, and parent advocates provided the legal advocacy families needed. The result was stunning: The model was able to avoid dependency and neglect petitions and foster care entry in 98% of the cases served.¹⁰⁹

To pilot the program, the ORPC collaborated with Jefferson County Department of Human Services and child welfare stakeholders in FY 2021-22 to develop programming that addresses the unmet civil legal services needs of indigent families at risk of entering the child welfare system. In just the first 6 months of the program, the ORPC has received over 35 referrals for the program from Jefferson County. Providing civil legal services representation before a dependency and neglect petition is filed addresses child safety concerns in the home and helps families stabilize without having to place children in foster care.¹¹⁰

By investing in cost-effective preventative legal services and advocacy, Colorado can reduce trauma to children caused by unnecessary family separation.

2. Reducing Trauma by Improving Educational Outcomes

One of Governor Polis' "Wildly Important Priorities" for Colorado is "ensur[ing] all Coloradoans have access to opportunities for quality, lifelong education connected to the future of work."¹¹¹ Currently, high school graduation rates for Colorado foster youth are abysmally low. This has lasting effects on their future earning potential and directly impacts the readiness and ability of the Colorado economy to excel in the years ahead.

For example, in 2021, the four-year completion rate for high school students in foster care, defined as either receiving a high school diploma or equivalency, was 38.8%,¹¹² while the statewide rate for all high school students was 83.2%.¹¹³ Tellingly, even if given six years to achieve their degree or equivalency, foster students from the class of 2019 increased completion rates to a mere 51.5%,¹¹⁴

¹⁰⁸ Sankaran, *supra* note 92.

¹⁰⁹ *Id.*

¹¹⁰ CASEY FAMILY PROGRAMS, STRATEGY BRIEF: HOW CAN PRE-PETITION LEGAL REPRESENTATION HELP STRENGTHEN FAMILIES AND KEEP THEM TOGETHER? (Jan. 2020).

¹¹¹ Jared Polis, EDUCATION AND WORKFORCE DASHBOARD (2022), <https://dashboard.colorado.gov/key-issues-performance/education-workforce>.

¹¹² Colo. Dep't of Ed., *Graduation Rate 20-21*, COLORADO GRADUATION DASHBOARD, <https://www.cde.state.co.us/code/graduationrate2021> (last visited Oct. 11, 2022).

¹¹³ *Id.*

¹¹⁴ *Id.*

whereas the overall completion rate rose to nearly 90%.¹¹⁵ Additionally, in 2021, the dropout rate for foster care youth was more than 270% higher than the overall dropout rate.¹¹⁶

In an increasingly knowledge-based economy, the impact of low graduation rates will be felt in Colorado for decades, both at the individual and the statewide level. Indeed, the World Bank cites education as the main engine for long-term economic growth because education encourages innovation and improves economic prospects.¹¹⁷ Nationally, those without a high school diploma or equivalent experience an unemployment rate 150% higher than for those with a high school degree or equivalent.¹¹⁸

Statistics show that the interdisciplinary approach to family support helps keep children in the home and out of foster care.¹¹⁹ Better outcomes for Colorado families and children means better outcomes for Colorado. For this reason, the most effective way to prevent these educational disparities in Colorado is by preventing children from entering foster care in the first place.

3. Creating Legislative Change in Colorado

Part of the ORPC's mission includes advocating for systemic and legislative change. With limited resources, the agency devotes significant staff time to advocating for legislative and regulatory changes in Colorado. Most of the agency's advocacy focuses on efforts to ensure that children can remain safely at home wherever possible and, when they cannot, that their connections with their parents, extended family, and community are supported through visitation and placement.

In 2022, the General Assembly provided new opportunities for the agency to participate in systemic change, with the Director of Programs – Social Worker sitting on the Mandatory Reporting Task Force created by HB 22-1240 and the Director of Engagement representing the agency on the Pre-Adolescent Services Task Force created by HB 22-1131. Additionally, an ORPC parent advocate serves as Chair of the Task Force along with Representative Gonzales-Gutierrez as Co-Chair. The ORPC also continues its work on the High Quality Parenting Time Task Force created through HB 21-1101 and chaired by the ORPC Case Strategy Director.

The agency also secured important protections for ORPC and the Office of the Child's Representative (OCR) contractors through HB 22-1041. Legislation in previous years protected caseworkers and county attorneys who were threatened in the course of their work, but ORPC and OCR contractors were not included in these protections. HB 22-1041 provides important safeguards to keep the home addresses of ORPC and OCR staff and contractors confidential when they experience threats as a result of their advocacy. These protections support people doing very challenging work and may aid in retention of contractors.

¹¹⁵ *Id.*

¹¹⁶ Colo. Dep't of Ed., *Dropout Rate 20-21*, COLORADO DROPOUT DASHBOARD, <https://www.cde.state.co.us/code/dropoutrate2021> (last visited Oct. 16, 2022).

¹¹⁷ The World Bank, *Education*, UNDERSTANDING POVERTY: EDUCATION, <https://www.worldbank.org/en/topic/education/overview> (last visited Oct. 16, 2022).

¹¹⁸ Tim Stobierski, *Average Salary by Education Level: The Value of a College Degree*, NORTHEASTERN UNIVERSITY BACHELOR'S DEGREE COMPLETION BLOG (June 2, 2020), <https://www.northeastern.edu/bachelors-completion/news/average-salary-by-education-level/>.

¹¹⁹ ACYF-CB-IM-21-06, *supra* note 81.

In the coming session, the ORPC will focus its legislative advocacy on strengthening families. First, changes are necessary to ensure that where there is a safe and appropriate family member available to care for a child, the court acts quickly to place the child with the relative. Social science research shows that children placed with relatives experience fewer placement changes, reduced separation trauma, better mental health, preservation of their cultural identities, and higher rates of reunification with their parents.¹²⁰ To fully realize these benefits, the law needs to provide more support for kinship placement, and the ORPC will propose legislation in the 2023 session to accomplish this.

The ORPC is also working to strengthen families by addressing the needs of incarcerated parents and their children. With nearly 25% of parents in the ORPC's cases incarcerated at some point during the proceedings, Colorado needs a stronger framework for providing treatment, services, and visitation for these families. Currently, most incarcerated parents are not able to participate in court hearings or meetings where important decisions about their children are made. The ORPC plans to ensure that incarcerated parents have a seat at the table when decisions are being made that will impact the rest of their lives and the lives of their children.

4. Data Driven Investments and Evidence Building Activities

The aims of the ORPC include enhancing and expanding interdisciplinary representation, improving educational opportunities, and enacting systemic policy change at the state and local levels. To accomplish these improvements the ORPC must take an evidence-based, data-driven approach to assessing the efficacy and efficiency of the agency's ongoing activities. Ensuring that the ORPC is providing the most cost-effective legal advocacy for indigent parents in child welfare proceedings requires utilization of high quality data, resources, and partnerships.

The ORPC partners with the Colorado Evaluation and Action Lab (Colorado Lab), which represents a significant investment in continuously improving parent representation in a fiscally responsible way. The Colorado Lab is an innovative government-research partnership that promotes evidence-based policymaking. The ORPC contracts with this pioneering organization to evaluate the ORPC's overall effectiveness.

In the first year of a planned four-year collaboration with the Colorado Lab, the collaboration focused on the ORPC's interdisciplinary representation model, an evidence-informed model of parent representation (See Section F.1 for a more detailed discussion of the model). The first phase of assessing this model called for defining interdisciplinary team roles and indicators of client-centered representation within the unique context of Colorado's child welfare system. Subsequent phases will explore the value of the interdisciplinary model vs. attorney-only representation and identify activities and practices associated with positive case outcomes, long-term return on investment, and systemic changes.

Additionally, the Colorado Lab recently began an evaluation of the pre-filing representation pilot program that the ORPC launched in Jefferson County in early 2022. Assessment of the program's

¹²⁰ 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? (2019), https://caseyfamilypro.wpengine.netdna-ssl.com/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.

referral and parental engagement processes, as well as its outcomes, will inform its implementation in other counties. As the Colorado Lab conducts these evaluations of ORPC programming, staff at both agencies are working together to build the ORPC's capacity to evaluate its own efforts in the future.

In the last state fiscal year, the ORPC also engaged in independent efforts to ensure access to high quality data, both internal and external. The agency made significant refinements to the proprietary contractor billing system used to collect internal data, entered into data-sharing agreements with CDHS and the Judicial Department, and utilized the Judicial Department's public access data request process. Having the ability to cross-check the ORPC's internal data against external data sources promotes confidence in the agency's data and enables broader use of the data with systems partners. Analysis of this data also informs ongoing activities, priorities, and decision-making and facilitates compliance with federal IV-E requirements.

Office of the Respondent Parents' Counsel FY 2023-24
Schedule 10
Change Request Summary

Priority	Request Name	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
R-1	Increase in Hourly Rates of Contract Attorneys	-	\$ 3,377,211	\$ 3,369,883	\$ -	\$ 7,328	\$ -
R-2	Policy and Legislative Staff Attorney	1.0	185,839	185,839	-	-	-
R-3	Staff Paralegal	1.0	98,866	98,866	-	-	-
R-4	Increase in Hourly Rates of Non-Attorney Contractors	-	1,263,685	446,420	-	817,265	-
R-5	Parent Advocacy Coordinator	1.0	113,458	113,458	-	-	-
R-6	Medical Consultant	1.0	146,037	146,037	-	-	-
Total Change Requests		4.0	\$ 5,185,096	\$ 4,360,503	\$ -	\$ 824,593	\$ -

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Schedule 13

Funding Request for the 2023-24 Budget Cycle

Department: Office of the Respondent Parents' Counsel

Request Title: Increase in Hourly Rates of Contract Attorneys

Priority Number: R-1

Dept. Approval by: Melissa Thompson 11/1/2022
Date

OSPB Approval by: N/A
Date

- ☒ Decision Item FY 2023-24
☐ Base Reduction Item FY 2023-24
☐ Supplemental FY 2022-23
☐ Budget Amendment FY 2023-24

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
		1	2	3	4	5
	Fund	Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	27,273,535	-	27,273,535	3,377,211	30,650,746
	FTE	-	-	-	-	-
	GF	21,910,232	-	21,910,232	3,369,883	25,280,115
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	5,363,303	-	5,363,303	7,328	5,370,631
	FF	-	-	-	-	-
Court-appointed Counsel	Total	22,247,566	-	22,247,566	3,369,883	25,617,449
	FTE	-	-	-	-	-
	GF	21,910,232	-	21,910,232	3,369,883	25,280,115
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	337,334	-	337,334	-	337,334
	FF	-	-	-	-	-
Title IV-E Legal Representation	Total	5,025,969	-	5,025,969	7,328	5,033,297
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	5,025,969	-	5,025,969	7,328	5,033,297
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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Department Priority: R-1

Request Title: Increase in Hourly Rates of Contract Attorneys

Summary of Incremental Funding Change for FY 2023-24	Total funds	General Fund	Cash Funds	Reappropriated Funds
TOTAL REQUEST (All Lines)	\$3,377,211	\$3,369,883	\$0	\$7,328
Court-appointed Counsel	3,369,883	3,369,883	-	-
Title IV-E Legal Representation	7,328	-	-	7,328

Request Summary:

In conjunction with the Judicial Department, the Office of Alternate Defense Counsel, and the Office of the Child's Representative, the Office of Respondent Parents' Counsel (ORPC), requests funding to increase the hourly rate for contract attorneys. ORPC requests \$3,369,883 additional General Fund spending authority and \$7,328 additional Reappropriated Fund spending authority for this purpose. The ORPC seeks this investment of additional funding to increase the hourly rates of ORPC contract attorneys (respondent parents' counsel, or RPC) so that these family defenders can afford to dedicate their time and expertise to the preservation of Colorado families. This increase will more closely align hourly rates with the rates paid attorneys in other sectors. It will also partially address the loss of real earnings due to inflation and 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.

Background:

The Office of Respondent Parents' Counsel (ORPC) was established on January 1, 2016. On July 1, 2016, the ORPC assumed responsibility for paying contract attorneys and other members of legal teams tasked with representing indigent parents in dependency and neglect cases. On that date, the hourly rate paid to attorneys was \$75.00. Since that time, rate increases for RPC have been requested and received and the rate for attorneys is now \$85.00 per hour.

However, this rate remains inadequate for the following reasons:

1. Salaries and total compensation for private attorneys remain significantly greater than the earnings of ORPC contract attorneys.
2. Hourly rates for other public attorneys likewise remain much greater than the rates paid to ORPC contract attorneys.
3. The Consumer Price Index has increased and continues to increase at a much greater rate than the hourly rate of ORPC contract attorneys.

As a result, the ORPC continues to lose experienced RPC because they leave RPC work for salaried position where they can receive pay and benefits that greatly exceed what they receive for ORPC work. When the ORPC must replace an experienced attorney with a less-experienced attorney, costs per appointment increase as less experienced counsel are often less efficient. Additionally, as substitute

counsel must get up to speed on a case, Colorado courts incur delays, decreasing the efficiency of the courts. Most importantly, indigent Colorado parents and families are significantly impacted as turnover in their legal teams often causes setbacks to progress on treatment plans and delays in permanency for children. As a result, Colorado parents are more likely to lose their rights to their children and Colorado families are more likely to be broken, experiencing all the consequent human devastation and economic costs that have been shown to result.

I. The Current ORPC Contract Attorney Rate Results in Pay That is Significantly Less than the Total Compensation of Salaried Attorneys. This Disparity Results in Attorney Recruitment and Retention Problems and in Reduced Quality of Legal Representation.

The current ORPC contract attorney rate of pay is significantly less than the amounts earned by salaried attorneys in the private sector. This is fundamentally unfair, yet the ORPC understands that the rate of pay for the private sector will be greater than the rate of pay for court-appointed, public interest attorneys. Nonetheless, inadequate pay leads to turnover which results in worse outcomes for families.

A recent ABA Report determined that “funding changes for children’s and parents’ counsel had a direct impact on several factors that affect legal representation quality, such as attorney recruitment and retention, multidisciplinary legal practice, caseloads, workload per case, and case delays.”¹²¹ The study also noted that “[o]verall data show that the quality of legal representation attorneys provide to child and parent clients improved with increases in funding and became more constrained with decreased funding.”¹²²

The current rate of pay for RPC lags drastically behind the salaries and total compensation for private attorneys. The agency’s analysis shows ORPC contract attorneys currently earn on average **54.6%** of what their private sector counterparts earn. This percentage must then be further reduced by the expenses of running a solo practitioner or small firm office. The impacts of this reduced earning potential are real and felt by RPC now.

The calculations used to conduct this analysis are outlined below.

According to the Bureau of Labor Statistics, in 2021 the base average annual salary for Colorado attorneys was \$141,760.¹²³ Also according to the Bureau of Labor Statistics, salary accounts for an average of 68.8% of the total compensation package of employees and benefits account for an average of 31.2% of the total compensation package of employees.¹²⁴ This means that the \$141,760 average

¹²¹ AM. BAR ASS’N CTR. ON CHILD. AND THE LAW, EFFECTS OF FUNDING CHANGES ON LEGAL REPRESENTATION QUALITY IN CALIFORNIA DEPENDENCY CASES: AN ASSESSMENT, at 1 (2020), https://www.americanbar.org/content/dam/aba/administrative/child_law/calrep-assessment.pdf [hereinafter ABA ASSESSMENT].

¹²² *Id.* at 12-13.

¹²³ U.S. BUREAU OF LAB. STATS., OCCUPATIONAL EMPLOYMENT AND WAGES: 23-1011 LAWYERS (May 2021), <https://www.bls.gov/oes/current/oes231011.htm#>.

¹²⁴ Press Release, U.S. Bureau of Labor Statistics, Employer Costs for Employee Compensation-June 2022 (Sept. 20, 2022), <https://www.bls.gov/news.release/pdf/eccc.pdf>.

attorney salary translates to an average total compensation package of \$206,047 (\$141,760/68.8%) in 2021.

When one multiplies the current rate for RPC of \$85/hour x 2,080 (40 hours per week x 52 weeks per year) hours per year, the total compensation for an ORPC contract attorney would be as much as \$176,800, or about \$29,247 less than the average total compensation package of \$206,047 calculated above.

However, this assumes that a contract attorney is able to work a long enough day to justify 8 billable hours per day on every weekday of the year; it does not take into account holidays, sick days, childcare days, vacation days, or any of the other many non-workdays which all workers experience. It also does not account for the fact that RPC must also do administrative work, which is essential required work that is not billable. In its 2021 Legal Trends Report, Clio reports that the average realization rate, i.e., the number of billable hours invoiced divided by the number of hours worked, reported by attorneys was 84%, which means that 16% of all hours worked was unbillable.¹²⁵ When these factors are included, a more reasonable calculation of contract attorney annual billing results.

Additionally, for the calculation to be comparable to the average annual salary and benefits for Colorado attorneys of \$206,047 noted above, the calculation must be further reduced by expenses paid for benefits such as health, life, and dental insurance. As noted above, benefits account for an average of 31.2% of the total compensation package of employees. According to the Kaiser Family Foundation, “The average annual premiums in 2021 are \$7,739 for single coverage and \$22,221 for family coverage. Over the last year, the average premium for single coverage increased by 4% and the average premium for family coverage increased by 4%. The average family premium has increased 47% since 2011 and 22% since 2016.”¹²⁶

The ORPC has no information about the marital or family status for its contractors, so for purposes of this analysis, the ORPC assumes that the FY 2022-23 total average annual premium for Health, Life, Dental, and Vision coverage for the State of Colorado shown below will be comparable to what RPC pay on average. This is a conservative assumption, as the State purchases group coverage for over 30,000 employees,¹²⁷ which is undoubtedly less costly than the individual coverage plans that ORPC contractors must purchase.

¹²⁵ CLIO, LEGAL TRENDS REPORT, at 69 (2022), <https://www.clio.com/wp-content/uploads/2022/08/2022-Legal-Trends-Report.pdf>.

¹²⁶ KAISER FAM. FOUND., 2021 EMPLOYER HEALTH BENEFITS SURVEY (Nov. 10, 2021), <https://www.kff.org/report-section/ehbs-2021-section-1-cost-of-health-insurance/>.

¹²⁷ COLO. DEP’T OF PERSONNEL & ADMIN., WORKFORCE SNAPSHOT (Aug. 2022), <https://dpa.colorado.gov/about-us/workforce-snapshot>.

State of Colorado FY 2022-23 AVERAGE PREMIUMS for ALL INSURANCE TYPES & COVERAGE LEVELS						
	State		Employee		TOTAL PREMIUM	
TYPE	Monthly	Annual	Monthly	Annual	Monthly	Annual
HEALTH	1,177.35	14,128.16	153.74	1,844.87	1,331.09	15,973.03
DENTAL	56.56	678.66	21.35	256.17	77.90	934.83
VISION	6.25	75.00	8.62	103.44	14.87	178.44
LIFE & AD&D	8.76	105.12	-	-	8.76	105.12
TOTAL	1,248.91	14,986.94	183.71	2,204.48	1,432.62	17,191.42

When the estimated RPC rate of pay is reduced by the average premiums total of \$17,191 shown above, the resulting attorney pay of \$112,529 is a true comparison to the average annual salary and benefits for Colorado attorneys of \$206,047. Based on these conservative assumptions and as shown in the table, ORPC contract attorneys may earn just 54.6% of the average of salaried attorneys in Colorado.

Estimate of Annual Billable Hours and Comparison of Real Annual Pay of ORPC Attorneys to May, 2021 Market Rates					
	Days	Hours	Weeks	Total Hours	Attorneys
Potential Workdays	5.0	8.0	52.0	2,080.0	
Less:					
State Holidays	(11.0)	8.0		(88.0)	
Vacation	(12.0)	8.0		(96.0)	
Sick Leave	(12.0)	6.6		(79.2)	
Hours worked				1,816.8	1,816.8
Realization Rate					84%
Estimated billable hours					1,526.1
Rate per hour					\$ 85.00
Estimated annual pay for full-time work					\$ 129,720
Less Estimate of Cost of Insurance Coverage					\$ (17,191)
Estimate of Contractor Pay Available					\$ 112,529
Average Total Compensation for Contractor Type per BLS					\$ 206,047
Difference between ORPC Contractor Pay and BLS Total Compensation					\$ (93,518)
ORPC Contractor Pay as Percentage of Avg. Total Comp. per BLS					54.6%

To provide RPC with wages comparable to the average for salaried attorneys would require an hourly rate of \$146.28 $((\$206,047 - 17,191) / 1,526.1 \text{ estimated billable hours})$.

However, this calculation is still incomplete, because in addition to having to pay for their own insurance, independent contract attorneys must also deduct from their earnings the cost of office overhead. Such overhead may include the salaries and benefits of the contractors' employees, office space rent, malpractice insurance, bar dues and licensing fees, IT equipment and support, software, telephone and other communication services, office supplies, bank fees, and insurance, to name just some of the expenses RPC may incur.

All of these expenses do not take into account the burden of student loans. While most attorneys who represent indigent clients are eligible for Public Service Loan Forgiveness, a federal program which forgives all federal student loans after ten years of eligible service, contract attorneys are not eligible

for such forgiveness because they are independent contractors.¹²⁸ Due to the burden of student loans, which often reach into six figures for attorneys,¹²⁹ many contract attorneys have left this work to do public service work as an employee in order to be eligible for loan forgiveness and benefits. In a recent survey, 90% of lawyers with student debt reported delaying major life milestones like homeownership and having children due to their loans.¹³⁰ Recruiting new attorneys, which is vital to the continuation of the agency's mission, is difficult as attorneys coming out of law school graduate with more and more debt. A higher hourly rate would help contract attorneys pay their student loan debt and disincentivize leaving RPC work to enter other public service work as an employee.

In sum, ORPC contract attorneys currently earn on average 54.6% of what their private sector counterparts earn, which is then further reduced by the expenses of office space and other overhead costs. This significant disparity in rate of pay contributes to the ORPC's attrition rate, which has increased markedly over the last few years. Disparities in pay for salaried attorneys are not the only hurdle ORPC faces when it comes to recruitment and retention of RPC.

II. The Hourly Rates for ORPC Contract Attorneys are Significantly Less Than the Hourly Rates of Similar Government-Funded Contract Attorneys. This Disparity Contributes to the Problems of Recruitment and Retention and Creates a Disincentive for ORPC Contractors to Remain in This Work.

The analysis above clearly shows that ORPC contract attorneys earn significantly less than their salaried counterparts. The current compensation for RPC not only lags drastically behind their peers in the private sector but trails many other public sector professionals as well. ORPC contract attorneys earn significantly less than other government-funded contract attorneys.

For instance, the Equal Access to Justice Act (EAJA) authorizes the payment of attorney's fees to a prevailing party in an action against the United States.¹³¹ The EAJA attorney rate for the Western region was set at \$125 in 1985, is adjusted for inflation annually, and is currently \$245.56, or 2.9 times the hourly rate of \$85 currently paid by the ORPC.¹³² Another rate that is analogous to the ORPC contract attorney rate is the Federal Criminal Justice Act rate, paid by the government to independent contractors for representing indigent defendants. The table below compares the CJA rates effective as of July 1 of each year and the Colorado contract attorney hourly rate effective on the same date.

¹²⁸ Fed. Student Aid, *Public Service Loan Forgiveness FAQ*, PUB. SERV. LOAN FORGIVENESS, <https://studentaid.gov/manage-loans/forgiveness-cancellation/public-service/questions> (last visited Oct. 11, 2022).

¹²⁹ The average graduate loan amount for University of Colorado Law School graduates was \$103,795, and the average graduate loan amount for University of Denver law school graduates was \$160,000. For both schools, about three-quarters of graduates took out loans to attend law school. Jessica Folker, *Law School Debt Delays Life Milestones, According to Survey*, LAW WEEK COLO. (Sept. 23, 2021), <https://www.lawweekcolorado.com/article/law-school-debt-delays-life-milestones-according-to-survey/>.

¹³⁰ *Id.*

¹³¹ 28 U.S.C. § 2412.

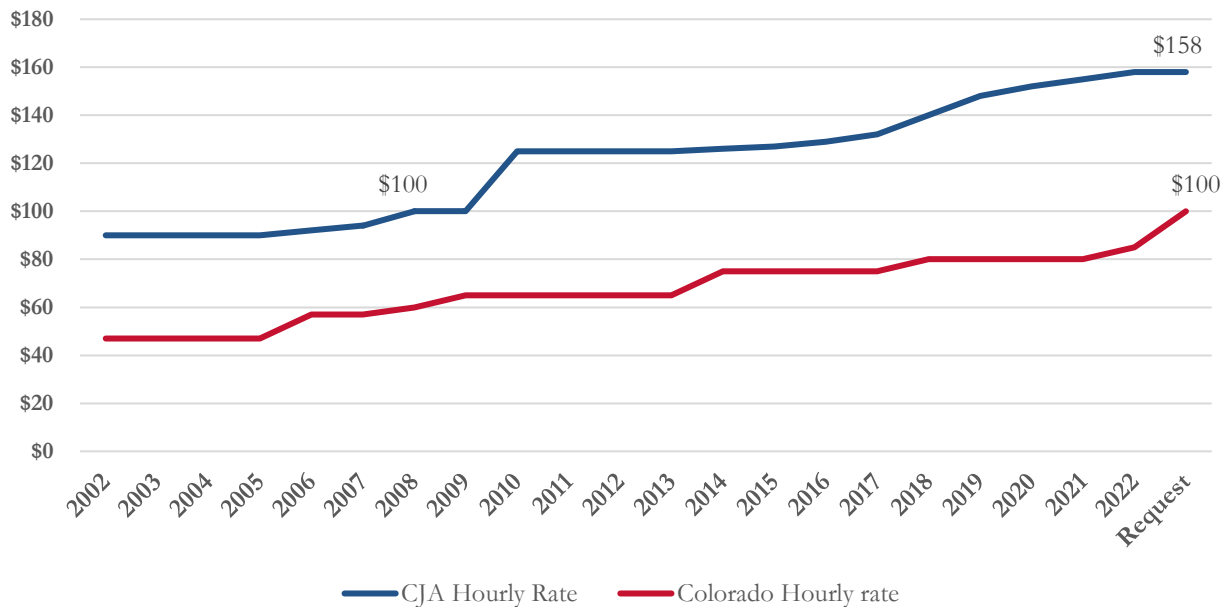
¹³² *Id.* at § 2412(d)(2)(A); NAT'L IMMIGRATION ALLIANCE ET AL., PRACTICE ADVISORY: REQUESTING ATTORNEYS' FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT, at 23 (Aug. 2020), https://ninpnl.org/PDFs/practitioners/practice_advisories/gen/2021_23Mar_fees-equal-access.pdf; U.S. Bureau of Lab. Stats., *CPI for All Urban Consumers (CPI-U): West*, DATABASES, TABLES & CALCULATORS BY SUBJECT, https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUUR0400SA0,CUUS0400SA0 (last visited Oct. 12, 2022). The number provided above was calculated using the formula $(\$125 \times \text{CPI-U for 2022}) / 155.7 = \245.56 .

The table shows that the Colorado rate was 52% to 65% lower than the CJA rate effective on the same date. In fact, the \$100 per hour rate being requested by the ORPC in FY 2023-24 is equal to the CJA rate in effect over 15 years ago.

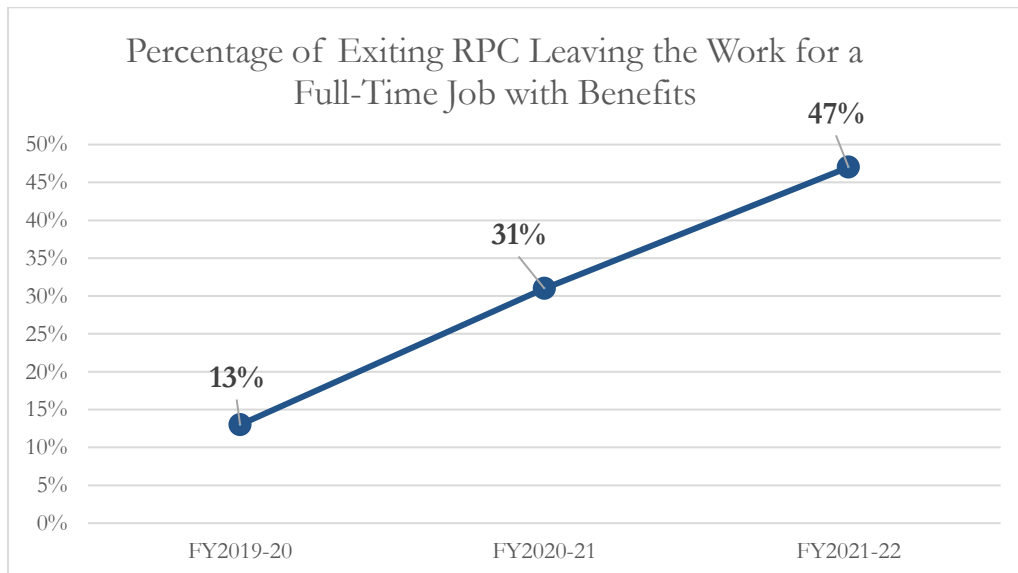
Attorney Hourly Rates as of July 1: CJA Compared to State of Colorado			
Year	CJA Hourly Rate	Colorado Hourly rate	Colorado as percentage of CJA
2002	\$90	\$47	52%
2003	\$90	\$47	52%
2004	\$90	\$47	52%
2005	\$90	\$47	52%
2006	\$92	\$57	62%
2007	\$94	\$57	61%
2008	\$100	\$60	60%
2009	\$100	\$65	65%
2010	\$125	\$65	52%
2011	\$125	\$65	52%
2012	\$125	\$65	52%
2013	\$125	\$65	52%
2014	\$126	\$75	60%
2015	\$127	\$75	59%
2016	\$129	\$75	58%
2017	\$132	\$75	57%
2018	\$140	\$80	57%
2019	\$148	\$80	54%
2020	\$152	\$80	53%
2021	\$155	\$80	52%
2022	\$158	\$85	54%
Request	\$158	\$100	63%

The graph below shows the same information as in the table above and makes it clear that the current rate increase requested will narrow the gap between the CJA rate and the ORPC contract attorney rate, but will fall far short of closing the gap.

Attorney Hourly Rates as of July 1: CJA Compared to State of Colorado



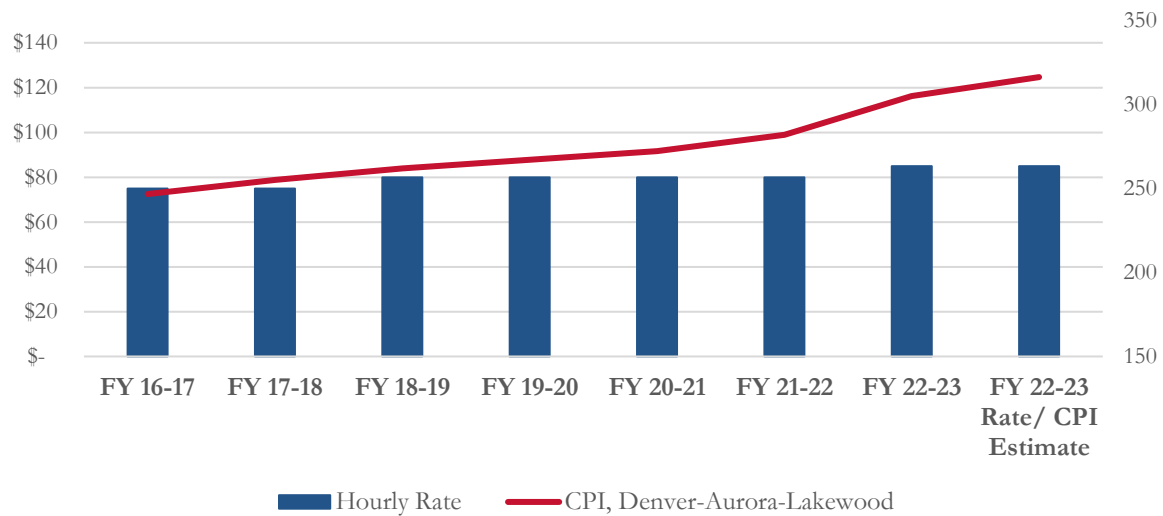
Because of this, it is no surprise that attorneys who leave ORPC contract work report the number one reason for leaving is to take a salaried job with benefits. In fact, since FY 2019-20, the percentage of attorneys who cite that accepting a full-time job with benefits is their number one reason for leaving RPC work has increased dramatically.



III. The Current ORPC Contract Attorney Rates Have not Kept Pace with Inflation, Thereby Reducing the Earning and Spending Power of ORPC Contractors.

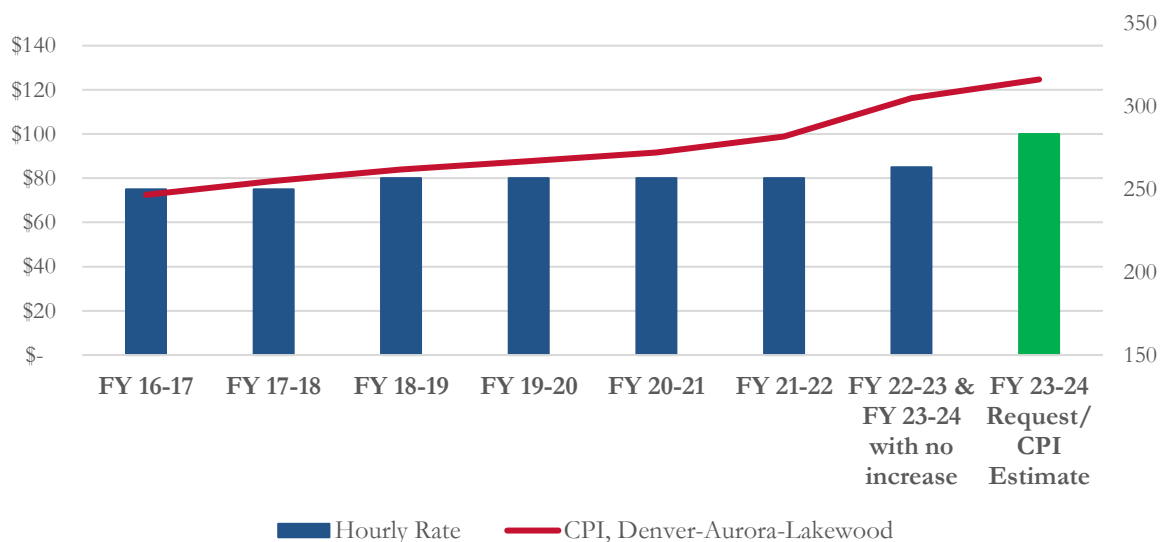
As shown in the graphs below, inflation has outpaced the growth of the RPC hourly rates at an ever-increasing pace, as indicated by the increasing difference between the Consumer Price Index and the ORPC hourly attorney rate. This means that in terms of spending power, ORPC contractors have earned less and less each year, including the years in which rate increases were approved.

Current ORPC Attorney Rate Compared to CPI



If the current rate request is approved, the rate paid to ORPC contract attorneys will still fall short of the increase in the Consumer Price Index, but the gap will be smaller, as shown below.

Proposed ORPC Attorney Rate Compared to CPI



Assumptions and Calculations:

The ORPC assumes that attorney expenses will be incurred in approximately the same proportions as the expenses incurred in FY 2021-22, the most recent full year of expense.

The FY 2021-22 expenses as adjusted for the effect of FY 2022-23 R-4, which realigned the types of expenses recorded in the Court-Appointed Counsel and Mandated Costs appropriations to align with the types of expenses recorded in those lines by similar agencies, are as shown in the table below. Attorney contractor types are highlighted in blue.

FY 2021-22 Expenses after Adjusting for Realignment per FY 2022-23 R-4						
Contractor/ Expense Type	Court-appointed Counsel		Mandated Costs		Title IV-E Legal Representation	ADJUSTED TOTAL
	General Fund	Reappropriated Funds	General Fund	Reappropriated Funds	Reappropriated Funds	
Attorney	17,391,831	-	-	-	5,468	17,397,299
Co. Eval. & Action Lab	-	-	-	-	83,156	83,156
Discovery	-	-	15,780	-	-	15,780
Expert	-	-	284,462	-	-	284,462
Family Advocate	1,048,414	-	-	-	107,590	1,156,004
Attorney - Consultant	2,166	-	-	-	-	2,166
Interpreter	-	-	30,320	-	-	30,320
Investigator	107,785	-	-	-	-	107,785
Attorney - Mentor	-	-	-	-	240	240
Parent Advocate - Training	13,330	-	-	-	5,050	18,380
Parent Advocate	39,234	-	-	-	326,570	365,804
Paralegal	451,953	-	-	-	406	452,359
Attorney - Research	5,358	-	-	-	-	5,358
Licensed Social Worker	5,317	32,949	-	-	24,529	62,795
Subpoenas	-	-	648	-	-	648
Law Student	19,585	-	-	-	-	19,585
Licensed Clinical Social Worker	593,724	-	-	-	98,154	691,878
Social Work Supervisor	-	-	-	-	15,473	15,473
Transcripts	-	-	528,103	-	-	528,103
Mileage & expenses	284,847	-	112,979	-	24,262	422,088
TOTAL	19,963,543	32,949	972,292	-	690,898	21,659,681

After adjustment for comparability, all attorney expenses would be recorded in two appropriations, Court-Appointed Counsel (General Fund) and Title IV-E Legal Representation (Reappropriated Funds). The relative proportions of attorney expense by appropriation are as shown below.

Attorney Expense as Percentage of Total Expenses of Appropriations				
Contractor/Expense Type	Court-appointed Counsel - General Fund		Title IV-E Legal Representation - Reappropriated Funds	
	FY 2021-22 Expense As Adjusted	Attorney Expense as Percent of Total Expense	FY 2021-22 Expense As Adjusted	Attorney Expense as Percent of Total Expense
Attorney	17,391,831	87.12%	5,468	0.79%
Co. Eval. & Action Lab			83,156	
Discovery				
Expert				
Family Advocate	1,048,414		107,590	
Attorney - Consultant	2,166	0.01%		0.00%
Interpreter				
Investigator	107,785			
Attorney - Mentor		0.00%	240	0.03%
Parent Advocate - Training	13,330		5,050	
Parent Advocate	39,234		326,570	
Paralegal	451,953		406	
Attorney - Research	5,358	0.03%		0.00%
Licensed Social Worker	5,317		24,529	
Subpoenas	-			
Law Student	19,585			
Licensed Clinical Social Worker	593,724		98,154	
Social Work Supervisor			15,473	
Transcripts				
Mileage & expenses	284,847		24,262	
Total	19,963,543	87.16%	690,898	0.83%

As noted above, the hourly rate for ORPC contract attorneys would need to be \$146.28 to provide annual pay similar to that for salaried attorneys. The ORPC realizes that such a rate increase is not possible and instead requests that RPC hourly rates be increased to \$100 per hour to begin closing the pay gap. The calculation of the percentage increase requested is shown below.

Percentage Hourly Rate Increase Requested			
Contractor Type	Hourly Rate		Percentage Increase
	Proposed	Current	
Attorney	\$ 100.00	\$ 85.00	17.65%

When the rate increase percentages above are applied to the FY 2022-23 appropriations, the adjustments needed to implement the rate increase for attorneys total \$3,377,211 which includes a \$3,369,883 adjustment for the General Fund portion of the Court-Appointed Counsel appropriation and a \$7,328 adjustment for the Title IV-E Legal Representation appropriation, which is 100% Reappropriated Funds. These calculations are shown below.

Attorney Expense as Percentage of Total Expenses of Appropriations				
Contractor/Expense Type	Court-appointed Counsel - General Fund		Title IV-E Legal Representation - Reappropriated Funds	
	FY 2021-22 Expense As Adjusted	Attorney Expense as Percent of Total Expense	FY 2021-22 Expense As Adjusted	Attorney Expense as Percent of Total Expense
Attorney	17,391,831	87.12%	5,468	0.79%
Co. Eval. & Action Lab			83,156	
Discovery				
Expert				
Family Advocate	1,048,414		107,590	
Attorney - Consultant	2,166	0.01%		0.00%
Interpreter				
Investigator	107,785			
Attorney - Mentor		0.00%	240	0.03%
Parent Advocate - Training	13,330		5,050	
Parent Advocate	39,234		326,570	
Paralegal	451,953		406	
Attorney - Research	5,358	0.03%		0.00%
Licensed Social Worker	5,317		24,529	
Subpoenas	-			
Law Student	19,585			
Licensed Clinical Social Worker	593,724		98,154	
Social Work Supervisor			15,473	
Transcripts				
Mileage & expenses	284,847		24,262	
Total	19,963,543	87.16%	690,898	0.83%
FY 2022-23 Appropriation		\$ 21,910,232		\$ 5,025,969
Estimate of amount subject to Rate Increase		\$ 19,096,004		\$ 41,525
Rate Increase Percentage		17.65%		17.65%
Appropriation Increase Requested		\$ 3,369,883		\$ 7,328
Total Increase				\$ 3,377,211

Anticipated Outcomes:

The Problem Presented by ORPC Contract Attorney Turnover

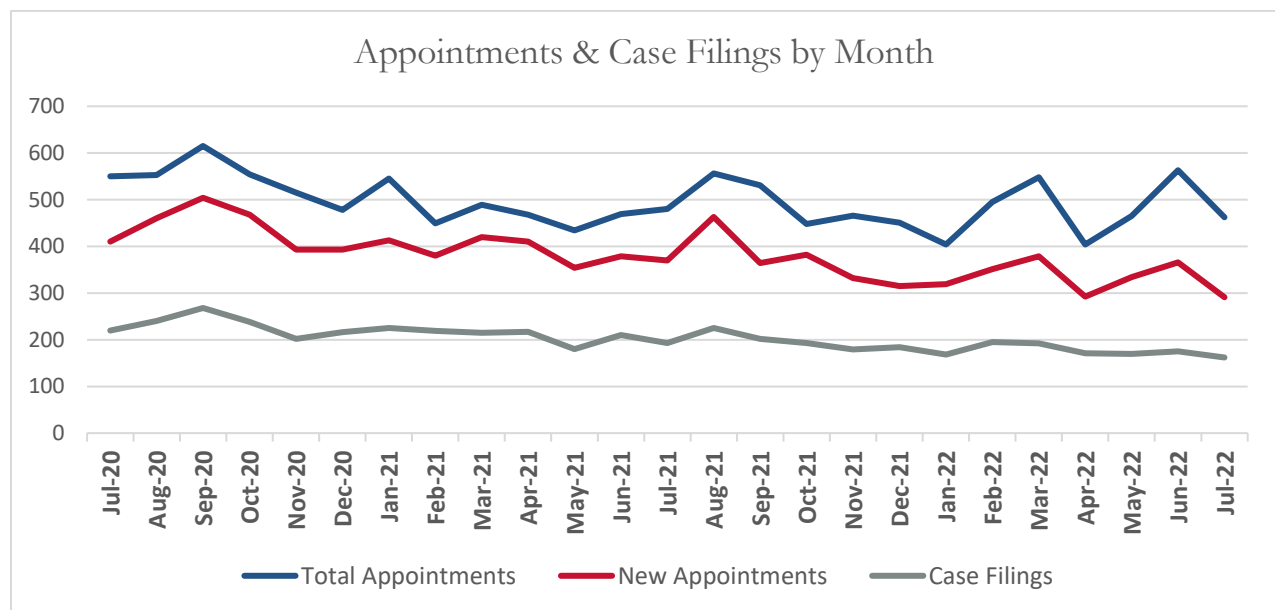
Based on the 2022 ORPC Contractor Survey, 39% of all ORPC contractor attorneys have 0-3 years of experience representing indigent parents as RPC; 9% of these contractors have less than one year of experience, as shown in the table below.

Years of Experience of ORPC Contractors		
	By Level	Cumulative
Less than 1 year	9%	
1-3 years	30%	39%
4-7 years	30%	69%
8-10 years	6%	74%
More than 10 years	26%	100%

More and more, contractors who leave RPC work tell the ORPC that they are doing so to take a salaried position with benefits. Some ORPC contractors go without health insurance because the rates for individuals are unaffordable. Even when they do have health insurance, ORPC contractors often have high deductible plans with copays that effectively bar them from seeking care. This means that contractors who are constantly exposed to high levels of stress and secondary trauma have little to no access to mental and physical health care, further leading to burnout. Last year, Colorado passed a bill to provide funds to state public defenders and district attorneys who experience secondary trauma to seek mental health care.¹³³ Because ORPC contractors are independent contractors, the ORPC is unable to offer any similar benefits or assistance to ensure contractors can access the care they need. Providing a rate increase is the only way that the ORPC can help contractors access better care.

Increasing hourly attorney contractor rates will help ORPC attract and retain attorneys and other professionals who provide the critically important service of helping impoverished parents keep their families together.

This chart, which shows the total number of RPC appointments as compared to case filings each month since 2018, demonstrates the problem of attorney turnover and its effect on families.



¹³³ S.B. 188, 2022 Leg., 73rd Gen. Assemb. (Colo. 2022).

The grey line represents the number of dependency and neglect (D&N) case filings, which has trended down over time. The red line represents new appointments of RPC to cases, and again, has trended downward. The number of new RPC appointments (in red) is greater than the number of D&N cases filed (in grey) because there are usually multiple respondents on each D&N case and each of those respondents may require RPC representation.

The blue line represents the total number of RPC appointments, and it includes substitutions of counsel, where one RPC leaves a case and is replaced by another RPC. This occurs most often when the ORPC loses contract attorneys and must transfer the case to someone new.

Looking at this chart, the gulf between new appointments and overall appointments is growing as the ORPC struggles to retain experienced RPC. Some parents have even had three RPC on their cases in less than one year. Each time a new RPC comes on to a case, it means a parent must tell their story again, build rapport again, and the RPC must review an entire case file with little time to do so. Attorney attrition negatively impacts families while increasing costs across the board to the ORPC, courts, children, and counties.

Comparing the Costs of Interdisciplinary Parent Representation to the Costs of Out-of-Home Placement for Children

When assessing costs associated with child welfare, providing quality interdisciplinary representation costs relatively little compared to the high social and economic costs of foster care. A total of 4,533 RPC cases closed in FY 2021-22 at an average cost of \$3,657 per case. In contrast, keeping a child in foster care is staggeringly expensive and has lifelong deleterious effects on many children and families. High quality interdisciplinary representation is an investment in Colorado families that provides benefits immediately and for generations to come.

For example, a recent ABA Center on Children and the Law assessment of attorney representation found that attorney funding is a key criterion affecting attorney recruitment and retention.¹³⁴ In that assessment, counties that received funding increases for child and parent representation were better able to recruit and retain attorneys, thus maintaining and improving representation quality.¹³⁵

Additionally, information from the Colorado Office of Children, Youth and Families notes that there were 4,629 children in out-of-home placements during the period from January through March 2022.¹³⁶ Of those children, 429 had been in out-of-home placements for 36 months or more.¹³⁷ The average daily cost of foster care in the state varies widely depending on the provider and child. The rate for county providers is currently set at \$40.80 per day for children under 8 and increases to \$63.24

¹³⁴ ABA ASSESSMENT, *supra* note 121.

¹³⁵ *Id.* at 6.

¹³⁶ See Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Children in Out-Home-Care: Child Population in Out-of-Home Care*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=574 (choose “Jan. 2022” from select time period start quarter dropdown; then choose “Mar. 2022” from end quarter dropdown; then click “apply time period”) (last visited Sept. 18, 2022).

¹³⁷ *Id.* (choose “Length of Stay”; then choose “Jan. 2022” from select time period start quarter dropdown; then choose “Mar. 2022” from end quarter dropdown; then click “apply time period”) (last visited Sept. 18, 2022).

per day for children over 14.¹³⁸ Placement of a child in a Qualified Residential Treatment Program costs \$310.63 per day, while placement in a treatment foster care home is \$235.62 per day.¹³⁹

For the 429 children that had been in out-of-home placements for 36 months or more, using the lowest county provider rate of \$40.80, the minimum cost of keeping only those 429 children in placement for 3 years or more was at least \$19,166,004 (429 children x 365 days/year x 3 years x \$40.80/day). That is an average cost of \$44,676 per child (\$19,166,004/429 children). When compared to the average cost of a closed RPC case of \$3,657, providing well-trained professionals to help families avoid separation or accelerate reunification is significantly less expensive.

Foster Care Results in a Negative Return on Investment

While the cost of foster care is considerable, it is tiny compared to the societal costs that result from the difficulties experienced by children who spend time in foster care. Indeed, only 30.5% percent of Colorado foster kids will graduate from high school on time,¹⁴⁰ and at least 37% report having been incarcerated between the ages of 17 and 19.¹⁴¹ Further, youth who spend time in foster care, particularly those who emancipate from foster care, are far more likely to end up in jail or prison as adults.¹⁴² The Colorado Department of Corrections FY 2020 Statistical Report notes that the average annual cost per adult inmate was \$46,866 in FY 2020 for state facilities.¹⁴³ That is an average daily cost of \$128 per adult inmate.

The Children's Bureau of the U.S. Department of Health and Human Services reports that 1,096 Colorado youth emancipated from the foster care system from 2016-2020.¹⁴⁴ If 25% or 274 of those young people go to prison within two years of their emancipation, the daily cost will be \$26,496 (274 inmates x \$128/day/inmate); if 69 (approximately 25% of the 274 incarcerated) remain incarcerated for a full year, the annual cost will be \$3,223,680.

In addition, "former foster youth are less likely to be employed and earn roughly half than their peers in the general population."¹⁴⁵ As a result, they are more likely to need government services and

¹³⁸ COLO. OFF. OF CHILD., YOUTH & FAM., DIV. OF CHILD WELFARE, IM-CW-2022-0022, *CORRECTION* FY 2022-23 PROVIDER RATE INCREASE (June 7, 2022), <https://drive.google.com/file/d/1Fblpegl4tUsZFw8TARTIY-1gfgDx8g34/view>.

¹³⁹ *Id.*

¹⁴⁰ Colo. Dep't of Ed., *Graduation Rate 20-21*, COLORADO GRADUATION DASHBOARD, <https://www.cde.state.co.us/code/graduationrate2021> (last visited Oct. 11, 2022).

¹⁴¹ Annie E. Casey Found., *Youth Transitioning Out of Foster Care: Incarcerated in the Past Two Years in the United States*, KIDS COUNT DATA CENTER, <https://datacenter.kidscount.org/data/tables/10865-youth-transitioning-out-of-foster-care-incarcerated-in-the-past-two-years?loc=1&loc=2#detailed/2/2-52/true/1698,1697/6259/21124> (last visited Oct. 12, 2022).

¹⁴² See MARK E. COURTNEY ET AL., MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGE 26, at 90-94 (2011), <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-26.pdf>; Laura Bauer & Judy L. Thomas, *Throwaway Kids: We are Sending More Foster Kids to Prison than College*, KANSAS CITY STAR, Feb. 25, 2020.

¹⁴³ COLO. DEP'T. OF CORRECTIONS, FY 2020 STATISTICAL REPORT 8 (2020), <https://cdoc.colorado.gov/about/annual-report>.

¹⁴⁴ U.S. DEP'T. OF HEALTH AND HUMAN SERVS., CHILDREN'S BUREAU, CHILD WELFARE OUTCOMES REPORT DATA: COLORADO CONTEXT DATA (2015-2019), <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/colorado.html> [hereinafter CHILDREN'S BUREAU CHILD WELFARE OUTCOMES REPORT].

¹⁴⁵ Laura Gypen et al., *Outcomes of Children Who Grew Up in Foster Care: Systematic Review*, 76 CHILD. & YOUTH SERVS. REV. 74-83 (May 2017), <https://www.sciencedirect.com/science/article/abs/pii/S019074091730213X>.

supports, including unemployment compensation, Medicaid, TANF (Temporary Assistance for Needy Families), SNAP (Supplemental Nutrition Assistance Program), WIC (Women, Infants, and Children), LEAP (Colorado Low Income Energy and Heating Assistance Program), CHP+ (Child Health Plan Plus), and other State and Federal programs.

Taking into account many of these poor outcomes and associated costs, a recent study estimated that even a child who spent only a year in foster care and reunified successfully with their family would see a total of \$119,069 in costs of negative outcomes over the course of their life, while a child who has four or more placements and does not achieve permanency sees an average of \$627,501 in costs to society **after** leaving foster care, meaning these costs are in addition to the costs of foster care itself.¹⁴⁶ The study concludes that investing in foster care has a significant negative return on investment and that all efforts should be made to keep children in their homes or with family.

Further, the current child welfare system disproportionately affects people with disabilities,¹⁴⁷ racial and ethnic minorities, and people of color. Though children of color make up 45% of Colorado's child population,¹⁴⁸ 57% of the children involved in a child welfare case are children of color,¹⁴⁹ as are 60% of children who age out of the system.¹⁵⁰ Fifty-five percent of children who are placed in congregate care, rather than in a family-like setting, are children of color.¹⁵¹ Overrepresentation is especially prevalent for Black and Latinx children in Colorado.¹⁵² A recent report by the organization Children's Rights called for "[e]stablishing an absolute right to counsel for parents who are the subject of investigations initiated by child welfare agencies", finding that such a right "could significantly reduce and protect against the unnecessary involvement of Black families in the child welfare system."¹⁵³

Funding Quality Interdisciplinary Parent Representation Increases the Number of Families that Reunify

Attorneys and other members of the legal teams that provide representation to poor parents make a difference. Data clearly demonstrate that high quality representation provided through the ORPC is

¹⁴⁶ WILLIAM NIELSEN ET AL., THE UNSEEN COSTS OF FOSTER CARE: A SOCIAL RETURN ON INVESTMENT STUDY (Jan. 2019), <https://www.thetci.org/wp-content/uploads/2019/10/Alia-unseen-costs-of-FC.pdf>.

¹⁴⁷ ORPC Internal Data, Respondent Parent Payment System, analyzed September 2022 for the period FY 2018-19 through FY 2021-22, showing that parents with a disability account for nearly half of the parents ORPC serves and comprise nearly three-fourths of the parents whose parental rights are ultimately terminated.

¹⁴⁸ CHILDREN'S BUREAU CHILD WELFARE OUTCOMES REPORT, *supra* note 144.

¹⁴⁹ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Children Involved in an Open Case*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=580 (choose "Last Full Calendar Year" from select time period; then click "apply time period"; then select "white" under "ethnicity" in the filters tab) (data accessed Sept. 2022).

¹⁵⁰ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Permanency for Children Served in a Child Welfare Case*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=644 (choose "Last Full Calendar Year" from select time period start quarter dropdown; then click "apply time period"; then choose ethnicity or race from "ethnicity" field under "filter") (data accessed Sept. 2022).

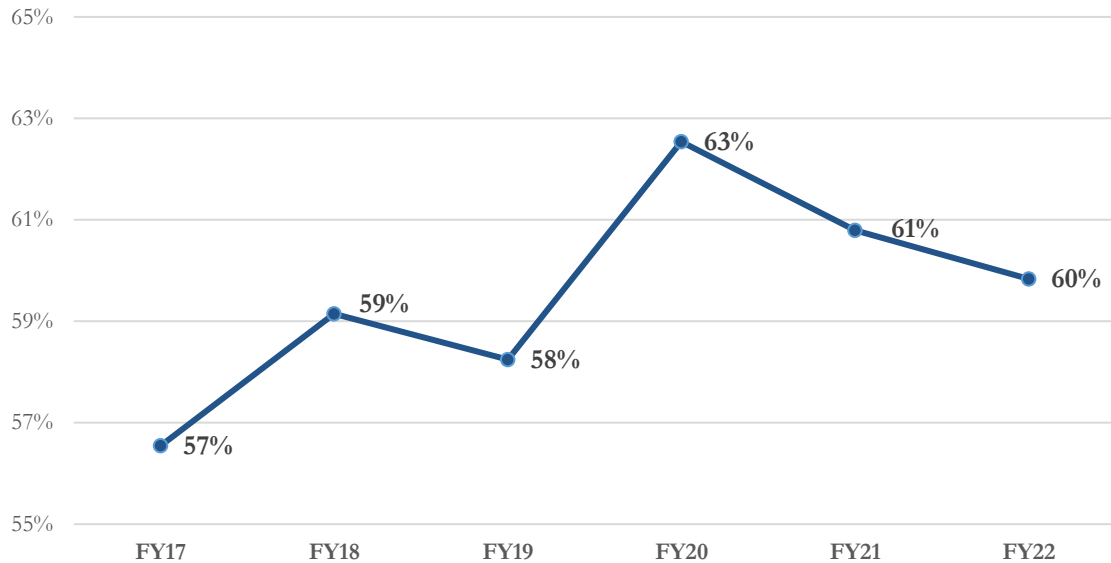
¹⁵¹ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Children in Out-of-Home Placement by Type of Placement*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=773 (choose "Last Full Calendar Year" from select time period start quarter dropdown; then click "apply time period"; then choose ethnicity or race from "ethnicity" field under "filter") (data accessed Sept. 2022).

¹⁵² See notes 148 through 151.

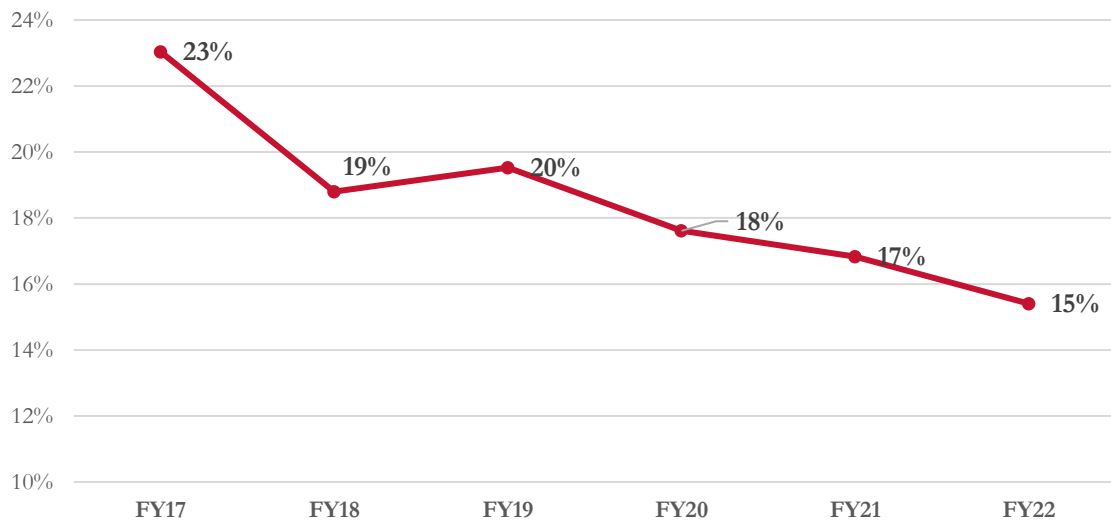
¹⁵³ CHILDREN'S RIGHTS, FIGHTING INSTITUTIONAL RACISM AT THE FRONT END OF CHILD WELFARE SYSTEMS (May 2021).

having a positive impact on families, with an increase in family reunifications and a decrease in terminations of parental rights, as shown below. These outcomes save money by reducing the time children spend in foster care or keeping children out of foster care altogether, thereby avoiding the profound, traumatic, and often lifelong effects on children when they are taken from their parents' homes and given into the custody of strangers.

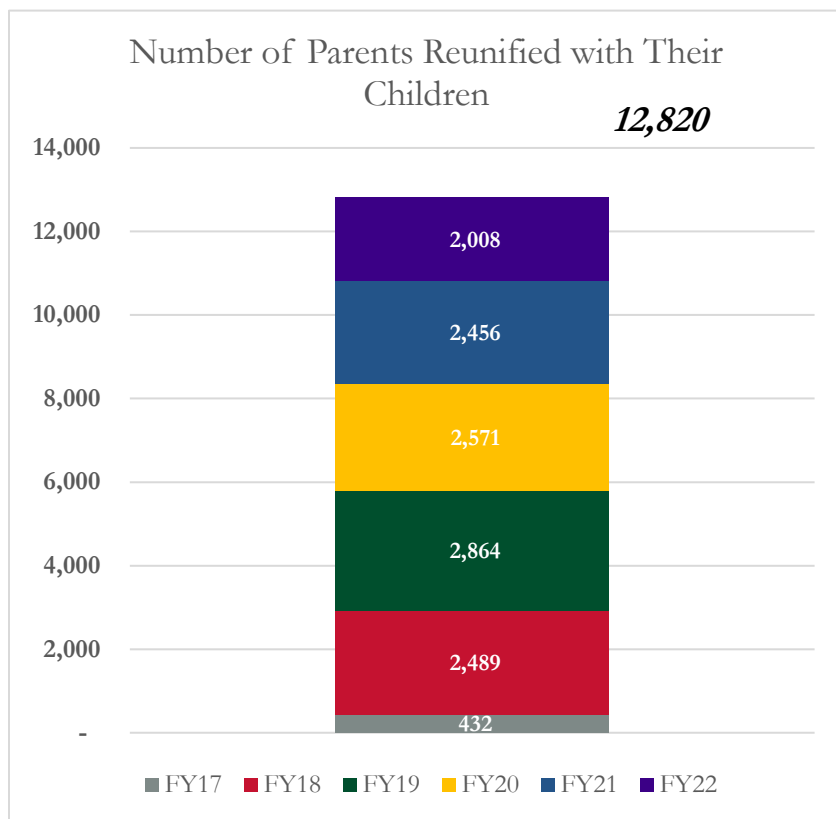
CHANGE IN REUNIFICATION RATES SINCE START OF ORPC



CHANGE IN TERMINATION OF PARENTAL RIGHTS RATES SINCE START OF ORPC



Since the start of the agency, ORPC interdisciplinary legal teams have helped reunify 12,820 parents with their children. Considering the tremendous cost of the negative consequences of children spending time in foster care discussed above, the value of these 12,820 reunifications is incalculable.



Investing in high quality interdisciplinary representation provides a cost savings for Colorado. As noted above, the average cost per ORPC closed case is \$3,657, while the minimal cost of keeping a child in foster care for a year is \$14,892 (\$40.80 x 365 days per year). Expressed another way, it costs **4 times** as much to cause potentially permanent harm to a child by placing the child in foster care as it does to provide quality representation to the child’s parents to maintain children in their home or accelerate a return home.

Increasing the hourly rate paid to RPC is an investment in the future of Colorado families. This minimal adjustment to the hourly rate will increase the number of experienced and skilled professionals available to help poor families, improve retention of those professionals, and save children and families from potentially lifelong trauma and disproportionate harm. The requested hourly rate increase is not an expense; it is an investment that the empirical research shows will ultimately reduce costs to Colorado while providing benefits to all its citizens.

By providing a rate increase, the ORPC will be able to attract and retain experienced and dedicated independent contractors who do the difficult and critical work of providing representation to indigent parents, thereby keeping as many families together as possible. Keeping families together whenever possible will further the State’s goals of increasing equity, diversity, and inclusion, and of improving education, economic opportunity, and health for all Coloradans.

Consequences if Not Funded:

If not funded, many ORPC contract attorneys will be unable to continue to represent parents accused in dependency and neglect proceedings, family reunification rates will decline, and the number of children removed from their homes will increase, with devastating and lifelong effects on the children. Children removed from their homes are less likely to graduate from high school, more likely to go to prison, less likely to hold meaningful employment, and more likely to have their own children removed from their home and put in foster care.¹⁵⁴

In addition to the human suffering that results from a child's removal, there is an economic cost. The report, *The Unseen Costs of Foster Care: A Social Return on Investment Study*, found that for every \$1 invested in a single child's foster care, the social return on investment is negative and ranges from (\$0.84) to (\$9.55).¹⁵⁵ Put in other terms, spending \$1.00 yields a loss of \$0.84 to \$9.55 – which is to say that Colorado will never break even on this investment. Different stakeholders (which include the child and the government/taxpayers) bear different proportions of the total cost, but the child always bears the greatest burden. In many cases, the harm is permanent and intergenerational. The clear conclusion is that Colorado needs to keep children in their homes whenever possible. To do this, the State must continue to fund the legal representation of indigent parents at a level that makes it possible for experienced and skilled attorneys to provide such representation and still provide for their own families. Absent this, increasing numbers of attorneys and other members of legal teams providing representation to poor families will be forced to leave the practice, poor families with inadequate representation will continue to be broken, and children will continue to endure intergenerational suffering.

Impact to Other State Government Agencies:

Providing adequate funding for parents' representation by respondent parents' counsel (RPC) will allow the ORPC to pay more competitive rates and, therefore, attract and retain quality independent contractors who provide critical services to indigent families and prevent unnecessary removals of children from their homes. Additionally, the poor outcomes for children in foster care create additional expenses systemwide. In reviewing the data, the rate increase is expected to result in cost savings to other agencies, including savings to the following departments:

- Department of Human Services due to the decreased need for out-of-home care and the decreased reliance on their services by former foster care children;
- Judicial Department due to the reduced likelihood that children traumatized by separation from their families will later become court-involved;
- Department of Corrections due to the decreased number of former foster youth who have a statistically greater probability of being incarcerated;
- Department of Health Care Policy and Financing due to the decreased number of former foster children whose earnings make them eligible for support; and
- Department of Education due to the decreased disruption to children's lives and their increased readiness to learn.

¹⁵⁴ MARK E. COURTNEY, *supra* note 142; Laura Bauer, *supra* note 142.

¹⁵⁵ WILLIAM NIELSEN, *supra* note 146.

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Schedule 13						
Funding Request for the 2023-24 Budget Cycle						
Department:		Office of the Respondent Parents' Counsel				
Request Title:		Policy and Legislative Staff Attorney				
Priority Number:		R-2				
Dept. Approval by:		Melissa Thompson		11/1/2022		<input checked="" type="checkbox"/> Decision Item FY 2023-24 <input type="checkbox"/> Base Reduction Item FY 2023-24 <input type="checkbox"/> Supplemental FY 2022-23 <input type="checkbox"/> Budget Amendment FY 2023-24
				Date		
OSPB Approval by:		N/A				
				Date		
Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
	Fund	1	2	3	4	5
		Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	2,695,824	-	2,779,499	185,839	2,965,338
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,505,720	-	2,735,777	185,839	2,921,616
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	190,104	-	43,722	-	43,722
	FF	-	-	-	-	-
Personal Services	Total	2,199,742	-	2,110,170	148,983	2,259,153
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,042,482	-	2,110,170	148,983	2,259,153
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	157,260	-	-	-	-
	FF	-	-	-	-	-
Health, Life and Dental	Total	254,473	-	270,031	15,422	285,453
	FTE	-	-	-	-	-
	GF	238,747	-	245,526	15,422	260,948
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	15,726	-	24,505	-	24,505
	FF	-	-	-	-	-
Short-term Disability	Total	2,953	-	3,015	224	3,239
	FTE	-	-	-	-	-
	GF	2,749	-	2,811	224	3,035
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	204	-	204	-	204
	FF	-	-	-	-	-
Paid Family and Medical Leave Insurance	Total	-	-	-	-	-
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
S.B. 04-257 Amortization Equalization Disbursement	Total	92,283	-	100,506	6,595	107,101
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	6,595	100,307
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
S.B. 06-235 Supplemental Amortization Equalization Disbursement	Total	92,283	-	100,506	6,595	107,101
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	6,595	100,307
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
Salary Survey	Total	54,090	-	66,171	-	66,171
	FTE	-	-	-	-	-
	GF	49,902	-	61,696	-	61,696
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	4,188	-	4,475	-	4,475
	FF	-	-	-	-	-
Operating	Total	-	-	129,100	8,020	137,120
	FTE	-	-	-	-	-
	GF	-	-	128,150	8,020	136,170
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	950	-	950
	FF	-	-	-	-	-
Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:						
Cash or Federal Fund Name and CORE Fund Number: N/A						
Reappropriated Funds Source, by Department and Line Item Name: N/A						
Approval by OIT? Yes: No: Not Required: X						
Schedule 13s from Affected Departments: None						
Other Information: None						

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Department Priority: R-2

Request Title: Policy and Legislative Staff Attorney

Summary of Incremental Funding Change for FY 2023-24	Total funds	General Fund	Cash Funds	Reappropriated Funds	FTE
TOTAL REQUEST (All Lines)	\$185,839	\$185,839	\$0	\$0	1.0
Personal Services	148,983	148,983			1.0
Health/Life/Dental	15,422	15,422			
Short-term Disability	224	224			
Paid Family and Medical Leave Insurance	-	-			
AED	6,595	6,595			
SAED	6,595	6,595			
Operating	8,020	8,020			

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) requests \$185,839 additional General Fund spending authority and 1.0 FTE to create Policy and Legislative Staff Attorney position to support increased policy and legislative advocacy. This position would allow ORPC staff to better track and engage the myriad and complex networks of local, state, and federal legislation and policies, as well as the legislative bodies engaged in child welfare reform.

Background:

The Office of Respondent Parents' Counsel (ORPC) was established on January 1, 2016, in accordance with Senate Bill 14-203 as amended by House Bill 15-1149. On July 1, 2016, the ORPC assumed responsibility for paying contract attorneys, paralegals, and other members of legal teams tasked with representing indigent parents in dependency and neglect (D&N) cases. Part of the agency's mission includes advocacy for systemic and legislative change. Across the nation, child welfare systems are changing at a rapid pace, and ORPC staff need additional resources to ensure that parents and advocates for parents have a seat at the table.

I. Child Welfare Policy and Funding have focused on adoption and permanency for children at the expense of family integrity and with disastrous consequences for children and families.

For more than four decades, federal law and funding have "focused on 'child saving' and not on support and preservation of families."¹⁵⁶ With the passage of the Adoption Assistance and Child Welfare Act of 1980 and the subsequent passage of the Adoption and Safe Families Act (ASFA) in 1997, federal funding went almost entirely to foster care costs, with "[o]nly very limited" funding available for family preservation or removal prevention.¹⁵⁷ With the promise of federal funds, states

¹⁵⁶ Leonard Edwards, *Reasonable Efforts and the Adoption and Safe Families Act: A Judicial Perspective*, FIJ Q., Winter 2022, at 94, [FIJ Quarterly - Winter 2022 Edition \(pubknow.com\)](https://pubknow.com/fij-quarterly-winter-2022-edition).

¹⁵⁷ *Id.* at 96.

quickly implemented sweeping changes to state laws that drastically increased the number of terminations of parental rights and the number of children removed from their homes, particularly children living in poverty and children of color.¹⁵⁸

The fundamental problem with the last four decades of child welfare policy is that

it was created on the assumption that if children are in a permanent family, it would be an equally good substitute for their own family, and the research is clear, it is not. As ASFA implementation progressed forward with great focus and speed, there was a push for timely guardianships and adoptions, often with unknown and/or unrelated caregivers, breaking the bonds forged by blood and by birth and untethering children from their roots, their identity, their culture, and their people with dire life-long predictive outcomes.¹⁵⁹

Much work remains to bring the law in line with current research regarding the best practices for families and children. Since its inception, ORPC staff has engaged with the Colorado legislature to support the passage of two major ORPC-backed initiatives. The first, the Carrie Ann Lucas Parental Rights for People with Disabilities Act (HB 18-1104), provides major protections for parents with disabilities that apply when children are removed, when developing a treatment plan, and in the event that termination of parental rights is pursued. In all cases, courts must consider whether reasonable modifications were or could have been made where a parent has a disability. The second, HB 21-1101, created a legally enforceable open adoption option and crucial protections for parents' ability to have meaningful parenting time with their children following removal. Both initiatives marked the first attempts at Colorado legislative reform for parents with disabilities, to allow open adoption, and to legislatively ensure meaningful parenting time for children separated from their parents.

II. Federal Policy is Rapidly Changing to Support Family Preservation — and Colorado Must Follow Suit.

In 2018, Congress passed the Family First Prevention Services Act (FFPSA). “Under Family First, federal entitlement funding can — for the first time — be used for services to prevent a child’s entry into the child welfare system,” not just to pay for foster care.¹⁶⁰ Just this year, this legislative body passed HB 22-1038, which provides for client-directed counsel for all youth aged twelve and older involved in a dependency and neglect case. This is an important development in part because the current draft legislation to reauthorize the Child Abuse Prevention and Treatment Act (CAPTA)

¹⁵⁸ ELISA MINOFF, CENTER FOR THE STUDY OF SOCIAL POLICY, ENTANGLED ROOTS: THE ROLE OF RACE IN POLICIES THAT SEPARATE FAMILIES (2018), www.cssp.org/resource/entangled-roots. See also Katharine Briar-Lawson et al., *A Tipping Point for Change: Adoption and Safe Families Act Reform/Repeal*, FIJ Q., Winter 2022, at 36-38; CHILDREN’S RIGHTS ET AL., RACIAL (IN)JUSTICE IN THE U.S. CHILD WELFARE SYSTEM: RESPONSE TO THE COMBINED TENTH TO TWELFTH PERIODIC REPORTS OF THE UNITED STATES TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (2022), <https://www.childrensrights.org/wp-content/uploads/2022/07/Childrens-Rights-2022-UN-CERD-Report-FINAL.pdf>.

¹⁵⁹ Amelia Franck Meyer, *Harm Caused by the Adoption and Safe Families Act*, FIJ Q., Winter 2022, at 85 (citing, in part, ERIN SUGRUE, ALIA, EVIDENCE BASE FOR AVOIDING FAMILY SEPARATION IN CHILD WELFARE PRACTICE (2019), www.thetcj.org/wp-content/uploads/2019/10/Alia-Research-Brief-2019.pdf).

¹⁶⁰ Karen U. Lindell et al., *The Family First Prevention Services Act: A New Era of Child Welfare Reform*, 2 PUB. HEALTH REP. 135, 282-86 (2020).

requires states to ensure that all children have attorneys appointed to represent the express wishes of the child to the court.¹⁶¹ The CAPTA reauthorization draft bill would also require states to describe how they plan to reduce racial bias and disparities in the system as well as how they will “reduce unnecessary investigations of families” that are based on poverty and housing status.¹⁶² Finally, Representative Karen Bass has introduced the 21st Century Children and Families Act which would overhaul ASFA and lead to greater numbers of reunifications and more children remaining safely in their homes.

Those are the positive changes. Unfortunately, other changes portend great disruption and turmoil for families, particularly the United States Supreme Court’s upcoming decision in the *Brackeen* case, which may overturn the Indian Child Welfare Act as unconstitutional. Taken together, these legislative developments foreshadow vast changes coming to child welfare policy in Colorado and nationwide. These enormous changes, which will affect Colorado’s families and children, will require a legislative response.

III. Even Without Major Federal Policy Change, the Current Pace of Legislative and Regulatory Change in Colorado is Demanding.

During the 2022 session of the Colorado General Assembly, ORPC staff tracked 82 bills that had significance for families involved in the child welfare system. Of those bills, agency staff provided testimony before the State Senate and House of Representatives on seven bills and participated in stakeholder meetings on many more.

Additionally, the last two years have seen at least five task forces/workgroups the ORPC is statutorily required to participate on.¹⁶³ On two of those, the ORPC is in a leadership role. The work on just these five task forces amounts to between 60-80 hours a month. The agency also staffs numerous other task forces and working groups created by federal or state law in previous years, amounting to another 15 hours of work each month. ORPC staff also sit on over 55 additional committees and workgroups creating policy that affects parents, children, and families, resulting in a substantial investment of time.

Additionally, an important element of child welfare policy in Colorado is commonly referred to as Volume 7, which are the department of human services regulations in the child welfare system. In 2020 alone, CDHS made almost twenty regulatory rule changes pertaining directly to child welfare.¹⁶⁴ A quick glance at the public calendar for CDHS shows that every week, multiple committees meet, often at the same time, to discuss and implement important regulatory changes to the child welfare system.¹⁶⁵ It is not uncommon for agency staff to not be advised of or invited to meetings even where parents will be directly affected by policy changes. As a result, ORPC staff must closely monitor public

¹⁶¹ S. 1927, 117th Cong. § 106 (2021), <https://www.congress.gov/bill/117th-congress/senate-bill/1927/text#id8ebe2c26-8135-4d7e-a684-da49326db77b>.

¹⁶² *Id.*

¹⁶³ These include task forces created by HB 21-1101 (High Quality Parenting Time Task Force); HB 22-1113 (Child Welfare Appeals Workgroup); HB 22-1131 (Preadolescent Services Task Force); HB 22-1240 (Mandatory Reporter Task Force); and HB 21-1099 (Domestic Abuse Statutory Definition Task Force).

¹⁶⁴ COLO. DEP’T OF HUM. SERVS., 2020 REGULATORY AGENDA REPORT (Oct. 29, 2020), https://drive.google.com/file/d/1D3QYY3HOkjBRO_rb8j9LfkRqPBao7Sc/view.

¹⁶⁵ COLO. DEP’T OF HUM. SERVS., *Public Meeting Calendar*, <https://cdhs.colorado.gov/our-partners/boards-and-commissions/public-meeting-calendar> (last visited October 6, 2022).

calendars and bulletins and follow up with communication to other stakeholders to ensure the ORPC is able to stay abreast of and involved in important changes that affect parents.

A recent example arose out of the direction from the federal government that foster care fees should only be collected from parents in extraordinary circumstances. Prior to this guidance, many if not most parents had their paychecks garnished even after their children returned home to them to recoup state funds expended on foster care. These fees are often established in an opaque manner and with no legal representation. These recoupments often create significant barriers to children returning home and keep families in continued poverty. Colorado stakeholders are now meeting to implement this guidance, though without consulting with the ORPC. It is crucial that ORPC staff be involved in these discussions for the federal guidance to be fully implemented and have its intended effect. However, it is not enough for agency staff to just attend these meetings – the ORPC must research what is occurring in other states, make connections between different agencies, do outreach, and have additional meetings in order to be effective.

IV. The ORPC needs a Policy and Legislative Staff Attorney Dedicated to Engaging with Outside Stakeholders and Promoting Needed Legislative and Policy Initiatives.

The ORPC does not have a staff position committed solely to legislative and policy advocacy. At its inception, the agency's then Appellate Staff Attorney took on legislative advocacy work as an extra duty, balanced with the full-time job of starting and staffing the ORPC's appellate advocacy program from the ground up. When the Appellate Staff Attorney left, the legislative duties were split among multiple staff attorneys as well as the Director of Programs. All the staff members on this team continue to have other full-time duties providing support to and recruiting contractors to represent parents in all 64 counties across the state and on the appellate level. As such the legislative work often requires staff members on the team to work nights and weekends or to forego other important priorities, including much needed support and consultation for contractors.

Sharing legislative advocacy among team members has many benefits in that each of the three staff attorneys and two staff members who participate have diverse experiences and knowledge that strengthens the agency's advocacy. The aim of this position is not to replace the strengths gained by this approach but, instead, to prioritize engagement at the policy and legislative levels. Further, a full-time position focused solely on legislative and policy advocacy is necessary to track and engage with numerous legislative and policy changes initiated by other stakeholders, while still having enough capacity to initiate important policy and legislative changes on behalf of the ORPC more effectively.

For example, an important area of needed focus is increasing and supporting kin placements, which many parents prefer when their children cannot return home safely. The federal government's proposed budget for 2023 recognizes this priority and proposes increasing the reimbursement rate for kinship foster care to incentivize placement in kinship foster care. Similarly, CDHS has a goal to have at least half of initial out-of-home placements be with kin.¹⁶⁶ To meet these goals, ORPC staff must be involved in changes necessary to ensure that where there is a safe and appropriate family member available to care for a child, the court acts quickly to place the child with the relative. Social science

¹⁶⁶ COLO. OFF. OF CHILD., YOUTH & FAMS., DEPT² OF HUMAN SERVS., 2023 ANNUAL PROGRESS AND SERVICES REPORT: 2020-2024 CHILD AND FAMILY SERVICES PLAN, at 43 (June 2022) [hereinafter 2023 APSR REPORT].

research shows that children placed with relatives experience fewer placement changes, reduced separation trauma, better mental health, preservation of their cultural identities, and higher rates of reunification with their parents.¹⁶⁷ To fully realize these benefits, the law needs to provide more support for kin placement and the agency needs to have focused attention on this developing area through a staff position dedicated to supporting increased policy and legislative advocacy.

Additionally, incarcerated parents are finally receiving the consideration they desperately need. Indeed, from Washington to Arkansas, states have increased support for incarcerated parents, recognizing the benefits to children in maintaining relationships with their parents. In Colorado, nearly 25% of parents in dependency and neglect cases are incarcerated at some point during the proceedings. Accordingly, Colorado needs a stronger framework for providing treatment, services, and visitation for these families. In the 2022 ORPC Contractor Survey, respondent parents' counsel (RPC) attorneys reported that currently, most incarcerated parents are not able to participate in court hearings or even meetings where important decisions about their children are being made. The ORPC is seeking safeguards for incarcerated parents to have a seat at the table when decisions that will impact the rest of their lives and the lives of their children are being made. Like other legislative and policy areas, this too needs to have continued focused attention to make these changes that benefit families and children a reality.

ORPC staff maintain a long list of policy and legislative proposals from small technical clarifications in the law to big ideas like requiring courts to analyze the harm of removal and weigh that against the risk to the child of remaining in the home. Through its efforts, the agency has become a cited national leader in providing high quality interdisciplinary representation and participates in multiple national initiatives with the American Bar Association and other advocacy organizations. But, to make lasting change and make Colorado a leader in preventing family separation, our laws and regulations must change to match what we now know about families in crisis. This position will help to bridge the gap between what we know to be critical to keeping families whole and making those practices realistic, practical, and implementable in Colorado.

To that end, the goals of adding a Policy and Legislative Staff Attorney include:

- **Research:** Through collaboration with Colorado and outside state partners, research successful child welfare reform policies and legislation that could positively impact families in Colorado. When policy and legislative initiatives in Colorado are introduced, research similar policies and legislation in other states and network with other states to determine how such initiatives have been implemented, how successful they have been, and learn of any potential consequences in advance.
- **Advocacy:** Track all introduced legislation and regulatory changes at both the state and federal levels that could impact Colorado parents with child welfare involvement. Research introduced initiatives to determine the best position for ORPC to take and coordinate testimony of parents with lived experience and subject matter experts, as well as outreach to

¹⁶⁷ 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? (2019), https://caseyfamilypro.wpengine.netdna-ssl.com/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.

legislators and decisionmakers on important issues. Research, draft, initiate, and shepherd the ORPC's policy and legislative priorities through the legislative process. Collaborate with EDI Director, Carrie Ann Lucas Disability Advocacy Director, and Research and Data Manager to ensure that legislative and policy initiatives reduce racial and ethnic disparities, promote inclusion of persons with disabilities, and are thoroughly supported by data.

- **Training:** Ensure ORPC contractors are aware of major legislative and policy changes affecting their practices and have the tools to implement major changes, such as fact sheets, motions, forms, podcasts, webinars, and other training tools.

Assumptions and Calculations:

Calculations are based on common policies and the Common Compensation Plan of the Office of Respondent Parents' Counsel, the Office of the Child's Representative, and the Office of Alternate Defense Counsel. The salary range of the position will be the same as that of staff having comparable responsibilities as reflected in the Common Compensation Plan. The ORPC assumes that it will be necessary to offer a salary at or near the midpoint of the relevant job class range to attract and hire a person with the needed education, experience, and expertise.

The ORPC assumes that the person hired will choose health and dental coverage at the expected average of the agency's FY 2023-24 premiums for that coverage. The ORPC further assumes that the JBC will approve a Salary Survey increase of 5% as communicated by the Department of Personnel and Administration on October 14, 2022.

Policy and Legislative Staff Attorney			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		11,420	11,420
Number of months in Fiscal Year		11	12
Salary before Salary Survey adjustment		125,620	137,040
Salary Survey Adjustment	5.00%	6,281	6,852
Salary		131,901	143,892
PERA	11.50%	15,169	16,548
Medicare	1.45%	1,913	2,086
Sub-total Personal Services		148,983	162,526
Health/Life/Dental (ORPC Avg. for July, 2022)	\$ 1,402	15,422	16,824
Short-term Disability	0.17%	224	245
AED	5.00%	6,595	7,195
SAED	5.00%	6,595	7,195
Paid Family and Medical Leave Insurance		-	-
Total Personal Services & Benefits		177,819	193,985
FTE		0.9	1.0
Operating			
Regular FTE Operating	\$ 500	500	500
Telephone Expenses	\$ 450	450	450
Software	\$ 400	400	400
Computer	\$ 1,670	1,670	-
Cubicle/Workstation	\$ 5,000	5,000	-
Total Operating		8,020	1,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 185,839	\$ 195,335

The ORPC asks that this request be adjusted should the JBC approve a Salary Survey adjustment that is different from the 5% used in the calculation above.

Anticipated Outcomes:

If funded, the Policy and Legislative Staff Attorney will take on necessary and important job duties that are missing at the ORPC. Currently, existing ORPC staff perform only some of the significant duties described above on top of their normal job requirements. If funded, this position will focus on research, advocacy, and training on legislative and policy changes in a way that will reduce the burden and workload of current ORPC staff.

This position will serve on legislatively mandated task forces, will attend committee meetings, and will perform stakeholder outreach and communication in a uniform and consistent manner, which will make the ORPC a more effective state agency and partner for systemic legislative and policy reform in child welfare. Additionally, this position will provide at least three training opportunities each year for ORPC contractors to increase their knowledge about policy and legislative changes affecting their clients. Agency staff will be able to engage in earlier and more frequent stakeholdering and drafting to increase the quantity and quality of legislative and policy proposals. ORPC contractors will be more aware of major legal changes affecting their practices and will be able to adjust to big changes. The centralization of these roles in one position will allow existing staff attorney positions to have more time to focus on contractor needs, including case consultations, court observations, and connecting with judges in individual jurisdictions.

Consequences if Not Funded:

If not funded, the ORPC will lack sufficient resources to introduce important policy and legislative initiatives to reform Colorado's child welfare system. To create lasting change and make Colorado a national leader in preventing family separation, the state's laws and regulations must change to match what we now know about families in crisis. If not funded, this position will be unable to bridge the gap between what we know to be critical to keeping families whole and making those practices realistic, practical, and realizable in Colorado. Additionally, the current legislative and policy workload is shared among multiple ORPC agency staff who perform only some of the duties outlined above in addition to their normal job requirements. If not funded, this additional workload for current staff will have an impact on the ORPC's day to day operations and agency staff may struggle to adequately perform their critical role of attorney observations, oversight, and training. Most importantly, child welfare stakeholders will lack a strong and cohesive advocate for systems change on behalf of parents and families.

Impact to Other State Government Agencies:

Through the introduction and adoption of legislative and policy initiatives, other state agencies' policy goals will be complimented and enhanced. For example, one of the goals of CDHS is to increase the number of children who can remain safely at home and, when they cannot, to place at least half of children in kinship homes.¹⁶⁸ The ORPC's legislative goals would increase kinship placements and compliment the efforts of CDHS to provide more support to kinship placements.

¹⁶⁸ 2023 APSR REPORT, *supra* note 166.

Schedule 13						
Funding Request for the 2023-24 Budget Cycle						
Department:		Office of the Respondent Parents' Counsel				
Request Title:		Staff Paralegal				
Priority Number:		R-3				
Dept. Approval by:		Melissa Thompson		11/1/2022		<input checked="" type="checkbox"/> Decision Item FY 2023-24 <input type="checkbox"/> Base Reduction Item FY 2023-24 <input type="checkbox"/> Supplemental FY 2022-23 <input type="checkbox"/> Budget Amendment FY 2023-24
				Date		
OSPB Approval by:		N/A				Date
Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
	Fund	1	2	3	4	5
		Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	2,695,824	-	2,779,499	98,866	2,878,365
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,505,720	-	2,735,777	98,866	2,834,643
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	190,104	-	43,722	-	43,722
	FF	-	-	-	-	-
Personal Services	Total	2,199,742	-	2,110,170	69,194	2,179,364
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,042,482	-	2,110,170	69,194	2,179,364
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	157,260	-	-	-	-
	FF	-	-	-	-	-
Health, Life and Dental	Total	254,473	-	270,031	15,422	285,453
	FTE	-	-	-	-	-
	GF	238,747	-	245,526	15,422	260,948
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	15,726	-	24,505	-	24,505
	FF	-	-	-	-	-
Short-term Disability	Total	2,953	-	3,015	104	3,119
	FTE	-	-	-	-	-
	GF	2,749	-	2,811	104	2,915
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	204	-	204	-	204
	FF	-	-	-	-	-
Paid Family and Medical Leave Insurance	Total	-	-	-	-	-
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
S.B. 04-257 Amortization Equalization Disbursement	Total	92,283	-	100,506	3,063	103,569
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	3,063	96,775
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
S.B. 06-235 Supplemental Amortization Equalization Disbursement	Total	92,283	-	100,506	3,063	103,569
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	3,063	96,775
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
Salary Survey	Total	54,090	-	66,171	-	66,171
	FTE	-	-	-	-	-
	GF	49,902	-	61,696	-	61,696
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	4,188	-	4,475	-	4,475
	FF	-	-	-	-	-
Operating	Total	-	-	129,100	8,020	137,120
	FTE	-	-	-	-	-
	GF	-	-	128,150	8,020	136,170
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	950	-	950
	FF	-	-	-	-	-
Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:						
Cash or Federal Fund Name and CORE Fund Number: N/A						
Reappropriated Funds Source, by Department and Line Item Name: N/A						
Approval by OIT? Yes: No: Not Required: X						
Schedule 13s from Affected Departments: None						
Other Information: None						

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Department Priority: R-3

Request Title: Staff Paralegal

Summary of Incremental Funding Change for FY 2023-24	Total funds	General Fund	Cash Funds	Reappropriated Funds	FTE
TOTAL REQUEST (All Lines)	\$98,866	\$98,866	\$0	\$0	1.0
Personal Services	69,194	69,194			1.0
Health/Life/Dental	15,422	15,422			
Short-term Disability	104	104			
Paid Family and Medical Leave Insurance	-	-			
AED	3,063	3,063			
SAED	3,063	3,063			
Operating	8,020	8,020			

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) requests \$98,866 additional General Fund spending authority and 1.0 FTE to attract and retain a skilled and experienced Staff Paralegal to assist the ORPC with vital administrative tasks and daily operations. This position would provide meaningful research, coordination, and communication to assist the ORPC's efforts broadly to advocate for policy changes to reform Colorado's child welfare system and maintain the agency's status as a nationally recognized leader in the representation of indigent parents in child welfare cases.

Background:

Currently, the ORPC both oversees hundreds of contractors and achieves its legislative mandates with a lean team of 16 employees. This small team fulfills the significant substantive and administrative duties attendant to the agency's mandate including recruiting, training, paying, and overseeing more than 250 independent attorneys, social workers, and family advocates. In addition to this, the team is tasked with recruiting and paying more than 300 experts who consult, advise, and testify on behalf of indigent parents.

Further, since its inception, the ORPC has developed and implemented many new programs, including a Social Worker Pilot Program and study, a parent advocate program, and a pre-filing program. The agency has also increased access to professional case consultations for all ORPC contractors and greatly expanded its attorney training and oversight role. ORPC staff members serve on over 55 committees and task groups; stay abreast of myriad rules, regulations, policies, and laws; and provide information to legislators and others on important public issues.

The agency is also deeply engaged in legislative and policy advocacy. This includes proposing and drafting new legislation aimed at providing better outcomes for parents, children, and families; opposing legislation that will harm those families; and spending countless hours working closely with state legislators and outside agency stakeholders. The ORPC also frequently participates in cases before the Colorado Supreme Court, filing amicus briefs and presenting oral arguments in cases that will affect respondent parents and their children statewide.

Given the small size of the team and the volume of substantive and administrative duties, current staff are struggling to keep pace with the demands of the ORPC's mandate. As a result, attorneys and other professional staff have been performing tasks that could be more efficiently and effectively done by a paralegal at a much lower cost. The ORPC anticipates that such tasks will continue to grow as the agency increasingly develops and expands programs furthering its legislative mandate to improve the quality of legal representation for parents involved in dependency and neglect proceedings.

An experienced paralegal will be able to provide much-needed support with the following ongoing agency duties:

- Research case law for arguments before the Colorado Supreme Court;
- Research case law and social science, including nationwide trends, to understand, develop, and advocate for legislative and policy change;
- Coordinate and maintain lists of legislators and outside agency stakeholders to facilitate communication and collaboration on ORPC legislative initiatives;
- Research trends in different jurisdictions to support appropriate recruitment and allocation of RPC, emerging concerns, and annual budget requests;
- Maintain the ORPC database of published and unpublished Colorado appellate court opinions necessary to identify trends in Colorado case law;
- Coordinate court observations by identifying attorneys who need to be observed, pulling dockets to determine opportunities for observation, and scheduling observations with attorney staff;
- Observe counsel, social workers, and family advocates in court to ensure high quality legal representation and strong interdisciplinary teamwork;
- Research, coordinate, draft, and format weekly/monthly ORPC publications provided to assist independent contractors;
- Coordinate and facilitate administrative communication for the appointment of appellate counsel;
- Review and approve/deny administrative requests from independent contractors such as requests for excess fees, travel expenses, and experts;
- Update and maintain the ORPC's large pool of expert and investigator information, including areas of expertise and concentration, contact information, qualifications, and rates;
- Update, redact, format, and cite check incoming motions for the ORPC motions bank used to assist counsel in litigation; and
- Communicate with parents and coordinate and track parent and other stakeholder complaints;

In addition to these tasks, which require a trained and experienced paralegal, a paralegal can also assist with administrative tasks as needed. Some of the exacting and time-consuming tasks that a paralegal could assist with include:

- Scheduling internal and external meetings, including meetings with legislators, other agencies, legislation stakeholders, and independent contractors;

- Drafting minutes at internal and external meetings and sending out tasks and agendas for follow-up meetings;
- Assisting with administrative needs for contactor recruitment, including coordinating applications, scheduling interviews, drafting, sending, and filing contracts, and onboarding and off-boarding contractors; and
- Maintaining ORPC's website and updates to the ORPC's motions bank.

The ORPC staff attorneys are dedicated to the agency's mission to improve parent representation, and they work diligently to make sure that the ORPC is represented where its interests are involved. As a result of the agency's efforts since opening in 2016, Colorado is now nationally recognized as a leader in the representation of indigent parents involved in dependency and neglect proceedings. Increasingly, though, ORPC staff attorneys find that they must spend time on tasks that could be more efficiently done by a trained paralegal. Often, they must do required but relatively low-level tasks and forego higher level tasks that are not immediately required.

For instance, ORPC staff attorneys might have to update a website for a statute change instead of helping a contract attorney devise and develop an effective case strategy; or they might have to check on the availability of appellate counsel for a new appointment instead of writing a model motion for use in many, many appointments. This is a poor use of resources, and the inefficiency grows in proportion to the growth of the ORPC. The ORPC staff attorneys are critical to the agency and to the fulfillment of its mission, and the ORPC must utilize their unique abilities, experience, and education for the benefit of Colorado families by providing them with the kind of staff support they need to fulfill their roles and job duties in the most efficient and effective manner possible.

The addition of 1.0 Paralegal FTE will allow the entire ORPC staff, especially the attorney staff, to complete their assigned roles more efficiently in furthering the mission of the agency.

Assumptions and Calculations:

Calculations are based on common policies and the Common Compensation Plan of the Office of Respondent Parents' Counsel, the Office of the Child's Representative, and the Office of Alternate Defense Counsel. The salary range of the position will be the same as that of staff having comparable responsibilities as reflected in the Common Compensation Plan. The ORPC assumes that it will be necessary to offer a salary at or near the midpoint of the relevant job class range to attract and hire a person with the needed education, experience and expertise.

The ORPC assumes that that the person hired will choose health and dental coverage at the expected average of the agency's FY 2023-24 premiums for that coverage. The ORPC further assumes that the JBC will approve a Salary Survey increase of 5% as communicated by the Department of Personnel and Administration on October 14, 2022.

Staff Paralegal			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		5,304	5,304
Number of months in Fiscal Year		11	12
Salary before Salary Survey adjustment		58,344	63,648
Salary Survey Adjustment	5.00%	2,917	3,182
Salary		61,261	66,830
PERA	11.50%	7,045	7,685
Medicare	1.45%	888	969
Sub-total Personal Services		69,194	75,484
Health/Life/Dental (ORPC Avg. for July, 2022)	\$ 1,402	15,422	16,824
Short-term Disability	0.17%	104	114
AED	5.00%	3,063	3,342
SAED	5.00%	3,063	3,342
Paid Family and Medical Leave Insurance		-	-
Total Personal Services & Benefits		90,846	99,106
FTE		0.9	1.0
Operating			
Regular FTE Operating	\$ 500	500	500
Telephone Expenses	\$ 450	450	450
Software	\$ 400	400	400
Computer	\$ 1,670	1,670	-
Cubicle/Workstation	\$ 5,000	5,000	-
Total Operating		8,020	1,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 98,866	\$ 100,456

The ORPC asks that this request be adjusted should the JBC approve a Salary Survey adjustment that is different from the 5% used in the calculation above.

Anticipated Outcomes:

If approved, the ORPC will be able to hire a trained specialist to join the ORPC team to complete paralegal tasks, which are currently being completed by more expensive attorney staff. This FTE will free up attorney staff to perform tasks and roles which require the specialized knowledge of an attorney, while ensuring that essential administrative and support related tasks are not foregone.

Consequences if Not Funded:

If not funded, ORPC staff attorneys will continue to spend time on tasks that could be more efficiently and effectively done by a trained paralegal. Staff attorneys will continue to be required to complete

relatively low-level tasks and forego more important tasks that are not immediately required but that nonetheless relate to supporting hundreds of contractors statewide and broader system child welfare reform efforts.

Impact to Other State Government Agencies:

ORPC staff will have better response time and communication with outside stakeholders and other state government agencies if the much-needed administrative support of a paralegal is provided. This position will allow the entire ORPC staff, especially the Attorney staff, to complete their assigned roles more efficiently in furthering the mission of the agency.

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Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Respondent Parents' Counsel

Request Title: Increase in Hourly Rates of Non-Attorney Contractors

Priority Number: R-4

Dept. Approval by: Melissa Thompson 11/1/2022
Date

OSPB Approval by: N/A
Date

☒ Decision Item FY 2023-24
☐ Base Reduction Item FY 2023-24
☐ Supplemental FY 2022-23
☐ Budget Amendment FY 2023-24

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
	Fund	1	2	3	4	5
		Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	27,273,535	-	27,273,535	1,263,685	28,537,220
	FTE	-	-	-	-	-
	GF	21,910,232	-	21,910,232	446,420	22,356,652
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	5,363,303	-	5,363,303	817,265	6,180,568
	FF	-	-	-	-	-
Court-appointed Counsel	Total	22,247,566	-	22,247,566	507,140	22,754,706
	FTE	-	-	-	-	-
	GF	21,910,232	-	21,910,232	446,420	22,356,652
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	337,334	-	337,334	60,720	398,054
	FF	-	-	-	-	-
Title IV-E Legal Representation	Total	5,025,969	-	5,025,969	756,545	5,782,514
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	5,025,969	-	5,025,969	756,545	5,782,514
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A

Reappropriated Funds Source, by Department and Line Item Name: N/A

Approval by OIT? Yes: No: Not Required: X

Schedule 13s from Affected Departments: None

Other Information: None

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Department Priority: R-4

Request Title: Increase in Hourly Rates of Non-Attorney Contractors

Summary of Incremental Funding Change for FY 2023-24	Total funds	General Fund	Cash Funds	Reappropriated Funds
TOTAL REQUEST (All Lines)	\$1,263,685	\$446,420	\$0	\$817,265
Court-appointed Counsel	507,140	446,420		60,720
Title IV-E Legal Representation	756,545	-		756,545

Request Summary:

In conjunction with the Judicial Department, the Office of Alternate Defense Counsel, and the Office of the Child's Representative, the Office of Respondent Parents' Counsel (ORPC), requests funding to increase the hourly rate for non-attorney contractors. The ORPC requests \$446,420 additional General Fund spending authority and \$817,265 additional Reappropriated Fund spending authority to increase the hourly rates of ORPC non-attorney contractors including Investigators, Paralegals, Social Workers, and Family and Parent Advocates. This increase will more closely align hourly rates with the rates paid to similar workers in other sectors to address the loss of real earnings due to inflation and to improve retention of experienced non-attorney contractors who are integral members of ORPC legal defense teams.

Background:

The Office of Respondent Parents' Counsel (ORPC) was established on January 1, 2016. On July 1, 2016, the ORPC assumed responsibility for paying members of legal teams who help represent indigent parents in dependency and neglect cases. While rate increases for various contractor types have been requested and received in prior years, these rates remain inadequate because ORPC contractors continue to earn less than their peers in the open market and because the Consumer Price Index has increased and continues to increase at a greater rate than the hourly rate of ORPC contractors.

I. The Current ORPC Contractor Rates Result in Pay That is Significantly Less Than That Received by Their Peers in the Open Market.

The current ORPC non-attorney contractor rates are lower than market rates when compared to the amounts earned by their salaried peers in the private sector.

In the table below, the ORPC compared the base average annual salary for various job types in Colorado in 2021, as reported by the U.S. Bureau of Labor Statistics, to the pay an ORPC contractor of the same job type could expect to make. The ORPC adjusted the Bureau of Labor Statistics (BLS) salaries to account for the fact that, according to the BLS, on average salary accounts for 68.8% of the total employee compensation package and benefits account for 31.2%.¹⁶⁹

¹⁶⁹ Press Release, U.S. Bureau of Labor Statistics, Employer Costs for Employee Compensation-June 2022 (Sept. 20, 2022), <https://www.bls.gov/news.release/pdf/eccec.pdf>.

The ORPC also adjusted the potential hours worked by ORPC contractors by reasonable estimates of non-working time due to holidays, vacation days, and sick days.

In addition, for the hourly pay of ORPC non-attorney contractors to be comparable to the total compensation of similar workers in the open market, the ORPC further reduced the total pay of contractors by a reasonable estimate of the contractors' expenses for health, life, and dental insurance. As noted above, benefits account for an average of 31.2% of the total employee compensation package. According to the Kaiser Family Foundation, "The average annual premiums in 2021 are \$7,739 for single coverage and \$22,221 for family coverage. Over the last year, the average premium for single coverage increased by 4% and the average premium for family coverage increased by 4%. The average family premium has increased 47% since 2011 and 22% since 2016."¹⁷⁰

The ORPC has no information about marital or family status for its contractors, so for purposes of this analysis, the ORPC assumes that the FY 2022-23 total average annual premium for Health, Life, Dental, and Vision coverage for the State of Colorado shown below will be comparable to what ORPC contract attorneys pay on average. (This is a conservative assumption, as the State purchases group coverage for over 30,000 employees,¹⁷¹ which is undoubtedly less costly than the individual coverage plans that ORPC contractors must purchase.)

State of Colorado FY 2022-23 AVERAGE PREMIUMS for ALL INSURANCE TYPES & COVERAGE LEVELS						
	State		Employee		TOTAL PREMIUM	
TYPE	Monthly	Annual	Monthly	Annual	Monthly	Annual
HEALTH	1,177.35	14,128.16	153.74	1,844.87	1,331.09	15,973.03
DENTAL	56.56	678.66	21.35	256.17	77.90	934.83
VISION	6.25	75.00	8.62	103.44	14.87	178.44
LIFE & AD&D	8.76	105.12	-	-	8.76	105.12
TOTAL	1,248.91	14,986.94	183.71	2,204.48	1,432.62	17,191.42

When the estimated pay of ORPC non-attorney contractors is reduced by the average premium total of \$17,191 shown above, the resulting annual compensation of ORPC contractors compared to their open market peers is as shown below.

¹⁷⁰ KAISER FAM. FOUND., 2021 EMPLOYER HEALTH BENEFITS SURVEY (Nov. 10, 2021), <https://www.kff.org/report-section/ehbs-2021-section-1-cost-of-health-insurance/>.

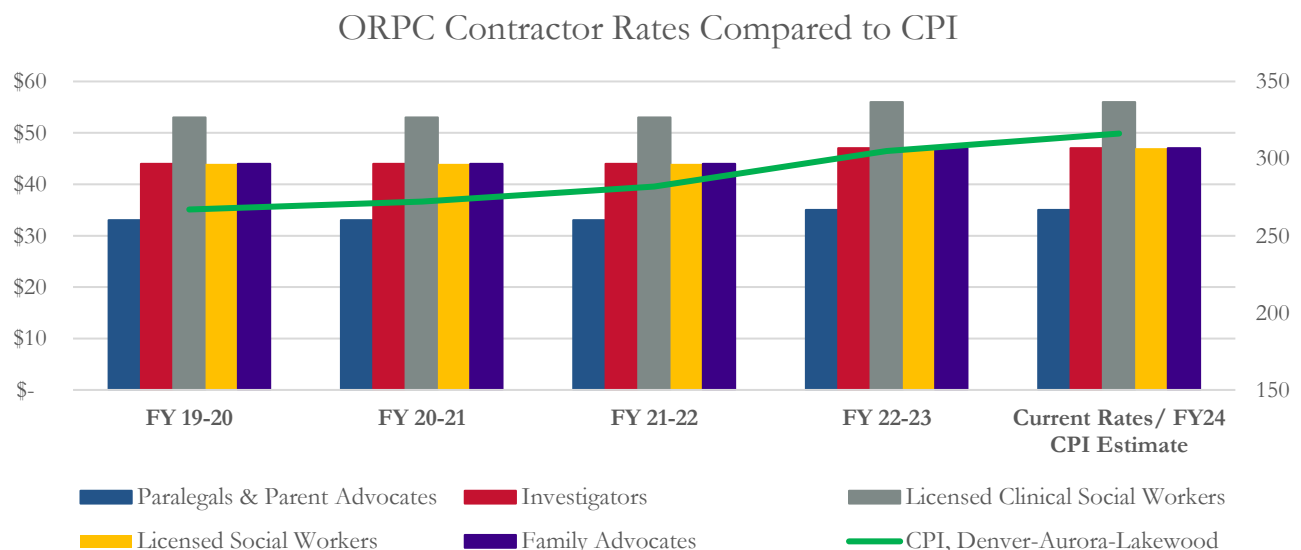
¹⁷¹ COLO. DEP'T OF PERSONNEL & ADMIN., WORKFORCE SNAPSHOT (Aug. 2022), <https://dpa.colorado.gov/about-us/workforce-snapshot>.

Estimate of Annual Billable Hours and Comparison of Real Annual Pay of ORPC Contractors to Market Rates										
	Days	Hours	Weeks	Total Hours	Paralegals	Investigators	Licensed Clinical Social Workers	Licensed Social Workers	Family Advocates	Parent Advocates
Potential Workdays	5.0	8.0	52.0	2,080.0						
Less:										
State Holidays	(11.0)	8.0		(88.0)						
Vacation	(12.0)	8.0		(96.0)						
Sick Leave	(12.0)	6.6		(79.2)						
Hours worked				1,816.8	1,816.8	1,816.8	1,816.8	1,816.8	1,816.8	1,816.8
Realization Rate					100%	100%	100%	100%	100%	100%
Estimated billable hours					1,816.8	1,816.8	1,816.8	1,816.8	1,816.8	1,816.8
Rate per hour					\$ 35.00	\$ 47.00	\$ 56.00	\$ 47.00	\$ 47.00	\$ 35.00
Estimated annual pay for full-time work					\$ 63,588	\$ 85,390	\$ 101,741	\$ 85,390	\$ 85,390	\$ 63,588
Less Estimate of Cost of Insurance Coverage					\$ (17,191)	\$ (17,191)	\$ (17,191)	\$ (17,191)	\$ (17,191)	\$ (17,191)
Estimate of Contractor Pay Available					\$ 46,397	\$ 68,199	\$ 84,550	\$ 68,199	\$ 68,199	\$ 46,397
Average Total Compensation for Contractor Type per BLS					\$ 92,805	\$ 93,910	\$ 80,509	\$ 79,811	\$ 79,811	\$ 59,404
Difference between ORPC Contractor Pay and BLS Total Compensation					\$ (46,408)	\$ (25,711)	\$ 4,041	\$ (11,612)	\$ (11,612)	\$ (13,007)
ORPC Contractor Pay as Percentage of Avg. Total Comp. per BLS					50.0%	72.6%	105.0%	85.5%	85.5%	78.1%

This comparison makes it clear that, with the exception of Licensed Clinical Social Workers, ORPC contractors are paid significantly less than their open market counterparts.

II. The Current ORPC Contractor Rates Have not Kept Pace with Inflation, Thereby Reducing the Earning and Spending Power of ORPC Contractors.

As shown in the graphs below, inflation has outpaced the growth of the ORPC non-attorney contractor hourly rates at an ever-increasing pace, as indicated by the difference between the Consumer Price Index and the ORPC hourly contractor rates. This means that in terms of spending power, all ORPC contractors will be earning less next year than this year. Licensed Clinical Social Workers are the only contractor type whose real spending power has not yet fallen below the market rate.



To move toward equity, the ORPC requests that all ORPC non-attorney contractor types receive an 18% increase as requested for contract attorneys in ORPC R-1 to mitigate the decrease in real earnings that inflation has caused and continues to cause for the agency's contractors.

Assumptions and Calculations:

The ORPC assumes that expenses for non-attorney contractor types will be incurred in approximately the same proportions as the expenses incurred in FY 2021-22, the most recent full year of expense.

The FY 2021-22 expenses for Court-appointed Counsel and Title IV-E Legal Representation as adjusted for the effect of FY 2022-23 R-4, which realigned the types of expenses recorded in Court-appointed Counsel and Mandated Costs appropriations to align with the types of expenses recorded in those lines by similar agencies, are as shown in the table below. Applicable contractor types are highlighted in blue.

FY 2021-22 Expenses after Adjusting for Realignment per FY 2022-23 R-4				
Contractor/ Expense Type	Court-appointed Counsel		Title IV-E Legal Represent- ation	ADJUSTED TOTAL
	General Fund	Reappropriated Funds	Reappropriated Funds	
Attorney	17,391,831	-	5,468	17,397,299
Co. Eval. & Action Lab	-	-	83,156	83,156
Discovery	-	-	-	15,780
Expert	-	-	-	284,462
Family Advocate	1,048,414	-	107,590	1,156,004
Attorney - Consultant	2,166	-	-	2,166
Interpreter	-	-	-	30,320
Investigator	107,785	-	-	107,785
Attorney - Mentor	-	-	240	240
Parent Advocate - Training	13,330	-	5,050	18,380
Parent Advocate	39,234	-	326,570	365,804
Paralegal	451,953	-	406	452,359
Attorney - Research	5,358	-	-	5,358
Licensed Social Worker	5,317	32,949	24,529	62,795
Subpoenas	-	-	-	648
Law Student	19,585	-	-	19,585
Licensed Clinical Social Worker	593,724	-	98,154	691,878
Social Work Supervisor	-	-	15,473	15,473
Transcripts	-	-	-	528,103
Mileage & expenses	284,847	-	24,262	422,088
TOTAL	19,963,543	32,949	690,898	21,659,681

FY 2021-22 Expenses after Adjusting for Realignment per FY 2022-23 R-4			
Contractor/ Expense Type	Court-appointed Counsel		Title IV-E Legal Representation
	General Fund	Reappropriated Funds	Reappropriated Funds
Attorney	17,391,831	-	5,468
Co. Eval. & Action Lab	-	-	83,156
Family Advocate	1,048,414	-	107,590
Attorney - Consultant	2,166	-	-
Investigator	107,785	-	-
Attorney - Mentor	-	-	240
Parent Advocate - Training	13,330	-	5,050
Parent Advocate	39,234	-	326,570
Paralegal	451,953	-	406
Attorney - Research	5,358	-	-
Licensed Social Worker	5,317	32,949	24,529
Law Student	19,585	-	-
Licensed Clinical Social Worker	593,724	-	98,154
Social Work Supervisor	-	-	15,473
Mileage & expenses	284,847	-	24,262
TOTAL	19,963,543	32,949	690,898

After adjustment for comparability, all expenses for the contractor types whose rates will be increased if the request is approved would be recorded in three appropriation/funding source combinations: Court-appointed Counsel (General Fund & Reappropriated Funds) and Title IV-E Legal Representation (Reappropriated Funds). The relative proportions of expense per contractor type for each appropriation and the calculation of the total increases requested, by appropriation and funding source, are shown in the following table.

Other Contractors Expense as Proportion of Total Expenses of Appropriation and Calculation of Requested Increases for Affected Appropriations						
Contractor/Expense Type	Court-appointed Counsel - General Fund		Court-appointed Counsel - Reappropriated Funds		Title IV-E Legal Representation - Reappropriated Funds	
	FY 2021-22 Expense As Adjusted	Contractor Expense as Percent of Total Expense	FY 2021-22 Expense As Adjusted	Contractor Expense as Percent of Total Expense	FY 2021-22 Expense As Adjusted	Attorney Expense as Percent of Total Expense
Attorney	17,391,831		-		5,468	
Co. Eval. & Action Lab			-		83,156	
Family Advocate	1,048,414	5.3%	-		107,590	15.6%
Attorney - Consultant	2,166		-			
Investigator	107,785	0.5%	-			0.0%
Attorney - Mentor			-		240	
Parent Advocate - Training	13,330	0.1%	-		5,050	0.7%
Parent Advocate	39,234	0.2%	-		326,570	47.3%
Paralegal	451,953	2.3%	-		406	0.1%
Attorney - Research	5,358		-			
Licensed Social Worker	5,317	0.0%	32,949	100.0%	24,529	3.6%
Law Student	19,585		-			
Licensed Clinical Social Worker	593,724	3.0%	-		98,154	14.2%
Social Work Supervisor		0.0%	-		15,473	2.2%
Mileage & expenses	284,847		-		24,262	
Total	19,963,543	11.32%	32,949	100.00%	690,898	83.63%
FY 2022-23 Appropriation	\$ 21,910,232		\$ 337,334		\$ 5,025,969	
Estimate of amount subject to Rate Increase	\$ 2,480,110		\$ 337,334		\$ 4,203,029	
Rate Increase Percentage	18.00%		18.00%		18.00%	
Increase Requested	\$ 446,420		\$ 60,720		\$ 756,545	
Total Increase					\$ 1,263,685	

The ORPC has calculated the impact of increasing the hourly rates for Paralegals by 18% and increasing the hourly rates for other contractor types at varying rates. The results of these calculations are as shown below. Detailed calculations are available upon request.

Request by Appropriation & Fund Type for Different Percentage Increases for Different Contractor Types							
Percentage Increase		Request by Appropriation & Fund Source				Request by Fund Source	
Paralegals	All Others	Court-appointed Counsel (General Fund)	Court-appointed Counsel (Reappropriated)	Title IV-E Legal Representation (Reappropriated)	TOTAL	General Fund	Reappropriated Funds
18%	18%	446,420	60,720	756,545	1,263,685	446,420	817,265
18%	10%	287,694	33,733	420,541	741,968	287,694	454,274
18%	6%	208,330	20,240	252,536	481,106	208,330	272,776
18%	3%	148,807	10,120	126,534	285,461	148,807	136,654

Anticipated Outcomes:

Based on the 2022 ORPC Contractor Survey, 39% of all ORPC contractors have 0-3 years of experience, including 9% of all contractors who have less than one year of experience. Increasingly, contractors who leave ORPC work tell us that they are doing so to take a salaried position with benefits. This turnover in members of legal defense teams will impact indigent Colorado parents and families the most, resulting in setbacks to progress on treatment plans and delays in permanency for children. Increasing hourly contractor rates will help ORPC attract and retain professionals who provide the critically important service of helping impoverished parents keep their families together.

When assessing costs associated with child welfare, providing quality interdisciplinary representation utilizing non-attorney contractors costs comparatively little to the high societal and economic costs of foster care. A total of 4,533 respondent parents' counsel (RPC) cases were closed in FY 2021-22 at an average cost of \$3,657 per case. In contrast, keeping a child in foster care is staggeringly expensive and can have lifelong deleterious effects on children and families. It has been repeatedly proven as a national best practice that providing competent and compassionate interdisciplinary representation for indigent parents in dependency and neglect cases results in fewer child removals and broken families. The federal Children's Bureau actively promotes an interdisciplinary approach in the legal representation of parents and children,¹⁷² and interdisciplinary representation is an investment in Colorado families that provides benefits immediately and for generations to come.

Studies have shown that when raised in their families of origin, children have significantly better long-term outcomes,¹⁷³ while children who leave foster care struggle in all areas, including education, employment, income, housing, general and mental health, substance abuse, and criminal involvement.¹⁷⁴ Children who spend time in foster care are:

- Less likely to graduate on time;
- More likely to be jailed or imprisoned;
- Less likely to be employed as adults; and,
- More likely to need government services.

Taking into account these poor outcomes and associated costs, a recent study estimated that even a child who spent only a year in foster care and reunified successfully with their family would see a total cost of \$119,069 due to negative outcomes over the course of their life, while a child who has four or more placements and does not achieve permanency would see an average of \$627,501 in costs to society **after** leaving foster care, meaning these costs are in addition to the costs of foster care itself.¹⁷⁵ The study concludes that investing in foster care has a significant negative return on investment and that all efforts should be made to keep children in their homes or with family.

The parents that RPC and ORPC non-attorney contractors represent are disproportionately people of color and/or people with disabilities,¹⁷⁶ and they are involved in legal proceedings that can result in removal of children from their homes and in a permanent separation of their families through

¹⁷² U.S. DEP'T. OF HEALTH & HUMAN SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-17-02, HIGH QUALITY LEGAL REPRESENTATION FOR ALL PARTIES IN CHILD WELFARE PROCEEDINGS (Jan. 17, 2017).

¹⁷³ 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? (2019), [https://caseyfamilypro-wpengine.netdna-ssl.com/media/SF_Kin-First-Approach.pdf](https://caseyfamilypro.wpengine.netdna-ssl.com/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.

¹⁷⁴ Laura Gypen et al., *Outcomes of Children Who Grew Up in Foster Care: Systematic Review*, 76 CHILD. & YOUTH SERVS. REV. 74-83 (May 2017).

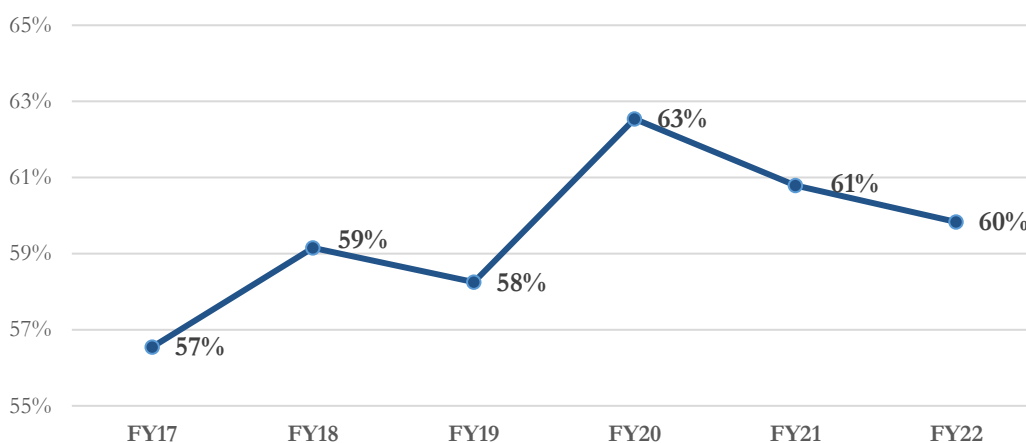
¹⁷⁵ WILLIAM NIELSEN ET AL., THE UNSEEN COSTS OF FOSTER CARE: A SOCIAL RETURN ON INVESTMENT STUDY (Jan. 2019), <https://www.thetcj.org/wp-content/uploads/2019/10/Alia-unseen-costs-of-FC.pdf>.

¹⁷⁶ ORPC Internal Data, Respondent Parent Payment System, analyzed September 2022 for the period FY 2018-19 through FY 2021-22, showing that parents with a disability account for nearly half of the parents ORPC serves and comprise nearly three-fourths of the parents whose parental rights are ultimately terminated.

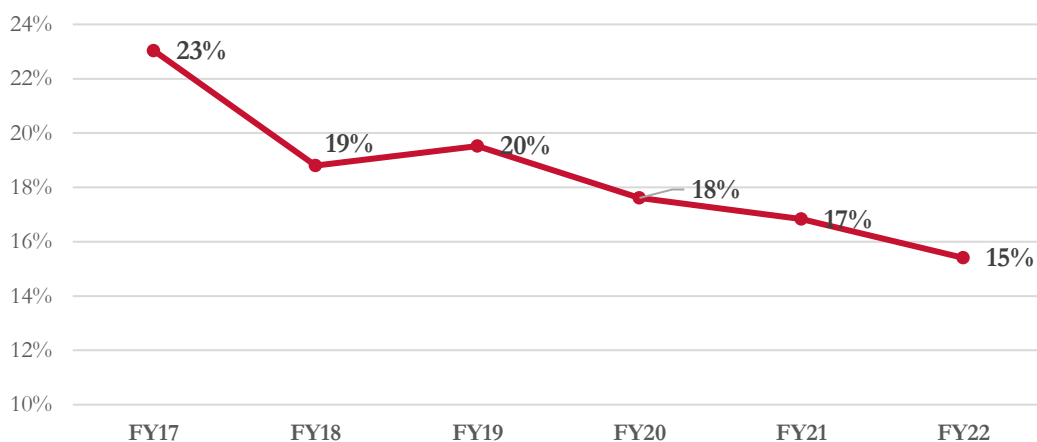
termination of parental rights. Such a loss will affect these parents and their children for the rest of their lives, often leading to intergenerational involvement in the child welfare system.

Legal teams that provide representation to poor parents make a difference. Data clearly demonstrate that high quality representation, including interdisciplinary representation, provided through the ORPC is having a positive impact on families, with an increase in family reunifications and a decrease in terminations of parental rights, as shown below. These outcomes save money by reducing the time children spend in foster care or keeping children out of foster care altogether, thereby avoiding the profound, traumatic, and potentially lifelong effects on children when they are taken from their parents' homes and given into the custody of strangers.

CHANGE IN REUNIFICATION RATES SINCE START OF ORPC

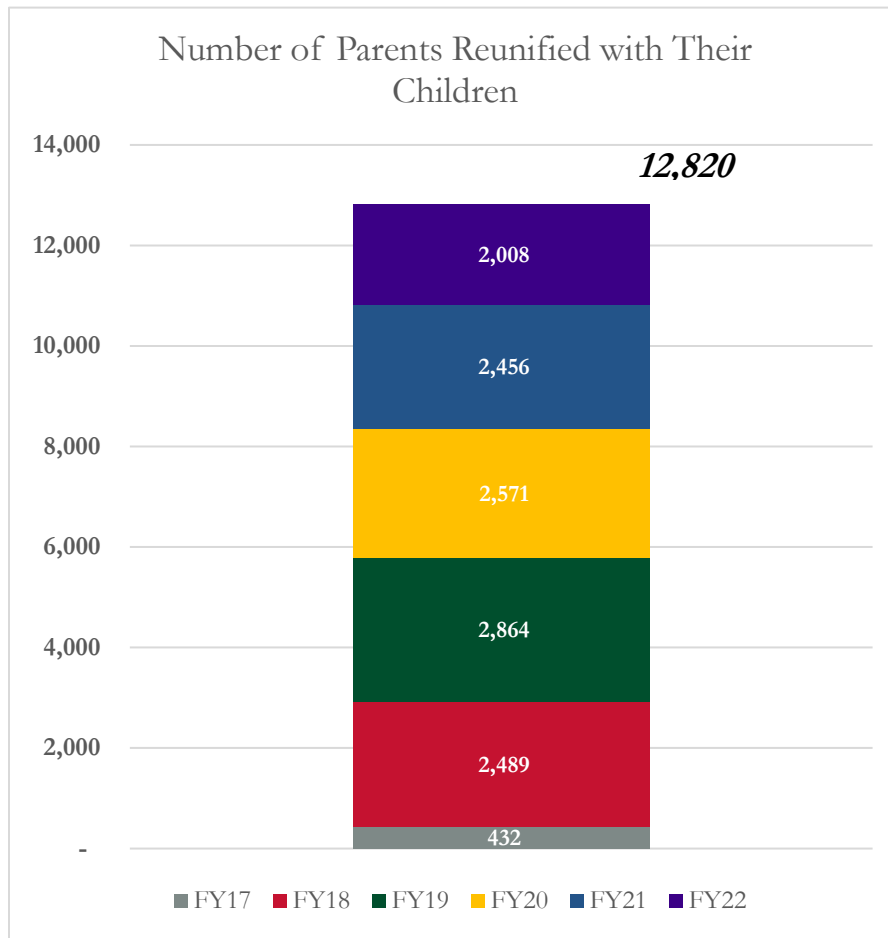


CHANGE IN TERMINATION OF PARENTAL RIGHTS RATES SINCE START OF ORPC



Since the start of the agency, ORPC legal teams have helped reunify 12,820 parents with their children. Considering the tremendous cost of the negative consequences of children spending time in foster care, the value of these 12,820 reunifications is incalculable, while the cost of the reunifications is

minimal. As noted above, the average cost per ORPC closed case is \$3,657, while the cost of keeping a child in foster care at the lowest possible daily provider rate in Colorado for a year is \$14,892 (\$40.80 x 365 days per year).¹⁷⁷ Expressed another way, it costs 4 times as much to cause potentially permanent harm to a child as it does to provide representation to the child's parents.



Increasing the hourly rate paid to ORPC non-attorney contractors is an investment in the future of Colorado families. This hourly rate bump will increase the number of experienced and skilled professionals available to help poor families, improve retention of those professionals, and save many children and families from a system that has caused massive intergenerational harm to poor families, parents and children with disabilities, and families of color. The hourly rate increase is not an expense; it is an investment in the future of Colorado families that will provide benefits to all citizens of Colorado.

¹⁷⁷ The rate for county providers is currently set at \$40.80 per day for children under 8, all the way up to \$63.24 per day for children over 14. Placement of a child in a Qualified Residential Treatment Program costs \$310.63 per day, while placement in a treatment foster care home is \$235.62 per day. *See* COLO. OFF. OF CHILD., YOUTH & FAM., DIV. OF CHILD WELFARE, IM-CW-2022-0022, *CORRECTION* FY 2022-23 PROVIDER RATE INCREASE (June 7, 2022).

By providing a rate increase, the ORPC will be able to attract and retain experienced and dedicated independent contractors who do the difficult and critical work of providing representation to indigent parents, thereby keeping as many families together as possible. Keeping families together whenever possible will further the State's goals of increasing equity, diversity, and inclusion and of improving education, economic opportunity, and health for all Coloradans.

Consequences if Not Funded:

If not funded, many ORPC contractors may choose to leave ORPC work and the quality of representation will decline, as will family reunification rates. The number of children removed from their homes will increase, with devastating and lifelong effects on the children and costly and deleterious effects on society.

In addition to the human suffering that results from a child's removal, there is an economic cost. As noted in the report, *The Unseen Costs of Foster Care: A Social Return on Investment Study*, for every \$1 invested in a single child's foster care, the social return on investment is **negative**, and ranges from (\$0.84) to (\$9.55). Put in other terms, spending \$1.00 yields a **loss** of \$0.84 to \$9.55. Different stakeholders (which include the child and the government/taxpayers) bear different proportions of the total cost, but the child **always** bears the greatest proportion.

In many cases, the harm is permanent and intergenerational. The clear conclusion is that we need to keep children in their homes whenever possible. To do this, we need to continue to fund the legal representation of indigent parents at a level that makes it possible for experienced and skilled contractors to provide such representation and still provide for their own families. If we do not, increasing numbers of ORPC contractors providing representation to poor families will be forced to leave the practice, poor families with inadequate representation will continue to be broken, and children will continue to suffer.

Impact to Other State Government Agencies:

Providing adequate funding for parents' representation by ORPC non-attorney contractors will allow the ORPC to pay more competitive rates and, therefore, attract and retain the independent contractors who provide critical services to indigent families and prevent unnecessary removals of children from their homes. Additionally, the poor outcomes for children in foster care create additional expenses systemwide. Though indirect, the rate increase is expected to result in cost savings to other agencies, including savings to the following departments:

- Department of Human Services due to the decreased need for out-of-home care and the decreased reliance on their services by former foster care children,
- Judicial Department due to the reduced likelihood that children traumatized by separation from their families will later become court-involved,
- Department of Corrections due to the decreased number of former foster youth who have a statistically greater probability of being incarcerated,
- Department of Health Care Policy and Financing due to the decreased number of former foster children whose earnings make them eligible for support, and
- Department of Education due to the decreased disruption to children's lives and their increased readiness to learn.

Schedule 13
Funding Request for the 2023-24 Budget Cycle

Department: Office of the Respondent Parents' Counsel
Request Title: Parent Advocacy Coordinator
Priority Number: R-5

Dept. Approval by: Melissa Thompson 11/1/2022 ☒ Decision Item FY 2023-24
Date ☐ Base Reduction Item FY 2023-24
☐ Supplemental FY 2022-23
OSPB Approval by: N/A ☐ Budget Amendment FY 2023-24
Date

Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
	Fund	1	2	3	4	5
		Appropriation FY 2022-23	Supplemental Request FY 2022-23	Base Request FY 2023-24	Funding Change Request FY 2023-24	Continuation Amount FY 2024-25
Total of All Line Items	Total	2,695,824	-	2,779,499	113,458	2,892,957
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,505,720	-	2,735,777	113,458	2,849,235
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	190,104	-	43,722	-	43,722
	FF	-	-	-	-	-
Personal Services	Total	2,199,742	-	2,110,170	82,580	2,192,750
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,042,482	-	2,110,170	82,580	2,192,750
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	157,260	-	-	-	-
	FF	-	-	-	-	-
Health, Life and Dental	Total	254,473	-	270,031	15,422	285,453
	FTE	-	-	-	-	-
	GF	238,747	-	245,526	15,422	260,948
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	15,726	-	24,505	-	24,505
	FF	-	-	-	-	-
Short-term Disability	Total	2,953	-	3,015	124	3,139
	FTE	-	-	-	-	-
	GF	2,749	-	2,811	124	2,935
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	204	-	204	-	204
	FF	-	-	-	-	-
Paid Family and Medical Leave Insurance	Total	-	-	-	-	-
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
S.B. 04-257 Amortization Equalization Disbursement	Total	92,283	-	100,506	3,656	104,162
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	3,656	97,368
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
S.B. 06-235 Supplemental Amortization Equalization Disbursement	Total	92,283	-	100,506	3,656	104,162
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	3,656	97,368
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
Salary Survey	Total	54,090	-	66,171	-	66,171
	FTE	-	-	-	-	-
	GF	49,902	-	61,696	-	61,696
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	4,188	-	4,475	-	4,475
	FF	-	-	-	-	-
Operating	Total	-	-	129,100	8,020	137,120
	FTE	-	-	-	-	-
	GF	-	-	128,150	8,020	136,170
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	950	-	950
	FF	-	-	-	-	-

Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:

Cash or Federal Fund Name and CORE Fund Number: N/A
Reappropriated Funds Source, by Department and Line Item Name: N/A
Approval by OIT? Yes: No: Not Required: X
Schedule 13s from Affected Departments: None
Other Information: None

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Department Priority: R-5

Request Title: Parent Advocacy Coordinator

Summary of Incremental Funding Change for FY 2023-24	Total funds	General Fund	Cash Funds	Reappropriated Funds	FTE
TOTAL REQUEST (All Lines)	\$113,458	\$113,458	\$0	\$0	1.0
Personal Services	82,580	82,580			1.0
Health/Life/Dental	15,422	15,422			
Short-term Disability	124	124			
Paid Family and Medical Leave Insurance	-	-			
AED	3,656	3,656			
SAED	3,656	3,656			
Operating	8,020	8,020			

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) requests \$113,458 additional General Fund spending authority and 1.0 FTE to create and staff a Parent Advocacy Coordinator position to enhance the voice of parents and families in the child welfare and judicial systems. This position would help to provide meaningful consultation and training to ORPC contractors in order to ensure parents receive the highest quality legal representation as they navigate their dependency and neglect proceedings in Colorado. This position would also increase the scope of the ORPC's policy reform efforts by bringing parent and family voice to critical decision-making committees, task forces, and legislators.

Background:

It is well established nationwide that social workers and parent advocates are an integral component of high quality interdisciplinary legal defense teams for parents and children in dependency and neglect proceedings. This best practice is reflected in the social science research and included in the ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect cases.¹⁷⁸ The federal Children's Bureau actively promotes this interdisciplinary approach in the legal representation of parents and children,¹⁷⁹ offering practice guides¹⁸⁰ and, more recently, changing federal policy to directly fund interdisciplinary representation through Title IV-E reimbursement.¹⁸¹

¹⁷⁸ AM. BAR ASS'N, STANDARDS OF PRACTICE FOR ATTORNEYS REPRESENTING PARENTS IN ABUSE AND NEGLECT CASES (2006), https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf.

¹⁷⁹ U.S. DEP'T. OF HEALTH & HUMAN SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-17-02, HIGH QUALITY LEGAL REPRESENTATION FOR ALL PARTIES IN CHILD WELFARE PROCEEDINGS (Jan. 17, 2017).

¹⁸⁰ U.S. DEP'T. OF HEALTH & HUMAN SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-19-03, ENGAGING, EMPOWERING, AND UTILIZING FAMILY AND YOUTH VOICE IN ALL ASPECTS OF CHILD WELFARE TO DRIVE CASE PLANNING AND SYSTEM IMPROVEMENT, 7-8 (Aug. 1, 2019).

¹⁸¹ See 45 CFR § 1356.60(c) (2022); U.S. DEP'T. OF HEALTH & HUMAN SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-21-06, UTILIZING TITLE IV-E FUNDING TO SUPPORT HIGH-QUALITY LEGAL REPRESENTATION AND PROMOTE CHILD AND FAMILY WELL-BEING (Jan. 20, 2021).

The ORPC contracts with more than 40 social workers, family advocates, and parent advocates — parents who navigated the Colorado child welfare system successfully — and makes this interdisciplinary resource available to respondent parents' counsel (RPC) and the parents they represent with the goals of keeping children home safely, reducing the time that children are placed in out-of-home care, and increasing the likelihood that parents and children will be reunified safely.

The Agency has successfully onboarded more than 15 parent advocate contractors in the past two years. Their influence on parent defense teams, in training, and in legislative reform has been embraced by the ORPC and wider child welfare and judicial stakeholder community.

With the creation of an FTE Parent Advocacy Coordinator who has lived expertise successfully navigating the child welfare system and has additional experience advocating for parents as a member of a parent defense team, the ORPC would increase its ability to support high quality legal representation for parents across Colorado.

In this unique role, the Parent Advocacy Coordinator would offer realistic consultation and guidance to attorneys representing parents with a myriad of issues (e.g. mental health, domestic violence, lack of stable housing, and substance abuse disorders). The Coordinator would be a tremendous asset to the ORPC training program by offering their experience navigating systems and highlighting how attorneys can understand the systemic racism and discrimination based on poverty and other important factors which contribute to the overrepresentation of poor people, people with disabilities, and people of color in the child welfare system. The Coordinator would be instrumental in recruiting, training and mentoring future contract parent advocates. ORPC staff would benefit from the inclusion of a colleague who can provide great insight into the lives of the parents that ORPC contractors represent.

In particular, the Parent Advocacy Coordinator would increase the ORPC's capacity to represent the interests of parents and families on a statewide level. The ORPC has advanced many legislative changes crucial to supporting families, including HB 21-1101,¹⁸² "Preserving Family Relationships in Child Placement," which was signed into law in July 2021, in which ORPC parent advocates testified at the legislative hearings. Parent advocates also serve on a Family First Prevention Services Act (FFPSA) implementation committee, the Children's Justice Act (CJA) task force subcommittee on child welfare training, and in a leadership role on the Pre-Adolescent Services Task Force established by House Bill 22-1131.

This is the first time in Colorado's history that child welfare leaders have had this level of collaboration with parents who successfully navigated the child welfare system and have training and supervision in their work as professional peer mentors. Parent advocates continue to be in high demand on the many task forces and committees addressing child welfare reform, and the ORPC is gaining recognition for bringing the voices of parents with lived experience to the table to inform and influence policymaking decisions.

Assumptions and Calculations:

Calculations are based on common policies and the Common Compensation Plan of the Office of Respondent Parents' Counsel, the Office of the Child's Representative, and the Office of Alternate

¹⁸² H.B. 1101, 2021 Leg., 73rd Gen. Assemb. (Colo. 2021), <https://leg.colorado.gov/bills/hb21-1101>.

Defense Counsel. The salary range of the position will be the same as that of staff having comparable responsibilities as reflected in the Common Compensation Plan. The ORPC assumes that it will be necessary to offer a salary at or near the midpoint of the relevant job class range to attract and hire a person with the needed education, experience, and expertise.

The ORPC assumes that that the person hired will choose health and dental coverage at the expected average of the agency's FY 2023-24 premiums for that coverage. The ORPC further assumes that the JBC will approve a Salary Survey increase of 5% as communicated by the Department of Personnel and Administration on October 14, 2022.

Parent Advocacy Coordinator			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		6,330	6,330
Number of months in Fiscal Year		11	12
Salary before Salary Survey adjustment		69,630	75,960
Salary Survey Adjustment	5.00%	3,482	3,798
Salary		73,112	79,758
PERA	11.50%	8,408	9,172
Medicare	1.45%	1,060	1,156
Sub-total Personal Services		82,580	90,086
Health/Life/Dental (ORPC Avg. for July, 2022)	\$ 1,402	15,422	16,824
Short-term Disability	0.17%	124	136
AED	5.00%	3,656	3,988
SAED	5.00%	3,656	3,988
Paid Family and Medical Leave Insurance		-	-
Total Personal Services & Benefits		105,438	115,022
FTE		0.9	1.0
Operating			
Regular FTE Operating	\$ 500	500	500
Telephone Expenses	\$ 450	450	450
Software	\$ 400	400	400
Computer	\$ 1,670	1,670	-
Cubicle/Workstation	\$ 5,000	5,000	-
Total Operating		8,020	1,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 113,458	\$ 116,372

The ORPC asks that this request be adjusted should the JBC approve a Salary Survey adjustment that is different from the 5% used in the calculation above.

Anticipated Outcomes:

The Parent Advocacy Coordinator position will be filled by a parent with lived experience who successfully navigated the child welfare system and has additional experience advocating for parents in a professional capacity. This position will help the ORPC ensure fidelity to the well-researched interdisciplinary model that has emerged as a best practice across the country. This position will offer their own unique expertise in navigating complex legal systems, will provide realistic guidance and consultation for contract attorneys, will provide expertise in stakeholder meetings and testimony to the legislature, and will recruit and mentor new contractors to fulfill more of the current demand for parent advocates to join parent defense teams. As a result, the ORPC will increase its ability to recruit highly qualified contractors, including outside of the metro areas, and provide essential supervision and consultation to contracted professionals.

Impact to Other State Government Agencies:

Increasing program oversight and access to interdisciplinary teams through the creation of this position would mean expanded access to parent advocates on family defense teams. Research demonstrates that access to interdisciplinary teams is a national best practice in child welfare as it increases parental engagement with treatment plans and services and leads to better outcomes for children and families. Interdisciplinary team representation decreases the reliance on extended foster care placements. When foster care is inevitable, this model of representation is shown to decrease lengths of stays in foster care and decrease expenditures on foster care placements. Supporting families when they need it most prevents trauma and maximizes government funding by preventing the need to utilize the foster care system. The ORPC regularly collaborates with other state partners who respect the interdisciplinary model, allowing for collaborations that focus on prevention.

Schedule 13						
Funding Request for the 2023-24 Budget Cycle						
Department:		Office of the Respondent Parents' Counsel				
Request Title:		Medical Consultant				
Priority Number:		R-6				
Dept. Approval by:		Melissa Thompson		11/1/2022		<input checked="" type="checkbox"/> Decision Item FY 2023-24 <input type="checkbox"/> Base Reduction Item FY 2023-24 <input type="checkbox"/> Supplemental FY 2022-23 <input type="checkbox"/> Budget Amendment FY 2023-24
				Date		
OSPB Approval by:		N/A				Date
Line Item Information		FY 2022-23		FY 2023-24		FY 2024-25
	Fund	1 Appropriation FY 2022-23	2 Supplemental Request FY 2022-23	3 Base Request FY 2023-24	4 Funding Change Request FY 2023-24	5 Continuation Amount FY 2024-25
Total of All Line Items	Total	2,695,824	-	2,779,499	146,037	2,925,536
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,505,720	-	2,735,777	146,037	2,881,814
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	190,104	-	43,722	-	43,722
	FF	-	-	-	-	-
Personal Services	Total	2,199,742	-	2,110,170	112,468	2,222,638
	FTE	15.8	-	16.0	1.0	17.0
	GF	2,042,482	-	2,110,170	112,468	2,222,638
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	157,260	-	-	-	-
	FF	-	-	-	-	-
Health, Life and Dental	Total	254,473	-	270,031	15,422	285,453
	FTE	-	-	-	-	-
	GF	238,747	-	245,526	15,422	260,948
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	15,726	-	24,505	-	24,505
	FF	-	-	-	-	-
Short-term Disability	Total	2,953	-	3,015	169	3,184
	FTE	-	-	-	-	-
	GF	2,749	-	2,811	169	2,980
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	204	-	204	-	204
	FF	-	-	-	-	-
Paid Family and Medical Leave Insurance	Total	-	-	-	-	-
	FTE	-	-	-	-	-
	GF	-	-	-	-	-
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	-	-	-
	FF	-	-	-	-	-
S.B. 04-257 Amortization Equalization Disbursement	Total	92,283	-	100,506	4,979	105,485
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	4,979	98,691
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
S.B. 06-235 Supplemental Amortization Equalization Disbursement	Total	92,283	-	100,506	4,979	105,485
	FTE	-	-	-	-	-
	GF	85,920	-	93,712	4,979	98,691
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	6,363	-	6,794	-	6,794
	FF	-	-	-	-	-
Salary Survey	Total	54,090	-	66,171	-	66,171
	FTE	-	-	-	-	-
	GF	49,902	-	61,696	-	61,696
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	4,188	-	4,475	-	4,475
	FF	-	-	-	-	-
Operating	Total	-	-	129,100	8,020	137,120
	FTE	-	-	-	-	-
	GF	-	-	128,150	8,020	136,170
	GFE	-	-	-	-	-
	CF	-	-	-	-	-
	RF	-	-	950	-	950
	FF	-	-	-	-	-
Letternote Text Revision Required? Yes: No: X If yes, describe the Letternote Text Revision:						
Cash or Federal Fund Name and CORE Fund Number: N/A						
Reappropriated Funds Source, by Department and Line Item Name: N/A						
Approval by OIT? Yes: No: Not Required: X						
Schedule 13s from Affected Departments: None						
Other Information: None						

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Department Priority: R-6

Request Title: Medical Consultant

Summary of Incremental Funding Change for FY 2023-24	Total funds	General Fund	Cash Funds	Reappropriated Funds	FTE
TOTAL REQUEST (All Lines)	\$146,037	\$146,037	\$0	\$0	1.0
Personal Services	112,468	112,468			1.0
Health/Life/Dental	15,422	15,422			
Short-term Disability	169	169			
Paid Family and Medical Leave Insurance	-	-			
AED	4,979	4,979			
SAED	4,979	4,979			
Operating	8,020	8,020			

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) requests \$146,037 additional General Fund spending authority to create and staff a Medical Consultant position. The position will promote the ORPC's legislative mandate to improve the quality of appointed legal representation for parents in dependency and neglect proceedings by supporting the agency's requirement to provide access to experts and resources to family defense legal teams.

Background:

The Office of Respondent Parents' Counsel (ORPC) was established on January 1, 2016, in accordance with Senate Bill 14-203 as amended by House Bill 15-1149. On July 1, 2016, the ORPC assumed responsibility for paying contract attorneys, paralegals, and other members of legal teams tasked with representing indigent parents in dependency and neglect cases.

The ORPC's mandate includes providing uniform, high quality legal representation for parents involved in judicial dependency and neglect proceedings in Colorado. In fulfilling this mandate, the ORPC provides to parents and their counsel experts in numerous fields, including experts in physical injuries and forensic analyses. Since the creation of ORPC, it has become increasingly common for respondent parents' counsel (RPC) to utilize medical experts in challenging county Departments of Human Services (DHS) allegations against parents. Often, these experts are not used in litigated hearings but are, instead, used to consult with RPC on cases to provide counsel a better understanding regarding the case itself and whether it makes sense to challenge the allegations through litigation such as discovery, motions practice, or setting contested court hearings.

Considering the increasing costs of litigation, the ORPC believes it would be more efficient to have an in-house nurse-level medical consultant to handle many of these consultations with RPC. Nurse practitioners are registered nurses who have specialized graduate education, such as in physical injuries

or other areas.¹⁸³ An in-house medical consultant position staffed with a nurse practitioner would be able to handle medical trainings for RPC so they would be better able to review complex court documents on their own and determine whether an outside expert is truly warranted. Additionally, when an expert is warranted, the RPC would take less of the expert's time due to the ability to ask more educated questions and better understand the expert's analyses, thereby creating efficiencies in both legal practice and in expending state taxpayer dollars. Moreover, the ORPC anticipates that, over time, the agency will see a reduction in expert consultation fees sufficient to pay for the nurse practitioner position entirely.

Finally, ORPC staff would benefit from the inclusion of a colleague who can provide specialized insight into the medical field. This position would assist the ORPC with the growing number of outside requests for the agency to launch a medical-legal partnership. Medical-legal partnerships are supported by both the American Academy of Pediatrics (AAP) and the American Bar Association and in 2007, the AAP passed a resolution promoting medical-legal partnership as a strategy to improve the health and well-being of children by encouraging "closer and more frequent collaboration between legal service and medical professionals."¹⁸⁴

Assumptions and Calculations:

The Common Compensation Plan of the Office of Respondent Parents' Counsel, the Office of the Child's Representative, and the Office of Alternate Defense Counsel does not include any comparable positions. The ORPC researched job classifications and minimum qualifications of the Colorado Department of Human Resources and believes that the Nurse Consultant job classification will most closely conform to the duties of the nurse-level medical consultant required for this position. The description and concept of class sections of the Nurse Consultant job classification includes the following items which the ORPC believes conform to the role and responsibilities of the Medical Consultant:

- Professional consulting;
- Technical program assistance;
- Providing training and educational programs;
- Consulting on planning, implementing, and evaluating programs;
- Using discretion and creativity within limits of theory and principles of the profession;
- Using judgment in the adaptation and skilled application of guidelines to solve problems;
- Anticipating and analyzing the impact and consequences of decisions made;
- Providing advice for the development of statewide programs, policies, and procedures; and,
- Serving as a resource to others and providing advice.

¹⁸³ U.S. BUREAU OF LAB. STATS., OCCUPATIONAL EMPLOYMENT AND WAGES: 29-1171 NURSE PRACTITIONERS (May 2021), <https://www.bls.gov/oes/current/oes291171.htm>.

¹⁸⁴ Resolution from Benjamin Gitterman, Am. Acad. of Pediatrics, to 2008 Annual Leadership Forum (Dec. 11, 2007), <https://medical-legalpartnership.org/wp-content/uploads/2014/02/American-Academy-of-Pediatrics-MLP-Resolution.pdf>; see also Am. Med. Ass'n House of Delegates Resolution 601 (Nov. 2020), <https://www.ama-assn.org/system/files/2020-11/nov20-wps-resolution-601.pdf>.

The ORPC assumes that it will be necessary to offer a salary at or near the midpoint of the relevant job class range to attract and hire a person with the needed education, experience, and expertise. The relevant information from the Department of Human Resources is below.

Medical Consultant Position Information from the FY 2022-23 Final Pay Plan of the Department of Human Resources						
Title	Class Code	Class 6 Code	Pay Grade	New Minimum	New Midpoint	New Maximum
NURSE CONSULTANT	C7E1	C7E1XX	C24	\$6,852	\$8,621	\$10,390

The ORPC assumes that that the person hired will choose health and dental coverage at the expected average of the agency's FY 2023-24 premiums for that coverage. The ORPC further assumes that the JBC will approve a Salary Survey increase of 5% as communicated by the Department of Personnel and Administration on October 14, 2022.

Medical Consultant			
Personal Services & Benefits		YEAR 1	YEAR 2
Number of Persons per Class Title		1.0	1.0
Monthly Base Salary		8,621	8,621
Number of months in Fiscal Year		11	12
Salary before Salary Survey adjustment		94,831	103,452
Salary Survey Adjustment	5.00%	4,742	5,173
Salary		99,573	108,625
PERA	11.50%	11,451	12,492
Medicare	1.45%	1,444	1,575
Sub-total Personal Services		112,468	122,692
Health/Life/Dental (ORPC Avg. for July, 2022)	\$ 1,402	15,422	16,824
Short-term Disability	0.17%	169	185
AED	5.00%	4,979	5,431
SAED	5.00%	4,979	5,431
Paid Family and Medical Leave Insurance		-	-
Total Personal Services & Benefits		138,017	150,563
FTE		0.9	1.0
Operating			
Regular FTE Operating	\$ 500	500	500
Telephone Expenses	\$ 450	450	450
Software	\$ 400	400	400
Computer	\$ 1,670	1,670	-
Cubicle/Workstation	\$ 5,000	5,000	-
Total Operating		8,020	1,350
TOTAL PERSONAL SERVICES & OPERATING		\$ 146,037	\$ 151,913

The ORPC asks that this request be adjusted should the JBC approve a Salary Survey adjustment that is different from the 5% used in the calculation above.

Anticipated Outcomes:

The Medical Consultant position will be filled by a nurse practitioner or similarly experienced expert with experience in both the medical field and either child welfare or legal defense teams. If approved, the ORPC will be able to hire a specialized ORPC staff member with a unique skill set and background that could provide training, consultations, and resources to ORPC contractors. These resources would create efficiencies in both legal practice and in expending state taxpayer dollars. Finally, this position would assist the ORPC in the development of medical-legal partnerships.

Impact to Other State Government Agencies:

The ORPC does not anticipate this request will affect other state agencies at this time.

Office of the Respondent Parents' Counsel FY 2023-24
Department Summary

Schedule 2

Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 Actual Expenditures	2.7	712,564	712,564	-	-	-
FY 2016-17 Actual Expenditures	10.0	13,961,461	13,932,510	9,613	19,338	-
FY 2017-18 Actual Expenditures	9.7	16,110,219	16,045,575	-	64,644	-
FY 2018-19 Actual Expenditures	9.2	20,525,589	20,435,214	20,300	70,076	-
FY 2019-20 Actual Expenditures	12.8	22,102,901	22,008,823	29,498	64,580	-
FY 2020-21 Actual Expenditures	11.9	23,879,099	22,829,158	10,354	1,039,587	-
FY 2021-22 Actual Expenditures	13.3	24,175,294	23,257,002	6,475	911,817	-
FY 2022-23 Appropriation	15.8	31,186,865	25,525,413	48,000	5,613,452	-
FY 2023-24 Request	20.0	\$36,523,660	\$30,020,246	\$48,000	\$6,455,414	-

**Office of the Respondent Parents' Counsel FY 2023-24
Summary**

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2019-20 Appropriation						
FY 2019-20 Long Bill, S.B. 19-207	\$20,869,276	13.00	\$20,808,181	\$30,000	\$31,095	\$0
Rollforward from FY 2018-19	\$12,000	-	\$12,000	\$0	\$0	\$0
FY 2019-20 Appropriation	\$20,881,276	13.00	\$20,820,181	\$30,000	\$31,095	\$0
FY 2020-21 Appropriation						
FY 2020-21 Long Bill, H.B. 20-1360	\$27,814,574	14.00	\$22,474,237	\$48,000	\$5,292,337	\$0
Special Bill, S.B. 20-192	\$178,560	-	\$178,560	\$0	\$0	\$0
FY 2020-21 Appropriation	\$27,993,134	14.00	\$22,652,797	\$48,000	\$5,292,337	\$0
FY 2021-22 Appropriation						
FY 2021-22 Long Bill, S.B. 21-205	\$29,183,550	14.00	\$23,826,319	\$48,000	\$5,309,231	\$0
FY 2021-22 Appropriation	\$29,183,550	14.00	\$23,826,319	\$48,000	\$5,309,231	\$0
FY 2022-23 Appropriation						
FY 2022-23 Long Bill, H.B. 22-1329	\$31,191,058	15.80	\$25,529,320	\$48,000	\$5,613,738	\$0
Special Bill, H.B. 22-1133	(\$4,193)		(\$3,907)	\$0	(\$286)	\$0
FY 2022-23 Appropriation	\$31,186,865	15.80	\$25,525,413	\$48,000	\$5,613,452	\$0
FY 2023-24 Request						
FY 2022-23 Appropriation	\$31,186,865	15.80	\$25,525,413	\$48,000	\$5,613,452	\$0
Annualization of S.B. 18-200	\$0	-	\$0	\$0	\$0	\$0
Common policy adjustment, Salary Survey	\$110,284	-	\$102,824	\$0	\$7,460	\$0
Common policy adjustment, HLD	\$15,558	-	\$6,779	\$0	\$8,779	\$0
Common policy adjustment, STD	\$121	-	\$117	\$0	\$4	\$0
Common policy adjustment, AED	\$10,175	-	\$9,612	\$0	\$563	\$0
Common policy adjustment, SAED	\$10,175	-	\$9,612	\$0	\$563	\$0
Common policy adjustment, PFML	\$0	-	\$0	\$0	\$0	\$0
Annualization of PY Decision Items	\$5,386	-	\$5,386	\$0	\$0	\$0
R-1, Increase in Hourly Rates of Contract Attorneys	\$3,377,211	-	\$3,369,883	\$0	\$7,328	\$0
R-2, Policy and Legislative Staff Attorney	\$185,839	1.00	\$185,839	\$0	\$0	\$0
R-3, Staff Paralegal	\$98,866	1.00	\$98,866	\$0	\$0	\$0
R-4, Incr. in Hourly Rates of Non-Attorney Contractors	\$1,263,685	-	\$446,420	\$0	\$817,265	\$0
R-5, Parent Advocacy Coordinator	\$113,458	1.00	\$113,458	\$0	\$0	\$0
R-6, Medical Consultant	\$146,037	1.00	\$146,037	\$0	\$0	\$0
FY 2023-24 Request	\$36,523,660	19.80	\$30,020,246	\$48,000	\$6,455,414	\$0
<i>annual change</i>	<i>\$5,336,795</i>	<i>4.00</i>	<i>\$4,494,833</i>	<i>\$0</i>	<i>\$841,962</i>	<i>\$0</i>
Change, FY 2022-23 to FY 2023-24:						
Dollar amounts and FTE	\$5,336,795	4.00	\$4,494,833	\$0	\$841,962	\$0
Percentage	17.1%	25.3%	17.6%	0.0%	15.0%	0.0%

Office of the Respondent Parents' Counsel FY 2023-24
Line Item by Year

Schedule 3

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fu	Federal Fund
Personal Services										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
Final FY 2020-21 Appropriation	14.0	1,721,458	13.0	1,581,687	-	-	1.0	139,771	-	-
FY 2020-21 Allocated Pots	-	255,348	-	230,000	-	-	-	25,348	-	-
Year End Transfers	-	12,000	-	12,000	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	14.0	1,988,806	13.0	1,823,687	-	-	1.0	165,119	-	-
FY 2020-21 Expenditures	11.9	1,917,339	11.2	1,823,206	-	-	0.7	94,133	-	-
FY 2020-21 Reversion/(Overexpenditure)	2.1	71,467	1.8	481	-	-	0.3	70,986	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	14.0	1,912,724	13.0	1,760,249	-	-	1.0	152,475	-	-
Final FY 2021-22 Appropriation	14.0	1,912,724	13.0	1,760,249	-	-	1.0	152,475	-	-
Allocated to Personal Services	-	391,815	-	354,824	-	-	-	36,991	-	-
Year End Transfers	-	8,000	-	8,000	-	-	-	-	-	-
FY 2021-22 Total Available Spending Authority	14.0	2,312,539	13.0	2,123,073	-	-	1.0	189,466	-	-
FY 2021-22 Expenditures	13.3	2,250,512	12.7	2,122,591	-	-	0.6	127,921	-	-
FY 2021-22 Reversion/(Overexpenditure)	0.7	62,027	0.3	482	-	-	0.4	61,545	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	15.8	2,199,742	14.8	2,042,482	-	-	1.0	157,260	-	-
FY 2022-23 Total Appropriation	15.8	2,199,742	14.8	2,042,482	-	-	1.0	157,260	-	-
FY 2022-23 Total Available Spending Authority	15.8	2,199,742	14.8	2,042,482	-	-	1.0	157,260	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	15.8	2,199,742	14.8	2,042,482	-	-	1.0	157,260	-	-
Annualization of FY 2022-23 R-2, EDI Specialist	0.1	11,088	0.1	11,088	-	-	-	-	-	-
Annualization of FY 2022-23 R-3, SW Outreach Coord.	0.1	6,698	0.1	6,698	-	-	-	-	-	-
FY 2022-23 Salary Survey Allocated to Personal Svcs	-	54,090	-	49,902	-	-	-	4,188	-	-
FY 2023-24 Base Request	16.0	2,271,618	15.0	2,110,170	-	-	1.0	161,448	-	-
R-2, Policy and Legislative Staff Attorney	1.0	148,983	1.0	148,983	-	-	-	-	-	-
R-3, Staff Paralegal	1.0	69,194	1.0	69,194	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	1.0	82,580	1.0	82,580	-	-	-	-	-	-
R-6, Medical Consultant	1.0	112,468	1.0	112,468	-	-	-	-	-	-
FY 2023-24 Total Request	20.0	2,684,843	19.0	2,523,395	-	-	1.0	161,448	-	-
FY 2022-23 Total Appropriation	15.8	2,199,742	14.8	2,042,482	-	-	1.0	157,260	-	-
FY 2023-24 Base Request	16.0	2,271,618	15.0	2,110,170	-	-	1.0	161,448	-	-
FY 2023-24 Total Request	20.0	2,684,843	19.0	2,523,395	-	-	1.0	161,448	-	-
Percentage Change FY 2022-23 to FY 2023-24	27%	22%	28%	24%	-	0%	-	3%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
Health, Life and Dental										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	112,070	-	99,398	-	-	-	12,672	-	-
Final FY 2020-21 Appropriation	-	112,070	-	99,398	-	-	-	12,672	-	-
FY 2020-21 Allocated Pots	-	(112,070)	-	(99,398)	-	-	-	(12,672)	-	-
FY 2020-21 Total Available Spending Authority	-	-		-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	187,275	-	166,890	-	-	-	20,385	-	-
Final FY 2021-22 Appropriation	-	187,275	-	166,890	-	-	-	20,385	-	-
Allocated to Personal Services	-	(187,275)	-	(166,890)	-	-	-	(20,385)	-	-
FY 2021-22 Total Available Spending Authority	-	-		-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	254,473	-	238,747	-	-	-	15,726	-	-
FY 2022-23 Total Appropriation	-	254,473	-	238,747	-	-	-	15,726	-	-
FY 2022-23 Total Available Spending Authority	-	254,473	-	238,747	-	-	-	15,726	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	254,473	-	238,747	-	-	-	15,726	-	-
Total Compensation Common Policy	-	15,558	-	6,779	-	-	-	8,779	-	-
FY 2023-24 Base Request	-	270,031	-	245,526	-	-	-	24,505	-	-
R-2, Policy and Legislative Staff Attorney	-	15,422	-	15,422	-	-	-	-	-	-
R-3, Staff Paralegal	-	15,422	-	15,422	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	-	15,422	-	15,422	-	-	-	-	-	-
R-6, Medical Consultant	-	15,422	-	15,422	-	-	-	-	-	-
FY 2023-24 Total Request	-	331,719	-	307,214	-	-	-	24,505	-	-
FY 2022-23 Total Appropriation	-	254,473	-	238,747	-	-	-	15,726	-	-
FY 2023-24 Base Request	-	270,031	-	245,526	-	-	-	24,505	-	-
FY 2023-24 Total Request	-	331,719	-	307,214	-	-	-	24,505	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	30%	-	29%	-	0%	-	56%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
Short-term Disability										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	2,344	-	2,108	-	-	-	236	-	-
Final FY 2020-21 Appropriation	-	2,344	-	2,108	-	-	-	236	-	-
FY 2020-21 Allocated Pots	-	(2,344)	-	(2,108)	-	-	-	(236)	-	-
FY 2020-21 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	2,437	-	2,239	-	-	-	198	-	-
Final FY 2021-22 Appropriation	-	2,437	-	2,239	-	-	-	198	-	-
Allocated to Personal Services	-	(2,437)	-	(2,239)	-	-	-	(198)	-	-
FY 2021-22 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	2,953	-	2,749	-	-	-	204	-	-
FY 2022-23 Total Appropriation	-	2,953	-	2,749	-	-	-	204	-	-
FY 2022-23 Total Available Spending Authority	-	2,953	-	2,749	-	-	-	204	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	2,953	-	2,749	-	-	-	204	-	-
Total Compensation Common Policy	-	121	-	117	-	-	-	4	-	-
FY 2023-24 Base Request	-	3,074	-	2,866	-	-	-	208	-	-
R-2, Policy and Legislative Staff Attorney	-	224	-	224	-	-	-	-	-	-
R-3, Staff Paralegal	-	104	-	104	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	-	124	-	124	-	-	-	-	-	-
R-6, Medical Consultant	-	169	-	169	-	-	-	-	-	-
FY 2022-23 Total Available Spending Authority	-	3,695	-	3,487	-	-	-	208	-	-
FY 2023-24 Total Request	-	3,695	-	3,487	-	-	-	208	-	-
FY 2022-23 Total Appropriation	-	2,953	-	2,749	-	-	-	204	-	-
FY 2023-24 Base Request	-	3,074	-	2,866	-	-	-	208	-	-
FY 2023-24 Total Request	-	3,695	-	3,487	-	-	-	208	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	25%	-	27%	-	0%	-	2%	-	-

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fund	Federal Fund
<u>Paid Family and Medical Leave Insurance</u>										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	-	-	-	-	-	-	-	-	-
FY 2020-21 Supplemental Bill, SB 21-45	-	-	-	-	-	-	-	-	-	-
Final FY 2020-21 Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2020-21 Allocated Pots	-	-	-	-	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	-	-	-	-	-	-	-	-	-
Final FY 2021-22 Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Allocated Pots	-	-	-	-	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	4,193	-	3,907	-	-	-	286	-	-
HB 22-1133, Family and Medical Leave Insurance Fund	-	(4,193)	-	(3,907)	-	-	-	(286)	-	-
FY 2022-23 Total Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	-	-	-	-	-	-	-	-	-
Total Compensation Common Policy	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Base Request	-	-	-	-	-	-	-	-	-	-
R-2, Policy and Legislative Staff Attorney	-	-	-	-	-	-	-	-	-	-
R-3, Staff Paralegal	-	-	-	-	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	-	-	-	-	-	-	-	-	-	-
R-6, Medical Consultant	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Total Request	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Total Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Base Request	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Total Request	-	-	-	-	-	-	-	-	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	n/a	-	n/a	-	0%	-	n/a	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fu	Federal Fund
S.B. 04-257 AED										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	70,467	-	64,247	-	-	-	6,220	-	-
Final FY 2020-21 Appropriation	-	70,467	-	64,247	-	-	-	6,220	-	-
FY 2020-21 Allocated Pots	-	(70,467)	-	(64,247)	-	-	-	(6,220)	-	-
FY 2020-21 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	76,137	-	69,955	-	-	-	6,182	-	-
Final FY 2021-22 Appropriation	-	76,137	-	69,955	-	-	-	6,182	-	-
Allocated to Personal Services	-	(76,137)	-	(69,955)	-	-	-	(6,182)	-	-
FY 2021-22 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	92,283	-	85,920	-	-	-	6,363	-	-
FY 2022-23 Total Appropriation	-	92,283	-	85,920	-	-	-	6,363	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	92,283	-	85,920	-	-	-	6,363	-	-
Total Compensation Common Policy	-	10,175	-	9,612	-	-	-	563	-	-
FY 2023-24 Base Request	-	102,458	-	95,532	-	-	-	6,926	-	-
R-2, Policy and Legislative Staff Attorney	-	6,595	-	6,595	-	-	-	-	-	-
R-3, Staff Paralegal	-	3,063	-	3,063	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	-	3,656	-	3,656	-	-	-	-	-	-
R-6, Medical Consultant	-	4,979	-	4,979	-	-	-	-	-	-
FY 2023-24 Total Request	-	120,751	-	113,825	-	-	-	6,926	-	-
FY 2022-23 Total Appropriation	-	92,283	-	85,920	-	-	-	6,363	-	-
FY 2023-24 Base Request	-	102,458	-	95,532	-	-	-	6,926	-	-
FY 2023-24 Total Request	-	120,751	-	113,825	-	-	-	6,926	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	31%	-	32%	-	0%	-	9%		0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
S.B. 06-235 SAED										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	70,467	-	64,247	-	-	-	6,220	-	-
Final FY 2020-21 Appropriation	-	70,467	-	64,247	-	-	-	6,220	-	-
FY 2020-21 Allocated Pots	-	(70,467)	-	(64,247)	-	-	-	(6,220)	-	-
FY 2020-21 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	76,137	-	69,955	-	-	-	6,182	-	-
Final FY 2021-22 Appropriation	-	76,137	-	69,955	-	-	-	6,182	-	-
Allocated to Personal Services	-	(76,137)	-	(69,955)	-	-	-	(6,182)	-	-
FY 2021-22 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	92,283	-	85,920	-	-	-	6,363	-	-
FY 2022-23 Total Appropriation	-	92,283	-	85,920	-	-	-	6,363	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	92,283	-	85,920	-	-	-	6,363	-	-
Total Compensation Common Policy	-	10,175	-	9,612	-	-	-	563	-	-
FY 2023-24 Base Request	-	102,458	-	95,532	-	-	-	6,926	-	-
R-2, Policy and Legislative Staff Attorney	-	6,595	-	6,595	-	-	-	-	-	-
R-3, Staff Paralegal	-	3,063	-	3,063	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	-	3,656	-	3,656	-	-	-	-	-	-
R-6, Medical Consultant	-	4,979	-	4,979	-	-	-	-	-	-
FY 2023-24 Total Request	-	120,751	-	113,825	-	-	-	6,926	-	-
FY 2022-23 Total Appropriation	-	92,283	-	85,920	-	-	-	6,363	-	-
FY 2023-24 Base Request	-	102,458	-	95,532	-	-	-	6,926	-	-
FY 2023-24 Total Request	-	120,751	-	113,825	-	-	-	6,926	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	31%	-	32%	-	0%	-	9%		0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
Salary Survey										
FY 2020-21 Actual										
FY 2019-20 Long Bill, SB 19-207	-	-	-	-	-	-	-	-	-	-
Final FY 2019-20 Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2019-20 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	49,829	-	45,785	-	-	-	4,044	-	-
Final FY 2021-22 Appropriation	-	49,829	-	45,785	-	-	-	4,044	-	-
Allocated to Personal Services	-	(49,829)	-	(45,785)	-	-	-	(4,044)	-	-
FY 2020-21 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	54,090	-	49,902	-	-	-	4,188	-	-
FY 2022-23 Total Appropriation	-	54,090	-	49,902	-	-	-	4,188	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	54,090	-	49,902	-	-	-	4,188	-	-
Allocated to Personal Services	-	(54,090)	-	(49,902)	-	-	-	(4,188)	-	-
Total Compensation Common Policy	-	110,284	-	102,824	-	-	-	7,460	-	-
FY 2022-23 Base Request	-	110,284	-	102,824	-	-	-	7,460	-	-
FY 2023-24 Total Request	-	110,284	-	102,824	-	-	-	7,460	-	-
FY 2022-23 Total Appropriation	-	54,090	-	49,902	-	-	-	4,188	-	-
FY 2023-24 Base Request	-	110,284	-	102,824	-	-	-	7,460	-	-
FY 2023-24 Total Request	-	110,284	-	102,824	-	-	-	7,460	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	104%	-	106%	-	0%	-	78%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fu	Federal Fund
Merit										
FY 2020-21 Actual										
FY 2019-20 Long Bill, HB 20-1360	-	-	-	-	-	-	-	-	-	-
Final FY 2019-20 Appropriation	-	-	-	-	-	-	-	-	-	-
Allocated to Personal Services	-	-	-	-	-	-	-	-	-	-
FY 2019-20 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	-	-	-	-	-	-	-	-	-
Final FY 2020-21 Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Total Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	-	-	-	-	-	-	-	-	-
Total Compensation Common Policy	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Base Request	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Total Request	-	-	-	-	-	-	-	-	-	-
FY 2022-23 Total Appropriation	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Base Request	-	-	-	-	-	-	-	-	-	-
FY 2023-24 Total Request	-	-	-	-	-	-	-	-	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	0%	-	0%	-	0%	-	0%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fund	Federal Fund
Operating										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	133,853	-	125,450	-	-	-	8,403	-	-
Final FY 2020-21 Appropriation	-	133,853	-	125,450	-	-	-	8,403	-	-
Year End Transfers	-	(12,000)	-	(12,000)	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	-	121,853	-	113,450	-	-	-	8,403	-	-
FY 2020-21 Expenditures	-	105,166	-	105,166	-	-	-	-	-	-
FY 2020-21 Reversion/(Overexpenditure)	-	16,687	-	8,284	-	-	-	8,403	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	126,400	-	125,450	-	-	-	950	-	-
Final FY 2021-22 Appropriation	-	126,400	-	125,450	-	-	-	950	-	-
Year End Transfers	-	34,500	-	34,500	-	-	-	-	-	-
FY 2021-22 Total Available Spending Authority	-	160,900	-	159,950	-	-	-	950	-	-
FY 2021-22 Expenditures	-	159,171	-	159,171	-	-	-	-	-	-
FY 2021-22 Reversion/(Overexpenditure)	-	1,729	-	779	-	-	-	950	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	141,500	-	140,550	-	-	-	950	-	-
FY 2022-23 Total Appropriation	-	141,500	-	140,550	-	-	-	950	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	141,500	-	140,550	-	-	-	950	-	-
Annualization of FY 2022-23 R-2, EDI Specialist	-	(6,200)	-	(6,200)	-	-	-	-	-	-
Annualization of FY 2022-23 R-3, SW Outreach Coord.	-	(6,200)	-	(6,200)	-	-	-	-	-	-
FY 2023-24 Base Request	-	129,100	-	128,150	-	-	-	950	-	-
R-2, Policy and Legislative Staff Attorney	-	8,020	-	8,020	-	-	-	-	-	-
R-3, Staff Paralegal	-	8,020	-	8,020	-	-	-	-	-	-
R-5, Parent Advocacy Coordinator	-	8,020	-	8,020	-	-	-	-	-	-
R-6, Medical Consultant	-	8,020	-	8,020	-	-	-	-	-	-
FY 2023-24 Total Request	-	161,180	-	160,230	-	-	-	950	-	-
FY 2022-23 Total Appropriation	-	141,500	-	140,550	-	-	-	950	-	-
FY 2023-24 Base Request	-	129,100	-	128,150	-	-	-	950	-	-
FY 2023-24 Total Request	-	161,180	-	160,230	-	-	-	950	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	14%	-	14%	-	0%	-	0%	-	0%

Long Bill Line Item	Total FTE	Total Fun	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fun	Federal Fund
Training										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	106,000	-	30,000	-	48,000	-	28,000	-	-
Final FY 2020-21 Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
Undercollection of Revenue	-	(36,211)	-	-	-	(36,211)	-	-	-	-
Year End Transfers	-	-	-	-	-	-	-	-	-	-
Rollforward	-	-	-	-	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	-	69,789	-	30,000	-	11,789	-	28,000	-	-
FY 2020-21 Expenditures	-	30,827	-	20,473	-	10,354	-	-	-	-
FY 2020-21 Reversion/(Overexpenditure)	-	38,962	-	9,527	-	1,435	-	28,000	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	106,000	-	30,000	-	48,000	-	28,000	-	-
Final FY 2021-22 Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
Undercollection of Revenue	-	(41,525)	-	-	-	(41,525)	-	-	-	-
Year End Transfers	-	9,500	-	9,500	-	-	-	-	-	-
FY 2021-22 Total Available Spending Authority	-	73,975	-	39,500	-	6,475	-	28,000	-	-
FY 2021-22 Expenditures	-	45,880	-	39,405	-	6,475	-	-	-	-
FY 2021-22 Reversion/(Overexpenditure)	-	28,095	-	95	-	-	-	28,000	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2022-23 Total Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2023-24 Base Request	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2023-24 Total Request	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2022-23 Total Appropriation	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2023-24 Base Request	-	106,000	-	30,000	-	48,000	-	28,000	-	-
FY 2023-24 Total Request	-	106,000	-	30,000	-	48,000	-	28,000	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	0%	-	0%	-	0%	-	0%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
IV-E Legal Representation										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	4,741,480	-	-	-	-	-	4,741,480	-	-
Final FY 2020-21 Appropriation	-	4,741,480	-	-	-	-	-	4,741,480	-	-
FY 2020-21 Total Available Spending Authority	-	4,741,480	-	-	-	-	-	4,741,480	-	-
FY 2020-21 Expenditures	-	909,094	-	-	-	-	-	909,094	-	-
FY 2020-21 Reversion/(Overexpenditure)	-	3,832,386	-	-	-	-	-	3,832,386	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	4,741,480	-	-	-	-	-	4,741,480	-	-
Final FY 2021-22 Appropriation	-	4,741,480	-	-	-	-	-	4,741,480	-	-
FY 2021-22 Total Available Spending Authority	-	4,741,480	-	-	-	-	-	4,741,480	-	-
FY 2021-22 Expenditures	-	690,898	-	-	-	-	-	690,898	-	-
FY 2021-22 Reversion/(Overexpenditure)	-	4,050,582	-	-	-	-	-	4,050,582	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	5,025,969	-	-	-	-	-	5,025,969	-	-
FY 2022-23 Total Appropriation	-	5,025,969	-	-	-	-	-	5,025,969	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	5,025,969	-	-	-	-	-	5,025,969	-	-
FY 2023-24 Base Request	-	5,025,969	-	-	-	-	-	5,025,969	-	-
R-1, Increase in Hourly Rates of Contract Attorneys	-	7,328	-	-	-	-	-	7,328	-	-
R-4, Increase in Hourly Rates of Non-Atty Contractors	-	756,545	-	-	-	-	-	756,545	-	-
FY 2023-24 Total Request	-	5,789,842	-	-	-	-	-	5,789,842	-	-
FY 2022-23 Total Appropriation	-	5,025,969	-	-	-	-	-	5,025,969	-	-
FY 2023-24 Base Request	-	5,025,969	-	-	-	-	-	5,025,969	-	-
FY 2023-24 Total Request	-	5,789,842	-	-	-	-	-	5,789,842	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	15%	-	0%	-	0%	-	15%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fund	Federal Fund
Court-appointed Counsel										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	19,286,624	-	19,286,624	-	-	-	-	-	-
Annualization of SB20-162, Changes for Family First	-	99,636	-	99,636	-	-	-	-	-	-
FY 2020-21 Supplemental Bill, SB 21-45	-	100,000	-	100,000	-	-	-	-	-	-
Final FY 2020-21 Appropriation	-	19,486,260	-	19,486,260	-	-	-	-	-	-
Year End Transfers	-	(200,000)	-	(200,000)	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	-	19,286,260	-	19,286,260	-	-	-	-	-	-
FY 2020-21 Expenditures	-	18,527,743	-	18,527,743	-	-	-	-	-	-
FY 2020-21 Reversion/(Overexpenditure)	-	758,517	-	758,517	-	-	-	-	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	19,918,541	-	19,918,541	-	-	-	-	-	-
Annualization of SB20-162, Changes for Family First	-	-	-	-	-	-	-	-	-	-
FY 2020-21 Supplemental Bill, SB 21-45	-	-	-	-	-	-	-	-	-	-
Final FY 2021-22 Appropriation	-	19,918,541	-	19,918,541	-	-	-	-	-	-
Year End Transfers	-	(1,302,000)	-	(1,302,000)	-	-	-	-	-	-
FY 2021-22 Total Available Spending Authority	-	18,616,541	-	18,616,541	-	-	-	-	-	-
FY 2021-22 Expenditures	-	18,161,124	-	18,161,124	-	-	-	-	-	-
FY 2021-22 Reversion/(Overexpenditure)	-	455,417	-	455,417	-	-	-	-	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	22,247,566	-	21,910,232	-	-	-	337,334	-	-
FY 2022-23 Total Appropriation	-	22,247,566	-	21,910,232	-	-	-	337,334	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	22,247,566	-	21,910,232	-	-	-	337,334	-	-
FY 2023-24 Base Request	-	22,247,566	-	21,910,232	-	-	-	337,334	-	-
R-1, Increase in Hourly Rates of Contract Attorneys	-	3,369,883	-	3,369,883	-	-	-	-	-	-
R-4, Increase in Hourly Rates of Non-Atty Contractors	-	507,140	-	446,420	-	-	-	60,720	-	-
FY 2023-24 Total Request	-	26,124,589	-	25,726,535	-	-	-	398,054	-	-
FY 2022-23 Total Appropriation	-	22,247,566	-	21,910,232	-	-	-	337,334	-	-
FY 2023-24 Base Request	-	22,247,566	-	21,910,232	-	-	-	337,334	-	-
FY 2023-24 Total Request	-	26,124,589	-	25,726,535	-	-	-	398,054	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	17.4%	-	17.4%	-	0.0%	-	n/a	-	0.0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed/Fu	Federal Fund
Mandated Costs										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	1,538,716	-	1,220,476	-	-	-	318,240	-	-
Annualization of SB20-162, Changes for Family First	-	78,924	-	78,924	-	-	-	-	-	-
FY 2020-21 Supplemental Bill, SB 21-45	-	1,410,276	-	1,410,276	-	-	-	-	-	-
Final FY 2020-21 Appropriation	-	3,027,916	-	2,709,676	-	-	-	318,240	-	-
Year End Transfers	-	200,000	-	200,000	-	-	-	-	-	-
FY 2020-21 Total Available Spending Authority	-	3,227,916	-	2,909,676	-	-	-	318,240	-	-
FY 2020-21 Expenditures	-	2,352,569	-	2,352,569	-	-	-	-	-	-
FY 2020-21 Reversion/(Overexpenditure)	-	875,347	-	557,107	-	-	-	318,240	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	1,955,495	-	1,637,255	-	-	-	318,240	-	-
Final FY 2021-22 Appropriation	-	1,955,495	-	1,637,255	-	-	-	318,240	-	-
Year End Transfers	-	1,250,000	-	1,250,000	-	-	-	-	-	-
FY 2021-22 Total Available Spending Authority	-	3,205,495	-	2,887,255	-	-	-	318,240	-	-
FY 2021-22 Expenditures	-	2,807,659	-	2,774,710	-	-	-	32,949	-	-
FY 2021-22 Reversion/(Overexpenditure)	-	397,836	-	112,545	-	-	-	285,291	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	938,911	-	938,911	-	-	-	-	-	-
FY 2022-23 Total Appropriation	-	938,911	-	938,911	-	-	-	-	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	938,911	-	938,911	-	-	-	-	-	-
FY 2023-24 Base Request	-	938,911	-	938,911	-	-	-	-	-	-
FY 2023-24 Total Request	-	938,911	-	938,911	-	-	-	-	-	-
FY 2022-23 Total Appropriation	-	938,911	-	938,911	-	-	-	-	-	-
FY 2023-24 Base Request	-	938,911	-	938,911	-	-	-	-	-	-
FY 2023-24 Total Request	-	938,911	-	938,911	-	-	-	-	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	0%	-	0%	-	0%	-	0%	-	0%

Long Bill Line Item	Total FTE	Total Fund	FTE - Gen'l Fund	General Fund	FTE - Cash Fund	Cash Funds	FTE - Reappr. Funds	Reappropriated Funds	FTE - Fed'l Fund	Federal Fund
Grants										
FY 2020-21 Actual										
FY 2020-21 Long Bill, HB 20-1360	-	31,095	-	-	-	-	-	31,095	-	-
Custodial Appropriation	-	87,223	-	-	-	-	-	87,223	-	-
Final FY 2020-21 Appropriation	-	118,318	-	-	-	-	-	118,318	-	-
FY 2020-21 Total Available Spending Authority	-	118,318	-	-	-	-	-	118,318	-	-
FY 2020-21 Expenditures	-	36,360	-	-	-	-	-	36,360	-	-
FY 2020-21 Reversion/(Overexpenditure)	-	81,958	-	-	-	-	-	81,958	-	-
FY 2021-22 Actual										
FY 2021-22 Long Bill, SB 21-205	-	31,095	-	-	-	-	-	31,095	-	-
Custodial Appropriation	-	159,374	-	-	-	-	-	159,374	-	-
Final FY 2021-22 Appropriation	-	190,469	-	-	-	-	-	190,469	-	-
FY 2021-22 Total Available Spending Authority	-	190,469	-	-	-	-	-	190,469	-	-
FY 2021-22 Expenditures	-	60,048	-	-	-	-	-	60,048	-	-
FY 2021-22 Reversion/(Overexpenditure)	-	130,421	-	-	-	-	-	130,421	-	-
FY 2022-23 Appropriation										
FY 2022-23 Long Bill, HB 22-1329	-	31,095	-	-	-	-	-	31,095	-	-
FY 2022-23 Total Appropriation	-	31,095	-	-	-	-	-	31,095	-	-
FY 2023-24 Request										
FY 2022-23 Appropriation	-	31,095	-	-	-	-	-	31,095	-	-
FY 2023-24 Base Request	-	31,095	-	-	-	-	-	31,095	-	-
FY 2023-24 Total Request	-	31,095	-	-	-	-	-	31,095	-	-
FY 2022-23 Total Appropriation	-	31,095	-	-	-	-	-	31,095	-	-
FY 2023-24 Base Request	-	31,095	-	-	-	-	-	31,095	-	-
FY 2023-24 Total Request	-	31,095	-	-	-	-	-	31,095	-	-
Percentage Change FY 2022-23 to FY 2023-24	-	0%	-	0%	-	0%	-	0%	-	0%

Office of the Respondent Parents' Counsel FY 2023-24
Funding Source

Schedule 4

	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 Actual	712,564	712,564	-	-	-
FY 2016-17 Actual	13,961,461	13,932,510	9,613	19,338	-
FY 2017-18 Actual	16,110,219	16,045,575	-	64,644	-
FY 2018-19 Actual	20,525,589	20,435,214	20,300	70,076	-
FY 2019-20 Actual	22,102,901	22,008,823	29,498	64,580	-
FY 2020-21 Actual	23,879,099	22,829,158	10,354	1,039,587	-
FY 2021-22 Actual	24,175,292	23,257,001	6,475	911,816	-
FY 2022-23 Appropriation	31,186,865	25,525,413	48,000	5,613,452	-
FY 2023-24 Request	36,523,660	30,020,246	48,000	6,455,414	-

Office of the Respondent Parents' Counsel FY 2023-24**Schedule 5****Line Item to Statute**

Following passage of S.B. 14-203 and H.B. 15-1149, and pursuant to sections 13-92-101 through 104, C.R.S. (2015), the Office of the Respondent Parents' Counsel was established as an independent agency in the Judicial Branch beginning January 1, 2016. This Long Bill Group funds the activities of the Office of the Respondent Parents' Counsel, which include ensuring provision of uniform, high-quality legal representation for parents involved in judicial dependency and neglect proceedings and who lack the financial means to afford legal representation; to assume all existing Respondent Parent Counsel appointments; and to make all new Respondent Parent Counsel appointments.

Long Bill Line	Line Item Description	Programs Supported by Line Item	Statutory Cite
Personal Services	Funds all staff within the Office of the Respondent Parents' Counsel.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Health/Life/Dental	Funds all health/life/dental costs for Office of the Respondent Parents' Counsel employees.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Short-term disability	Funds all short-term disability costs for Office of the Respondent Parents' Counsel employees.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
SB 04-257 AED	Funds Office of the Respondent Parents' Counsel's disbursement towards amortizing the unfunded liability in the PERA trust fund.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
SB 06-235 Supplemental AED	Funds Office of the Respondent Parents' Counsel's disbursement towards amortizing the unfunded liability in the PERA trust fund.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Salary Survey	Funds salary adjustments based on the Total Compensation Survey and on job and wage classifications	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Merit Pay	Funding for salary increases for merit-based compensation adjustments	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Paid Family and Medical Leave Insurance	Funding for paid family and medical leave insurance premiums	Office of the Respondent Parents' Counsel	8-13.3-401 to 424, C.R.S.
Operating Expenses	Funds general operating expenses for the Office of the Respondent Parents' Counsel.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Training	Funds training for attorneys providing respondent parents' counsel.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Court-appointed Counsel	Funds the payment of attorneys appointed to represent indigent Respondent Parents' in Dependency and Neglect cases.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
Mandated Costs	Funds the payment of case-related costs which are required by statutory or Constitutional law to ensure due process. Mandated costs include fees and travel reimbursements for expert witnesses and interpreters and fees for mental health evaluations and transcripts.	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.
IV-E Legal Reimbursement	Funds the expansion and enhancement of legal representation for parents and administrative costs under Title IV-E of the Social Security Act and the U.S. Dept. of Health and Human Services Children's Bureau Child Welfare Policy Manual.	Office of the Respondent Parents' Counsel	26-2-102 to 26-5-104, C.R.S.
Grants	Funds various programs within the Office of the Respondent Parents' Counsel	Office of the Respondent Parents' Counsel	13-92-101 to 104, C.R.S.

Office of the Respondent Parents' Counsel FY 2023-24
Special Bills Summary

Schedule 6

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated	Federal Funds
FY 2015-16						
H.B. 15-1149: Concerning the RPC						
Personal Services	(4.2)	(479,386)	(479,386)	-	-	-
HLD		(18,790)	(18,790)	-	-	-
STD		(868)	(868)	-	-	-
AED		(17,362)	(17,362)	-	-	-
SAED		(16,770)	(16,770)	-	-	-
Operating		(13,113)	(13,113)	-	-	-
Case Management System		(215,625)	(215,625)	-	-	-
Training		(30,000)	(15,000)	(15,000)	-	-
Court-appointed Counsel		(4,986,663)	(4,986,663)	-	-	-
H.B. 15-1149: Concerning the RPC	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-
FY 2015-16 Department Total	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-
FY 2016-17 - none						
FY 2017-18 - none						
FY 2018-19 - none						
FY 2019-20 - none						
FY 2020-21						
S.B. 20-162: Changes for Fed'l Family First Policy						
Court-appointed Counsel		99,636	99,636	-	-	-
Mandated Costs		78,924	78,924	-	-	-
S.B. 20-162: Changes for Fed'l Family First Policy	-	178,560	178,560	-	-	-
FY 2020-21 Department Total	-	178,560	178,560	-	-	-
FY 2021-22 - none						
FY 2022-23						
H.B. 22-1133: Family & Medical Leave Ins. Fund						
Paid Family and Medical Leave Insurance		(4,193)	(3,907)	-	(286)	-
H.B. 22-1133: Family & Medical Leave Ins. Fund	-	(4,193)	(3,907)	-	(286)	-
FY 2022-23 Department Total	-	(4,193)	(3,907)	-	(286)	-

Office of the Respondent Parents' Counsel FY 2022-23
Supplemental Bills Summary

Schedule 7

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 - none						
FY 2016-17, Senate Bill 17-164						
Operating		6,890	6,890			
Court-appointed Counsel		2,173,497	2,173,497			
Mandated Costs		161,614	161,614			
GRANTS (new line)		23,755			23,755	
FY 2016-17 Department Total	-	2,365,756	2,342,001	-	23,755	-
FY 2017-18 - none						
FY 2018-19, Senate Bill 19-115						
Court-appointed Counsel		2,847,813	2,847,813			
Mandated Costs		230,431	230,431			
FY 2018-19 Department Total	-	3,078,244	3,078,244	-	-	-
FY 2019-20, House Bill 20-1249						
Personal Services		36,245	36,245			
STD		50	50			
AED		1,475	1,475			
SAED		1,475	1,475			
Operating		12,273	12,273			
Training		5,000		5,000		
Title IV-E Legal Representation (new line)		2,370,740	-		2,370,740	
Court-appointed Counsel		1,709,919	1,709,919			
Mandated Costs		232,994	232,994			
FY 2019-20 Department Total	-	4,370,171	1,994,431	5,000	2,370,740	-
FY 2020-21, Senate Bill 21-045						
Court-appointed Counsel		100,000	100,000			
Mandated Costs		1,410,276	1,410,276			
FY 2020-21 Department Total	-	1,510,276	1,510,276	-	-	-
FY 2021-22, House Bill 22-1176, no fiscal impact, footnote change only						

Office of the Respondent Parents' Counsel FY 2023-24					Schedule 8
Common Policy Summary					
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Health, Life, and Dental					
Appropriation FY 2020-21	112,070	99,398	-	12,672	-
Appropriation FY 2021-22	187,275	166,890	-	20,385	-
Appropriation FY 2022-23	254,473	238,747	-	15,726	-
Request FY 2023-24	331,719	307,214	-	24,505	-
Short-term Disability					
Appropriation FY 2020-21	2,344	2,108	-	236	-
Appropriation FY 2021-22	2,437	2,239	-	198	-
Appropriation FY 2022-23	2,953	2,749	-	204	-
Request FY 2023-24	3,695	3,487	-	208	-
Paid Family & Medical Leave Insurance					
Appropriation FY 2020-21	-	-	-	-	-
Appropriation FY 2021-22	-	-	-	-	-
Appropriation FY 2022-23	-	-	-	-	-
Request FY 2023-24	-	-	-	-	-
AED					
Appropriation FY 2020-21	70,467	64,247	-	6,220	-
Appropriation FY 2021-22	76,137	69,955	-	6,182	-
Appropriation FY 2022-23	92,283	85,920	-	6,363	-
Request FY 2023-24	120,751	113,825	-	6,926	-
SAED					
Appropriation FY 2020-21	70,467	64,247	-	6,220	-
Appropriation FY 2021-22	76,137	69,955	-	6,182	-
Appropriation FY 2022-23	92,283	85,920	-	6,363	-
Request FY 2023-24	120,751	113,825	-	6,926	-
Salary Survey					
Appropriation FY 2020-21	-	-	-	-	-
Appropriation FY 2021-22	49,829	45,785	-	4,044	-
Appropriation FY 2022-23	54,090	49,902	-	4,188	-
Request FY 2023-24	110,284	102,824	-	7,460	-
Merit					
Appropriation FY 2020-21	-	-	-	-	-
Appropriation FY 2021-22	-	-	-	-	-
Appropriation FY 2022-23	-	-	-	-	-
Request FY 2023-24	-	-	-	-	-

Office of the Respondent Parents' Counsel FY 2023-24					Schedule 14	
Personal Services						
			FY 2021-22		FY 2022-23	
			Appropriation		Appropriation	
Position Type	FY 2020-21 Actual Expenditures	FTE				
Executive Director	173,248	1.0				
Executive Management	282,918	2.0				
Professional Staff	741,423	6.8				
Administrative & Accounting Staff	146,771	2.1				
Total Full and Part-time Employee Expenditures	1,344,360	11.9				
PERA Contributions & Other Retirement Plans	143,696					
Medicare	19,279					
Merit Pay						
Unemployment						
Temporary Employees						
Sick and Annual Leave Payouts	30,632					
Contract Services	89,575					
Furlough Wages						
Other Expenditures (specify as necessary)						
Total Employee, Contract, and Other Expenditures	1,627,542	11.9				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	155,800					
Short-term Disability	1,987					
S.B. 04-257 AED	66,005					
S.B. 06-235 SAED	66,005					
Total Expenditures for Line Item	1,917,339	11.9				
Spending Authority (General Fund)	1,811,687					
Transfers	12,000					
Total Spending Authority - General Fund	1,823,687	13.0	2,115,073	13.0	2,505,720	15.0
Spending Authority - Reappropriated Funds	165,119	1.0	189,466	1.0	190,104	1.0
Total Spending Authority	1,988,806	14.0	2,304,539	14.0	2,695,824	16.0
Amount Under/(Over) Expended - General Fund	481	1.8				
Amount Under/(Over) Expended - Reappropriated Funds	70,986	0.3				

Office of the Respondent Parents' Counsel FY 2023-24					Schedule 14	
Personal Services			FY 2022-23 Appropriation		FY 2023-24 Request	
Position Type	FY 2021-22 Actual Expenditures	FTE				
Executive Director	178,452	1.0				
Executive Management	313,360	2.0				
Professional Staff	794,529	6.7				
Administrative & Accounting Staff	267,518	3.5				
Total Full and Part-time Employee Expenditures	1,553,859	13.2				
PERA Contributions & Other Retirement Plans	167,767					
Medicare	22,053					
Merit Pay						
Unemployment						
Temporary Employees						
Sick and Annual Leave Payouts	6,402	0.1				
Contract Services	156,780					
Furlough Wages						
Other Expenditures (specify as necessary)	4,630					
Total Employee, Contract, and Other Expenditures	1,911,491	13.3				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	183,889					
Short-term Disability	2,275					
S.B. 04-257 AED	76,429					
S.B. 06-235 SAED	76,428					
Total Expenditures for Line Item	2,250,512	13.3				
Spending Authority (General Fund)	2,115,073					
Spending Authority (Reappropriated Funds)	189,466					
Transfers	8,000					
Rollforwards from Prior Year						
Total Spending Authority - General Fund	2,123,073	13.0	2,505,720	14.8	3,164,570	19.0
Spending Authority - Reappropriated Funds	189,466	1.0	190,104	1.0	207,473	1.0
Total Spending Authority	2,312,539	14.0	2,695,824	15.8	3,372,043	20.0
Amount Under/(Over) Expended - General Fund	482	0.3				
Amount Under/(Over) Expended - Reappropriated Funds	61,545	0.4				

Office of the Respondent Parents' Counsel FY 2023-24
Operating - General Fund

Schedule 14

Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
2253 - Rental of Non-IT Equipment	1,844	2,011		
2255 - Rental of Meeting Rooms & Leased Space		97		
2510 - General Travel - Employee		1,028		
2511 - Common Carrier Fares		5,096		
2512 - Meals - Employee		934		
2513 - Mileage Reimbursement - Employee		114		
2520 - General Travel - Nonemployee		204		
2521 - In-State/ Non-Employee - Common Carrier		1,513		
2522 - Meal Reimbursement - Nonemployee		766		
2530 - General Travel - Employee, Out of State		1,350		
2531 - Common Carrier Fares - Employee, Out of State		143		
2532 - Meals - Employee, Out of State		248		
2540 - Out-of-State Travel/Non-Employee		11,839		
2541 - Out-of-State/Non-Employee - Common Carrier		127		
2631 - Communication Services	15,667	15,978		
2680 - Printing & Reproduction Services	1,709	1,799		
2810 - Freight		300		
2820 - Purchased Services		479		
3110 - Identification & Safety Supplies	17	173		
3118 - Food & Food Services Supplies		1,851		
3120 - Books / Periodicals / Subscriptions	639	362		
3121 - Office Supplies	578	1,449		
3123 - Postage	1,778	1,463		
3132 - NonCapitalized Office Furniture and Fixtures	3,170	3,730		
3140 - Noncapitalized IT Eqpt - Software and Hardware	6,077	20,301		
3145 - Software Subscriptions	63,974	65,771		
4100 - Other Operating Expenditures	1,648	1,104		
4140 - Dues and Memberships	3,952	16,360		
4220 - Registration Fees	3,531	2,581		
Total Expenditures for Line Item	\$105,167	\$159,171		
Total Spending Authority / Request for Line Item	113,450	159,950	\$140,550	\$160,230
Amount Under/(Over) Expended	\$8,283	\$779		

Schedule 14 – Position and Object Code Detail

Operating - Reappropriated Funds				
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
Total Expenditures for Line Item	\$0	\$0		
Total Spending Authority / Request for Line Item	\$8,403	\$950	\$950	\$950
Amount Under/(Over) Expended	\$8,403	\$950		

Office of the Respondent Parents' Counsel Training - General Fund				Schedule 14
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1920 - Personal Services - Professional	\$541			
1935 - Professional Services	\$10,855	\$9,464		
2510 - General Travel - Employee		\$211		
2520 - General Travel - Nonemployee		\$9,109		
2521 - Common Carrier Fares - Nonemployee		\$3,152		
2522 - Meals - Nonemployee		\$239		
2531 - Out-of-State Common Carrier Fares		\$36		
2540 - General Travel - Nonemployee, Out of State		\$353		
2820 - Purchased Services	\$250	\$25		
3118 - Food & Food Services Supplies		\$4,746		
3120 - Books / Periodicals / Subscriptions	\$4,395			
3121 - Office Supplies		\$1,168		
3145 - Software Subscriptions	\$3,042	\$3,821		
4100 - Other Operating Expenditures	\$950			
4140 - Dues and Memberships	\$440	\$4,356		
4220 - Registration Fees		\$2,725		
Total Expenditures for Line Item	\$20,473	\$39,405		
Total Spending Authority / Request for Line Item	\$30,000	\$39,500	\$30,000	\$30,000
Amount Under/(Over) Expended	\$9,527	\$95		

Office of the Respondent Parents' Counsel Training - Cash Fund			Schedule 14	
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1920 - Personal Services - Professional	\$2,500			
1935 - Personal Services - Legal Services	\$792	\$1,785		
2520 - General Travel - Nonemployee		\$49		
2820 - Purchased Services		\$2,169		
3118 - Food & Food Services Supplies		\$1,529		
3121 - Office Supplies	\$147			
3123 - Postage	\$649			
3145 - Software Subscriptions	\$136			
4100 - Other Operating Expenditures	\$505			
4140 - Dues and Memberships		\$943		
4220 - Registration Fees	\$5,625			
Total Expenditures for Line Item	\$10,354	\$6,475		
Total Spending Authority / Request for Line Item	\$48,000	\$48,000	\$48,000	\$48,000
Amount Under/(Over) Expended	\$37,646	\$41,525		

Office of the Respondent Parents' Counsel Training - Reappropriated Funds			Schedule 14	
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
Total Expenditures for Line Item	\$0	\$0		
Total Spending Authority / Request for Line Item	\$28,000	\$28,000	\$125,480	\$28,000
Amount Under/(Over) Expended	\$28,000	\$28,000		

Office of the Respondent Parents' Counsel IV-E Legal Reimbursement - Reappropriated Funds			Schedule 14	
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1935 - Personal Services	\$864,319	\$629,868		
1960- Personal Services - Information Technology		\$2,375		
2523 - Mileage Reimbursement - Nonemployee	\$44,215	\$58,281		
2543- Out-of-State/Non-Employee - Personal Vehicle Reimbursement		\$82		
4260 - Nonemployee Reimbursement	\$560	\$292		
Total Expenditures for Line Item	\$909,094	\$690,898		
Total Spending Authority / Request for Line Item	\$4,741,480	\$4,741,480	\$4,741,480	\$5,789,842
Amount Under/(Over) Expended	\$3,832,386	\$4,050,582		

Office of the Respondent Parents' Counsel Court-appointed Counsel - General Fund			Schedule 14	
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1622 - Contractual Employee, PERA	\$4,076	\$2,907		
1624 - Contractual Employee, PERA AED	\$1,867	\$1,325		
1625 - Contractual Employee, PERA Supplemental AED	\$1,867	\$1,325		
1935 - Personal Services	\$18,335,849	\$17,870,242		
2520 - General Travel - Nonemployee	\$239	\$121		
2522 - In-State/Non-Employee - Personal Per Diem		\$25		
2523 - Mileage Reimbursement - Nonemployee	\$133,693	\$229,431		
2543 - Mileage - Nonemployee, Out of State		\$480		
4260 - Nonemployee Expense Reimbursements	\$50,152	\$55,269		
Total Spending Authority / Request for Line Item	\$19,286,260	\$18,161,125	\$19,918,541	\$25,726,535
Amount Under/(Over) Expended	\$758,517	\$0		

Office of the Respondent Parents' Counsel Court-appointed Counsel - Reappropriated Funds			Schedule 14	
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
Total Expenditures for Line Item	\$0	\$0		
Total Spending Authority / Request for Line Item	\$0	\$0	\$0	\$398,054
Amount Under/(Over) Expended	\$0	\$0		

Schedule 14 – Position and Object Code Detail

Office of the Respondent Parents' Counsel Mandated Costs - General Fund				Schedule 14
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1622 - Contractual Employee, PERA	\$3,107	\$2,868		
1624 - Contractual Employee, PERA AED	\$1,420	\$1,309		
1625 - Contractual Employee, PERA Supplemental AED	\$1,420	\$1,309		
1935 - Personal Services	\$2,267,670	\$2,649,701		
2520 - General Travel - Nonemployee		\$359		
2522 - Meals - Nonemployee	\$37	\$113		
2523 - Mileage Reimbursement - Nonemployee	\$77,550	\$118,791		
4260 - Nonemployee Reimbursement	\$1,366	\$260		
Total Expenditures for Line Item	\$2,352,570	\$2,774,710		
Total Spending Authority / Request for Line Item	\$2,909,676	\$2,887,255	\$1,637,255	\$938,911
Amount Under/(Over) Expended	\$557,106	\$112,545		

Office of the Respondent Parents' Counsel Mandated Costs - Reappropriated Funds				Schedule 14
Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1935 - Personal Services		\$32,268		
2523 - Mileage Reimbursement - Nonemployee		\$681		
Total Expenditures for Line Item	\$0	\$32,949		
Total Spending Authority / Request for Line Item	\$318,240	\$318,240	\$318,240	\$0
Amount Under/(Over) Expended	\$318,240	\$285,291		

Office of the Respondent Parents' Counsel
Grants - Reappropriated Funds

Schedule 14

Object Code & Description	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Appropriation	FY 2023-24 Request
1210 - Contractual and Non-Classified Full-Time Wages	\$14,011	\$3,884		
1935 - Personal Services - Professional	\$9,200	\$39,425		
1960 - Personal Services - Information Technology		\$11,350		
2255 - Rental of Meeting Rooms		\$599		
2510 - General Travel - Employee	\$239	\$341		
2513 - Mileage Reimbursement - Employee	\$31			
2520 - General Travel - Nonemployee	\$1,844	\$1,363		
2540 - General Travel - Nonemployee, Out of State		\$102		
2541 - Common Carrier Fares - Nonemployee, Out of State		\$504		
2820 - Purchased Services		\$759		
3118 - Food & Food Services Supplies	\$57			
3120 - Books / Periodicals / Subscriptions		\$76		
3121 - Office Supplies	\$1,897	\$74		
3145 - Software Subscriptions	\$709			
4100 - Other Operating Expenditures	\$75			
4140 - Dues and Memberships	\$7,850	\$600		
4220 - Registration Fees	\$447	\$795		
Total Expenditures for Line Item	\$36,360	\$60,048		
Total Spending Authority / Request for Line Item	\$118,318	\$190,469	\$31,095	\$31,095
Amount Under/(Over) Expended	\$81,958	\$130,421		

Office of the Respondent Parents' Counsel FY 2023-24
Transfers

Long Bill Line Item	Spending Authority before Transfers	Transfers per C.R.S. 24 75-108 (5)	Use of Footnote Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2020-21 Transfers</u>						
Personal Services	1,721,458		12,000	255,348		1,988,806
Health, Life, and Dental	112,070			(112,070)		-
Short-term Disability	2,344			(2,344)		-
SB 04-257 AED	70,467			(70,467)		-
SB 06-235 SAED	70,467			(70,467)		-
Salary Survey	-					-
Merit	-					-
Operating Expenses	133,853		(12,000)			121,853
Training - All Funds	58,000					58,000
Training - Cash Fund	48,000					48,000
Court-appointed Counsel	19,486,260		(200,000)			19,286,260
Mandated Costs	3,027,916		200,000			3,227,916
Grants - Reappropriated	118,318					118,318
Title IV-E Legal Representation - Reappropriated	4,741,480					4,741,480
FY 2020-21 Spending Authority	29,590,633	-	-	-	-	29,590,633
Percentage of appropriation allowed as additional transfer authority per Long Bill footnote	5.0%					
Additional Transfer Authority allowed	1,479,532					
Additional Transfer Authority used	212,000					

Office of the Respondent Parents' Counsel FY 2023-24 Transfers						
Long Bill Line Item	Spending Authority before Transfers	Transfers per C.R.S. 24- 75-108 (5)	Use of Footnote Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2021-22 Transfers</u>						
Personal Svcs	1,912,724		8,000	391,815		2,312,539
Health, Life, and Dental	187,275			(187,275)		-
Short-term Disability	2,437			(2,437)		-
SB 04-257 AED	76,137			(76,137)		-
SB 06-235 SAED	76,137			(76,137)		-
Salary Survey	49,829			(49,829)		-
Merit	-					-
Operating	126,400		34,500			160,900
Legal Services	-					-
Capital Outlay	-					-
Case Management System	-					-
Training	106,000		9,500			115,500
Court-appointed Counsel	19,918,541		(1,302,000)			18,616,541
Mandated Costs	1,955,495		1,250,000			3,205,495
Grants - Reappropriated	31,095					31,095
Title IV-E Legal Representation	4,741,480					4,741,480
FY 2021-22 Spending Authority	29,183,550	-	-	-	-	29,183,550
Percentage of appropriation allowed as additional transfer authority per Long Bill footnote	5.0%					
Additional Transfer Authority allowed	1,459,178					
Additional Transfer Authority used	1,302,000					

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**Office of Respondent Parents' Counsel FY 2023-24
Salary Pots Request Template**

	TOTAL FUNDS/FTE FY 2023-24	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
I. Continuation Salary Base					
Sum of Filled FTE as of July 27, 2022	16.00	93.240%	0.000%	6.760%	0.0000%
Salary X 12	\$1,951,586	1,819,659	-	131,927	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$225,798	210,535	-	15,264	-
Medicare @ 1.45%	\$28,298	26,385	-	1,913	-
Subtotal Continuation Salary Base =	\$2,205,683	2,056,579	-	149,104	-
II. Salary Survey Adjustments					
System Maintenance Studies	-	\$0.00	-	-	-
Across the Board - Base Adjustment	\$97,579	\$90,979.00	-	6,600	-
Across the Board - Non-Base Adjustment	\$0	-	-	-	-
Movement to Minimum - Base Adjustment	\$0	-	-	-	-
Subtotal - Salary Survey Adjustments	\$97,579	\$90,979.00	-	6,600	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$11,290	10,526	-	764	-
Medicare @ 1.45%	\$1,415	1,319	-	96	-
Request Subtotal =	\$110,284	\$102,824.00	-	7,460	-
III. Increase for Minimum Wage if applicable					
Increase for Minimum Wage	-	\$0.00	\$0.00	\$0.00	\$0.00
Subtotal - Minimum Wage Adjustments	-	\$0.00	\$0.00	\$0.00	\$0.00
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$0	\$0.00	\$0.00	\$0.00	\$0.00
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	\$0.00	\$0.00	\$0.00	\$0.00
IV. Merit Pay Adjustments					
Merit Pay - Base Adjustments	\$0	-	-	-	-
Merit Pay - Non-Base Adjustments	\$0	-	-	-	-
Subtotal - Merit Pay Adjustments	\$0	-	-	-	-
PERA (Standard, Trooper, and Judicial Rates) at FY 2023-24 PERA Rates	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	-	-	-	-
V. Shift Differential					
FY 2021-22 ACTUAL EXPENDITURES for All Occupational Groups	-	-	-	-	-
Total Actual and Adjustments @ 100%	\$0	-	-	-	-
PERA (Standard, Trooper, and Judicial Rates) at Current PERA Rates	\$0	-	-	-	-
Medicare @ 1.45%	\$0	-	-	-	-
Request Subtotal =	\$0	-	-	-	-
VI. Revised Salary Basis for Remaining Request Subtotals					
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$2,049,165	1,910,638	-	138,527	-
VII. Amortization Equalization Disbursement (AED)					
Revised Salary Basis * 5.00%	\$102,458	95,532	-	6,926	-
VIII. Supplemental AED (SAED)					
Revised Salary Basis * 5.00%	\$102,458	95,532	-	6,926	-
IX. Short-term Disability					
Revised Salary Basis * 0.15%	\$3,074	2,866	-	208	-
X. Health, Life, and Dental					
Funding Request	\$270,031	245,526	-	24,505	-
XI. Paid Family and Medical Leave Insurance Program Premiums (50% Employer Share of 0.9% of wages)					
	\$9,221	\$8,598	\$0	\$623	\$0

Office of Respondent Parents' Counsel FY 2023 – 24

Salary POTS Summary

Common Policy Line Item	9/30/22 FY 2023-24 Total Request	GF	CF	RF	FF
Salary Survey	\$66,171	\$61,696	\$0	\$4,475	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
PERA Direct Distribution	\$0				
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$100,506	\$93,712	\$0	\$6,794	\$0
SAED	\$100,506	\$93,712	\$0	\$6,794	\$0
Short-term Disability	\$3,015	\$2,811	\$0	\$204	\$0
Health, Life and Dental	\$270,031	\$245,526	\$0	\$24,505	\$0
TOTAL	\$540,229	\$497,457	\$0	\$42,772	\$0
(1)					
Common Policy Line Item	FY 2023-24 Total Request	GF	CF	RF	FF
Salary Survey	\$110,284	\$102,824	\$0	\$7,460	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
PERA Direct Distribution	\$0				
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$102,458	\$95,532	\$0	\$6,926	\$0
SAED	\$102,458	\$95,532	\$0	\$6,926	\$0
Short-term Disability	\$3,074	\$2,866	\$0	\$208	\$0
Health, Life and Dental	\$270,031	\$245,526	\$0	\$24,505	\$0
TOTAL	\$588,305	\$542,280	\$0	\$46,025	\$0
(2)					
Common Policy Line Item	FY 2023-24 Incremental	GF	CF	RF	FF
Salary Survey	\$44,113	\$41,128	\$0	\$2,985	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
PERA Direct Distribution	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$1,952	\$1,820	\$0	\$132	\$0
SAED	\$1,952	\$1,820	\$0	\$132	\$0
Short-term Disability	\$59	\$55	\$0	\$4	\$0
Health, Life and Dental	\$0	\$0	\$0	\$0	\$0
TOTAL	\$48,076	\$44,823	\$0	\$3,253	\$0
(3)					

(1) Amounts are correct per 9/30/22 POTS Summary (w/3% ATB) prepared by DPA

(2) This section includes the total Common Policy amounts

(3) This section is calculating an **add'l** incremental change from the first TC Template sent on 9/30/2022

OFFICE OF RESPONDENT PARENTS' COUNSEL

FY 2023-24

Long Range Financial Plan



November 1, 2022

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OFFICE OF RESPONDENT PARENTS' COUNSEL

Protecting the Fundamental Right to Parent

OUR MISSION

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

OUR VISION

Advocacy – To contract with experienced, high quality family defense lawyers & support interdisciplinary teams through training & litigation resources to ensure parents' constitutional rights are protected.

Accountability – To be an effective steward of taxpayer dollars by ensuring family defenders are accountable for ORPC practice standards & billing policies.

Access – To ensure that all indigent parents have a voice through access to high quality representation in child welfare cases.

OUR LONG RANGE GOALS

► Systems are Fair and Followed

Parents access excellent interdisciplinary teams who have resources necessary to give dignity & fairness to families & ensure procedures are followed.

► Family Voice Leads

Parents are engaged & present at every stage of their case, supported by their family defense team, so they may be heard by the system & play an active role in case planning.

► Decrease Trauma to Children

Caregivers are provided with preventative or in-home supports to keep children with their family of origin, unnecessary removals are rare, & children can safely stay with their family.

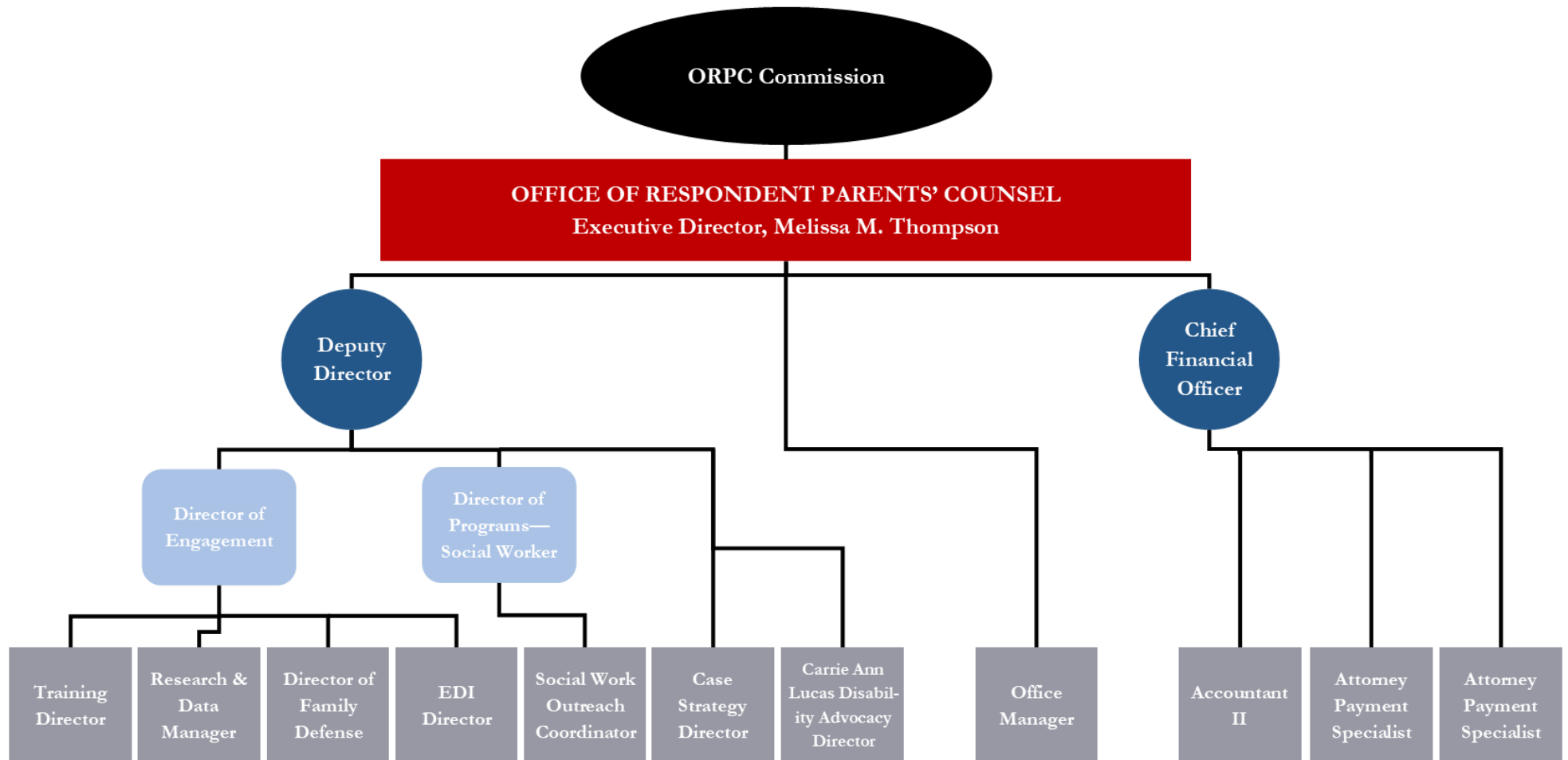
► Family Defenders Have a Strong Community

Better representation comes with a strong community of family defenders who have access to training, support, & who are celebrated for their parent advocacy.

► ORPC is Recognized, Respected, Productive & Staff is Strong

ORPC achieves its statutory mandate when its reputation, performance, staff strength, & adherence to its values have a positive impact on the child welfare system.

OFFICE OF RESPONDENT PARENTS' COUNSEL
Organizational Chart



Agency Overview

The Office of Respondent Parents' Counsel (ORPC) is an independent agency within the State of Colorado Judicial Branch and is vested with the oversight and administration of Respondent Parents' Counsel (RPC) representation in Colorado and is charged with ensuring the provision of uniform, high quality legal representation to indigent parents whose parental rights are at risk, with improving the quality of legal representation, and with paying for the services provided by RPC.¹ The agency opened on January 1, 2016, and assumed oversight for RPC attorneys on July 1, 2016.

A study conducted on respondent parent representation in Colorado and published in 2007 found that RPC representation is “typically adequate but rarely proficient.”² The ORPC was established to address this performance gap, as the cause of “sub proficient practice is not the unwillingness of counsel to provide proficient services but rather the existence of practice, administration, and court systems which discourage optimal practice.”³

In establishing the ORPC, the General Assembly recognized that “it is in the best interest of the children and parents of the state of Colorado to have an independent office to oversee the respondent parents' counsel to improve the quality of legal representation for parents involved in dependency and neglect proceedings.”⁴ In Colorado, indigent parents whose parental rights are at risk are statutorily entitled to counsel. Prior to the creation of the ORPC, no agency in Colorado was exclusively dedicated to parent representation.

Parents involved in dependency and neglect (D&N) cases may lose custody of their children, temporarily or permanently. The children are often placed in foster care pending the outcome of the case, where they might remain for years if their parents lose custody. Children who are removed from their parents and spend time in foster care are much more likely to struggle in almost all major life areas, including education, employment, income, housing, and physical and mental health, as well as have substantially higher rates of substance abuse and criminal involvement.⁵ The current child welfare system disproportionately affects racial and ethnic minorities and people of color. For example, though children of color make up 45% of Colorado's child population,⁶ they represent 57% of the children involved in a child welfare cases.⁷ They also represent 60% of children who “age out” of the

¹See generally Colorado Supreme Court Chief Justice Directive 16-02 (2022).

²NAT'L CENTER FOR STATE COURTS, COLORADO COURT IMPROVEMENT PROGRAM RESPONDENT PARENTS' COUNSEL TASK FORCE STATEWIDE NEEDS ASSESSMENT: FINAL REPORT (Mar. 2007) (hereinafter “*Assessment Report*”), <https://www.coloradoorpc.org/wp-content/uploads/2016/11/2007-RPC-Task-Force-CORPCFinalNeedAssesExeSum.pdf>.

³ *Id.* at vi.

⁴ C.R.S. § 13-92-101(2) (2015).

⁵ Laura Gypen et al., *Outcomes of Children Who Grew Up in Foster Care: Systematic Review*, 76 CHILD. & YOUTH SERVS. REV. 74-83 (May 2017).

⁶ U.S. DEP'T. OF HEALTH AND HUMAN SERVS., CHILDREN'S BUREAU, CHILD WELFARE OUTCOMES REPORT DATA: COLORADO CONTEXT DATA (2015-2019), <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/colorado.html>.

⁷ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Children Involved in an Open Case*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=580 (choose “Last Full Calendar Year” from select time period; then click “apply time period”; then select “white” under “ethnicity” in the filters tab) (data accessed Sept. 2022) [hereinafter “CDHS Data on Children Involved in an Open Case”].

system.⁸ Additionally, while parents with a disability account for nearly 50% of the parents ORPC serves, they comprise nearly 70% of the parents whose parental rights are ultimately terminated.⁹ Similarly, while parents without disabilities reunify with their children 71% of the time, for parents with disabilities, that rate decreases to 50%.¹⁰

The ORPC has extensively studied how to improve parents' representation most efficiently and effectively. Importantly, research studies have consistently shown that a family's chance of success improves dramatically when the interdisciplinary representation model for family defense is used. This model, in which a parent is provided with a committed and highly competent attorney, appropriate assessments for needed services and treatment, and advocacy within the child welfare system by a social worker or parent advocate working as part of the family defense team, greatly decreases the amount of time children spend in out-of-home care and increases the likelihood of family reunification. For these reasons, the ORPC has adopted an interdisciplinary model of parent representation and seeks to make these resources available to parents and families across the state of Colorado.

SECTION 2: Evaluation of Agency Goals

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

- 1. 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.

⁸ Colo. Off. Of Child., Youth & Fam., Div. of Child Welfare, *Permanency for Children Served in a Child Welfare Case*, CDHS COMMUNITY PERFORMANCE CENTER, https://rom.socwel.ku.edu/CO_Public/AllViews.aspx?RVID=644 (choose "Last Full Calendar Year" from select time period start quarter dropdown; then click "apply time period"; then choose ethnicity or race from "ethnicity" field under "filter") (data accessed Sept. 2022) [hereinafter CDHS Data on Permanency for Children].

⁹ ORPC Internal Data, Respondent Parent Payment System, analyzed September 2022 for the period FY 2018-19 through FY 2021-2022.

¹⁰ *Id.*

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

The ORPC's goals and performance measures are based on the agency's statutory mandate to improve the quality of representation for parents in dependency and neglect proceedings. Section 13-92-101 to 104, C.R.S., established the ORPC and created statutory requirements regarding the oversight and administration of respondent parent representation in Colorado. The ORPC's enabling legislation charges and entrusts the ORPC with, at a minimum, enhancing the provision of respondent parents' counsel by:

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

The ORPC is required to submit an Annual Performance Report to the Colorado Legislature by January 1 of each year. The report details the major functions of the agency and the efforts by the ORPC to meet its four primary legislative mandates through the five essential pillars of the agency. The report also details specific performance measures and establishes target projections and future goals to evaluate the overall progress of the ORPC.¹¹

SECTION 3: Financial Structure

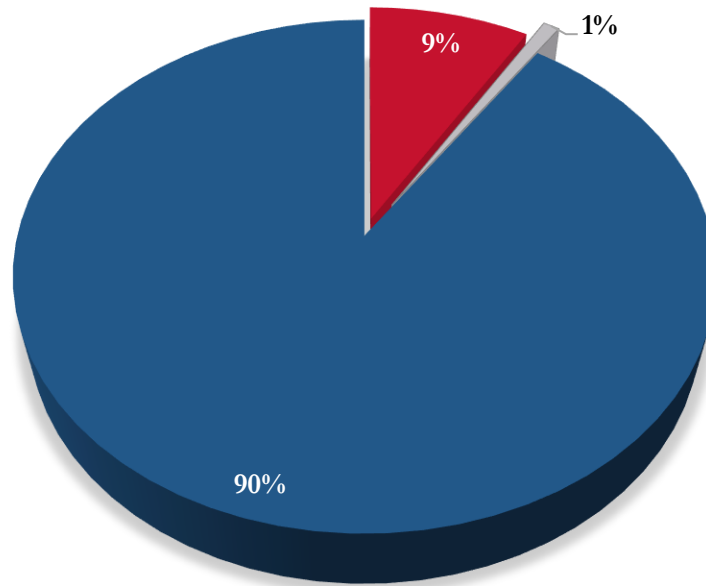
a. Department Budget Overview

The ORPC has aggressively pursued new funding sources as they become available and has significantly reduced the percentage of General Funds in the agency's total funding mix, as shown in the table and charts below.

Over 91% of the ORPC's total appropriation is for Court-appointed Counsel and Mandated Costs, which are directly related to the agency's statutorily mandated role. All other costs comprise less than 9% of the agency's total appropriation. The ORPC expects these proportions to remain constant.

¹¹ OFFICE OF RESPONDENT PARENTS' COUNSEL, ANNUAL PERFORMANCE REPORT, (Jan. 2022), <https://coloradoorpc.org/wp-content/uploads/2022/07/2022-01-01-Legislative-Report-FINAL.pdf>.

FY 2022-23 Appropriations by Use

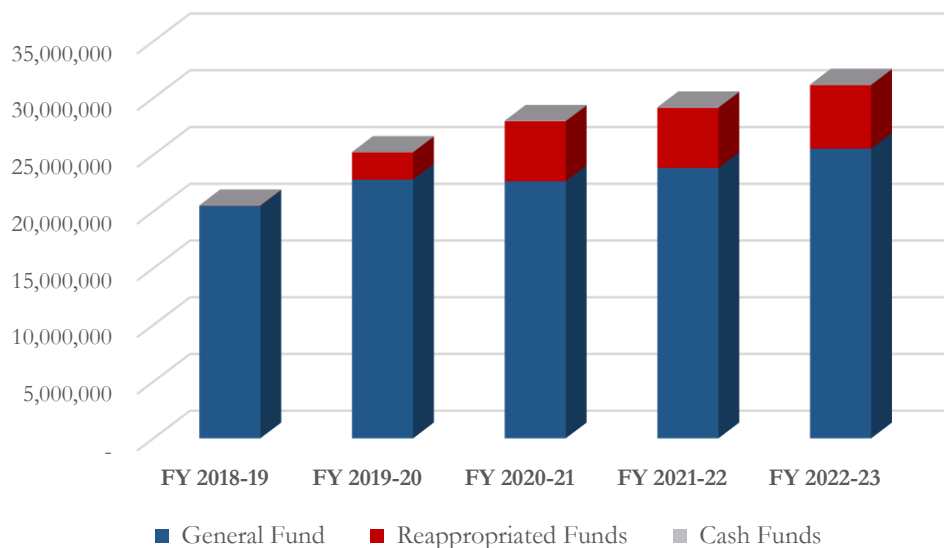


- Personal Services & Benefits
- Operating & Training
- Court-appointed Counsel & Mandated Costs

b. Historical Appropriation by Long Bill Item

Appropriations History					
Funding Year	General Fund	Cash Funds	Reappropriated Funds	Total	General Fund as Percent of Total
FY 18-19	20,449,078	30,000	31,095	20,510,173	99.7%
FY 19-20	22,802,612	35,000	2,401,835	25,239,447	90.3%
FY 20-21	22,652,797	48,000	5,292,337	27,993,134	80.9%
FY 21-22	23,826,319	48,000	5,309,231	29,183,550	81.6%
FY 22-23	25,525,413	48,000	5,613,452	31,186,865	81.8%

Appropriations by Fund Type



c. Capital Construction Funds & Projects

The ORPC has not had and does not expect to request any Capital Construction projects or funds.

d. Ongoing Debt Obligations

The ORPC has not had and does not expect to have any large ongoing debt obligations.

SECTION 4: Financial Forecast

a. Baseline Forecast

The table below shows forecasted appropriations for the ORPC. The forecast includes the following assumptions:

- 1) Economic growth will continue to slow and will approximately follow the course predicted in the September 2022 Legislative Council forecast.
- 2) The Colorado economy will continue to expand but at a lower rate.
- 3) Inflation will continue to outpace wage gains and real wages will continue to decline. The Colorado inflation rate is and will continue to be higher than the national inflation rate. (The Colorado inflation rate prediction is 8.2% for 2022 and 4.7% for 2023.) The State will find that it is necessary to increase salaries and wages for State employees by 8% in FY 2024-25, 5% in FY 2025-26 and 3% in FY 2026-27. In addition, another increase to contractor hourly rates of 5% will be necessary in FY 2025-26.
- 4) Health, Life and Dental expense will increase 6% each year.
- 5) The ORPC's FY 2023-24 budget requests will be approved.

ORPC Baseline Forecast				
Fiscal Year	Total Funds	General Fund	Cash Funds	Reappropriated Funds
Current Appropriation	31,186,865	25,525,413	48,000	5,613,452
FY 2023-24	36,467,003	29,966,842	48,000	6,452,161
FY 2024-25	36,706,358	30,191,452	48,000	6,466,905
FY 2025-26	38,208,857	31,683,433	48,000	6,477,424
FY 2026-27	38,302,178	31,771,110	48,000	6,483,068

Other economic factors that could impact the ORPC but are not included in the forecasted appropriations above include the following:

- 1) A weakening global economy, inflation, and the monetary policy response to inflation may lead to a recession, which could lead to higher unemployment rates and a greater need for government supports. This could increase the number of Colorado citizens meeting the indigency standards and the number of dependency and neglect filings.
- 2) Wage growth is greater for higher income groups; lower income groups are experiencing and will continue to experience wage growth at a much lower rate. As inflation continues to erode real wages, there will be more of an impact on lower income groups. A recession will also disproportionately impact lower income groups. Minorities and less-well-educated groups will have disproportionately high levels of unemployment and erosion of real wages.
- 3) Unemployment will remain elevated for all groups but will continue to disproportionately impact minority and low-wage workers.
- 4) To retain professional contractors, it will be necessary to monitor and periodically adjust all contractor rates. Inflation and market rates for all ORPC contractor types should be evaluated each year to ensure that ORPC contractors are paid fairly and that ORPC can retain its contractors.

b. Major Budget Drivers

Over 90% of the ORPC's total appropriation is in the Court-appointed Counsel, Mandated Costs, and IV-E Legal Representation lines, which are used to pay attorneys and other contractors for their services on behalf of respondent parents in D&N cases.

Major budget drivers for the ORPC include the average cost per appointment and the number of RPC appointments.

Average cost per appointment

The average cost per appointment is affected by contractor rates; the complexity of the case; the number of other experts (interpreters, investigators, social workers, family advocates, parent advocates, etc.) needed to represent the client; and the length of the appointment. As the ORPC encourages the use of best practices like the interdisciplinary model of representation discussed above, the cost per closed appointment has increased for attorneys, whose costs constitute the largest proportion of ORPC costs.

Number of RPC appointments

The number of RPC appointments is not equal to the number of D&N cases filed because there are usually multiple respondents (mother, father, others) on each D&N case and each of those respondents may require RPC representation. For example, from July 1 through August 31, 2022, there were 387 D&N case filings and 992 ORPC appointments on those cases, a ratio of 2.56 ORPC appointments per D&N case filed.

Case Filings, FY 2000-01 through FY 2022-23									
Fiscal Year	Dependency and Neglect (DN)			Expedited Permanency Plan (EPP)			Total		
	Count	Change	Percentage Change	Count	Change	Percentage Change	Count	Change	Percentage Change
2001*							3,313		
2002*							3,552	239	7.2%
2003	1,886			1,983			3,869	317	8.9%
2004	1,974	88	4.7%	2,361	378	19.1%	4,335	466	12.0%
2005	1,907	(67)	-3.4%	2,288	(73)	-3.1%	4,195	(140)	-3.2%
2006	1,844	(63)	-3.3%	2,292	4	0.2%	4,136	(59)	-1.4%
2007	1,653	(191)	-10.4%	2,199	(93)	-4.1%	3,852	(284)	-6.9%
2008	1,635	(18)	-1.1%	2,248	49	2.2%	3,883	31	0.8%
2009	1,657	22	1.3%	2,194	(54)	-2.4%	3,851	(32)	-0.8%
2010	1,462	(195)	-11.8%	2,106	(88)	-4.0%	3,568	(283)	-7.3%
2011	1,278	(184)	-12.6%	1,998	(108)	-5.1%	3,276	(292)	-8.2%
2012	1,287	9	0.7%	1,978	(20)	-1.0%	3,265	(11)	-0.3%
2013	1,133	(154)	-12.0%	1,856	(122)	-6.2%	2,989	(276)	-8.5%
2014	1,197	64	5.6%	1,813	(43)	-2.3%	3,010	21	0.7%
2015	1,226	29	2.4%	1,866	53	2.9%	3,092	82	2.7%
2016	1,310	84	6.9%	1,965	99	5.3%	3,275	183	5.9%
2017	1,266	(44)	-3.4%	2,089	124	6.3%	3,355	80	2.4%
2018	1,129	(137)	-10.8%	2,014	(75)	-3.6%	3,143	(212)	-6.3%
2019	1,094	(35)	-3.1%	1,863	(151)	-7.5%	2,957	(186)	-5.9%
2020	1,001	(93)	-8.5%	1,779	(84)	-4.5%	2,780	(177)	-6.0%
2021	956	(45)	-4.5%	1,692	(87)	-4.9%	2,648	(132)	-4.7%
2022	848	(108)	-11.3%	1,691	(1)	-0.1%	2,539	(109)	-4.1%
2023	996	148	17.5%	1,326	(365)	-21.6%	2,322	(217)	-8.5%
* D&N and EPP Filings were not reported separately in this year									
2001-2021 Based on Annual Statistical Reports prepared by the Co. Judicial Dept.									
2022 Based on ORPC Summary of Monthly Reports prepared by the Co. Judicial Dept.									
2023 Based on annualized summary of monthly reports provided by the Co. Judicial Dept. for July and August 2022									

The estimate of FY 2022-23 case filings above is based on the number of filings and appointments for only two months and is therefore very uncertain.

As noted previously, the number of RPC appointments does not necessarily follow the same trends as the number of case filings. This is so because RPC appointments are typically made for each indigent parent in a case. The number of RPC appointments has been tracked since the agency's assumption of RPC oversight in FY 2016-17. The number of RPC appointments, the number of D&N cases filed, and the average number of RPC appointments per case filed are shown in the table below.

RPC Appointments per D&N Case Filing FY 2016-17 through FY 2021-22			
Fiscal Year	RPC Appointments	D&N Case Filings	Average # of RPC Appointments per Case Filed
2016-17	6,042	3,355	1.80
2017-18	6,336	3,143	2.02
2018-19	6,161	2,957	2.08
2019-20	6,133	2,780	2.21
2020-21	6,119	2,648	2.31
2021-22	5,811	2,539	2.29

The ORPC expected that the initial economic downturn resulting from the pandemic would lead to an increase in the number of case filings and RPC appointments. This expectation was informed by empirical data. Specifically, the agency ran a statistical analysis of the number of D&N filings from FY 2000-01 through FY 2018-19 to determine if the number of D&N filings correlates with changes in the rates of macroeconomic conditions, including the rates of poverty, unemployment, and inflation.¹²

At the time, the ORPC found a statistically significant, positive correlation between changes in the poverty rate in Colorado and the number of D&N filings. The model predicted that a 0.5 percentage point increase in the poverty rate from one year to the next would result in a 5.9 % increase in case filings.¹³ The model's prediction was off because it did not account for the financial assistance that the Federal and State governments provided. This illustrates a larger concern for such predictive analyses: the difficulty of controlling for all socioeconomic factors that impact the number of D&N case filings.

c. Scenario Evaluation: Economic Downturn

In an economic downturn, the ORPC would expect to see increases in its two major budget drivers, the number of RPC appointments and the cost per appointment.

¹² The statistical analysis conducted by the ORPC represents a regression analysis with predicted values, rather than a forecast.

¹³ With 95% confidence intervals, the predicted increase ranges from 3.1% to 8.3%, or from 108 to 336 additional D&N case filings.

Number of RPC appointments

Many of the statutory reasons and factual bases (see table below) for filing dependency and neglect cases are impacted by economic factors, either directly or indirectly. As a result, a significant increase in the poverty rate will likely result in an increase in the number of D&N cases filed and therefore in the number of RPC appointments. Some of the direct effects of poverty, like homelessness, are in themselves reasons for filing a D&N case. In addition, economic stress contributes to other factors that increase the likelihood that a D&N case will be filed, including mental health issues, drug or alcohol misuse,¹⁴ increased rates of family conflict and domestic violence,¹⁵ and child neglect and abuse.¹⁶

Factual Bases and Statutory Reasons for Filing D&N Cases	
<u>Factual Basis</u>	<u>Statutory Reasons</u>
Delinquency	Abandonment or Mistreatment
Dirty Home	Child is homeless, lacks proper care, or is not domiciled with Parent
Domestic Violence	Child tested positive at birth for Schedule I or II substance
Long-term Confinement	Injurious environment
Mental Health	Lack of Proper Parental Care through acts or omissions of parent
Neglect	Parent/Child Conflict
Parent/Child Conflict	Parent's failure to provide care necessary for health or well-being
Physical Abuse	Pattern of habitual abuse
Sexual Abuse	
Substance Abuse	

Due to the nature of the factual bases and statutory reasons for filing D&N cases, the ORPC expected large increases in filings and appointments because of the economic downturn during the recession caused by the COVID-19 pandemic. However, these increases did not materialize, possibly because of the unprecedented direct economic supports and transfer payments provided by the Federal and State governments, which resulted in income stability and even an income increase for many families.¹⁷ Inflation is now a significant economic problem, and that level of governmental support and intervention is unlikely to recur. An economic downturn without such a massive government intervention will likely result in an increase in filings and appointments.

¹⁴ Gera E. Nagelhout et al., *How Economic Recessions and Unemployment Affect Illegal Drug Use: A Systematic Realist Literature Review*, 44 INT'L JOURNAL OF DRUG POLICY 69-83 (2017), <https://www.sciencedirect.com/science/article/pii/S0955395917300877>.

¹⁵ Alvaro Medel-Herrero et al., *The Impact of the Great Recession on California Domestic Violence Events, and Related Hospitalizations and Emergency Service Visits*, 139 PREV MED 106186 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7315959/>.

¹⁶ William Schneider et al., *The Great Recession and Risk for Child Abuse and Neglect*, 72 CHILD YOUTH SERVS. REV. 71-81 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5408954/>.

¹⁷ LEGISLATIVE COUNCIL STAFF, ECONOMIC & REVENUE FORECAST (June 18, 2021), <https://leg.colorado.gov/publications/forecast-june-2021/>.

Cost per appointment

As noted above, an economic downturn would cause or exacerbate a myriad of problems for indigent parents, and the number of problems will increase the complexity of cases and therefore the average cost per appointment. The increase will affect the cost per appointment for attorneys, who may have to deal with more complex and/or multiple legal issues that resulted in the D&N case filing. An economic downturn will also impact the cost per appointment of those contractors who work closely on the family defense team to support parental engagement with treatment plans and to resolve the issues that caused the initial filing of the D&N case, i.e., Social Workers, Family Advocates, and Parent Advocates.

An increase in the cost per appointment will have a significant impact on the Court-appointed Counsel, Mandated Costs, and IV-E Legal Representation appropriations, which comprise over 90% of the agency's budget. A large increase in appointments and case filings will therefore require additional General Fund support.

d. Scenario Evaluation: Department-Specific Contingencies

The Office of Respondent Parents' Counsel vigorously pursued new funding made available by a federal funding rule change issued by the Children's Bureau in January 2019, which acknowledged the crucial importance of funding legal representation for parents and for the first time provided federal Title IV-E matching funds for states' provision of legal services to parents and children. As the Title IV-E agency in Colorado, the Colorado Department of Human Services (CDHS) requests reimbursement for eligible ORPC expenses and passes the funds through to the ORPC pursuant to C.R.S. § 26-2-102.5. The funds are therefore reappropriated funds in the ORPC's budget.

The Title IV-E reimbursement is calculated by multiplying the agency's eligible costs of providing representation to parents by the IV-E penetration rate (the percentage of all children in out-of-home placements who were Title IV-E eligible and for which the state claimed Title IV-E funds as reimbursement for foster care maintenance payments) and multiplying that result by the reimbursement rate of 50%.

All federal sources of which the ORPC is aware have made it clear that the Title IV-E funding should be used for new programs and services.¹⁸ The ORPC has therefore developed and begun implementation of innovative new programs and services to improve high quality parent representation and positive outcomes for families in Colorado's child welfare system. These programs include the following initiatives and expansions of services:

- **Increase access to interdisciplinary teams, including social workers, family advocates, parent advocates, experts, and other professionals** – this expansion of services using IV-E teams allows the ORPC to use federal funds to implement proven best practices in parent

¹⁸ U.S. DEP'T. OF HEALTH & HUMAN SERVS., CHILDREN'S BUREAU, ACYF-CB-IM-21-06, UTILIZING TITLE IV-E FUNDING TO SUPPORT HIGH-QUALITY LEGAL REPRESENTATION AND PROMOTE CHILD AND FAMILY WELL-BEING (Jan. 20, 2021); CHILDREN'S BUREAU, TECHNICAL BULLETIN—FREQUENTLY ASKED QUESTIONS: INDEPENDENT LEGAL REPRESENTATION, at 2 (July 20, 2020), https://www.acf.hhs.gov/sites/default/files/documents/cb/technical_bulletin_faq_legal_representation.pdf.

representation, which will decrease the amount of time children spend in out-of-home placements and will increase family reunifications.

- **Early/pre-filing appointment of attorneys and interdisciplinary teams** – parents frequently go to their first court hearing without knowing who their attorney might be, and attorneys frequently meet the parent they are going to represent immediately before the first hearing in a case. As a result, the attorney has not had adequate time to interview and learn about the client and the client does not know what to expect before they are both required to participate in a court hearing. Ensuring that parent attorneys are appointed prior to initial hearings will lead to better parent representation, fewer child removals and more family reunifications.
- **Address ancillary civil legal issues** – parents often face other legal problems that impact the removal of their children and that prevent or delay the return of the children. Providing representation to address ancillary civil legal issues that directly impact a parent’s ability to safely maintain their children in the home, e.g., domestic violence, protective orders, custody, guardianship, and eviction prevention, will help avoid costly and unnecessary child protective interventions.
- **Recruit and mentor new RPC, incentivize work in rural communities, and provide mentoring to attorneys** – the ORPC is committed to providing interdisciplinary teams of the highest quality to parents. To do so requires that the ORPC recruit and provide mentoring to new attorneys and to both recruit and incentivize the work of attorneys in rural communities and “legal deserts” where there are fewer than 10 (or even 0) licensed attorneys.¹⁹
- **Replacement of the agency’s online attorney payment system** – the ORPC processes millions of lines of payment requests each year. The current system must be expanded to meet short-term program needs and eventually must be replaced to create efficiency in processes, allow flexibility in management, and provide robust data collection.
- **Continued partnership with the Colorado Data Lab** – the ORPC has partnered with the Colorado Data Lab to develop and implement a data analysis plan and to identify best practices and effective programs.

The pandemic delayed the implementation of some of these programs, but the ORPC used the IV-E funds to increase access to interdisciplinary teams in FY 2021-22. The table below shows the estimated costs of each IV-E program and other uses of the funds (discussed below), the estimated federal reimbursement that will be available, and the estimated balance of the cash fund in which the IV-E reimbursements are deposited.

¹⁹ In a 2020 Annual Report, the Colorado Office of Attorney Regulation highlighted the limited number of attorneys in many rural jurisdictions of Colorado. OFFC. OF ATTY. REGULATION COUNSEL, 2020 ANNUAL REPORT 4 (2020), <https://coloradosupremecourt.com/PDF/AboutUs/Annual%20Reports/2020%20Annual%20Report.pdf>.

IV-E SUMMARY							
ACTUAL and ESTIMATED EXPENSES, REIMBURSEMENTS, AND CASH FUND BALANCES							
IV-E EXPENSE SUMMARY							
	FY 2020-21 ACTUAL	FY 2021-22 ACTUAL	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	
IV-E INITIATIVES:							
1. Increase Access to Interdisciplinary Teams	\$ 909,094	\$ 723,847	\$ 3,298,900	\$ 4,268,900	\$ 5,000,450	\$ 6,383,750	
2.a. Early Apptmt of Attorneys & Interdisciplinary Teams	-	-	110,210	187,567	330,630	450,390	
2.b. Address Ancillary Civil Legal Issues	-	-	26,208	53,670	81,807	114,097	
2.c. Incentivize work in Rural Counties/ Recruit and Mentor RPCs	-	-	20,000	20,000	20,000	20,000	
3. Expand & then Replace RPPS	-	-	188,750	537,500	50,000	50,000	
4. Partner with Colorado Data Lab	-	-	211,355	-	-	-	
5. Provide Cross-Agency and Cross-System Training	-	-	21,611	27,495	27,495	27,495	
6. Expert to Address Systemic Racism Issues	-	-	8,000	10,000	10,000	10,000	
7. Contractors to Support ORPC Programs	-	-	77,800	30,000	-	-	
8. Website Updates & Database Creation	-	-	85,750	-	-	-	
Total IV-E Initiatives	\$ 909,094	\$ 723,847	\$ 3,885,034	\$ 5,105,132	\$ 5,520,382	\$ 7,055,731	
OTHER USES:							
Carrie Ann Lucas Fellowship	94,133	127,921	154,185	204,523	214,097	215,950	
Training	-	-	28,000	28,000	28,000	28,000	
Operating	-	-	950	950	950	950	
Social Worker Pilot Program	-	-	-	-	-	-	
Total Other Uses	\$ 94,133	\$ 127,921	\$ 183,135	\$ 233,473	\$ 243,047	\$ 244,900	
TOTAL IV-E EXPENSE	\$ 1,003,227	\$ 851,768	\$ 4,068,169	\$ 5,338,605	\$ 5,763,429	\$ 7,300,631	
IV-E CASH FUND BALANCE							
<i>Actual</i>	<i>FY 2020-21</i>	<i>FY 2021-22</i>	<i>FY 2022-23</i>	<i>FY 2023-24</i>	<i>FY 2024-25</i>	<i>FY 2025-26</i>	
<u>Actual / Estimated Reimbursement</u>							
CAC Expenditures/Appropriation	19,746,257	18,015,906	22,247,566	22,247,566	19,386,260	20,064,779	
Mandated Costs Expenditures/Appropriation	2,366,258	2,763,447	938,911	938,911	1,299,400	1,344,879	
IV-E Expenditures		688,523	3,455,318	4,530,137	5,432,887	6,968,237	
Total Reimbursement Base	22,112,515	21,467,877	26,641,795	27,716,614	26,118,547	28,377,895	
Penetration Rate	26.7%	29.8%	27.0%	25.9%	25.9%	25.9%	
Reimbursement Rate	50%	50%	50%	50%	50%	50%	
ACTUAL / Estimated Reimbursement	2,940,080	3,227,423	3,596,642	3,582,888	3,376,308	3,668,371	
IV-E CASH FUND BALANCE							
Opening Balance in Cash Fund	\$ 3,212,725	\$ 5,149,579	\$ 7,525,234	\$ 7,053,707	\$ 5,297,990	\$ 2,910,869	
Actual / Estimated Reimbursement (from above)	2,940,080	3,227,423	3,596,642	3,582,888	3,376,308	3,668,371	
Actual / Estimated Expenditures (from above)	(1,003,227)	(851,768)	(4,068,169)	(5,338,605)	(5,763,429)	(7,300,631)	
BALANCE IN IV-E CASH FUND	\$ 5,149,579	\$ 7,525,234	\$ 7,053,707	\$ 5,297,990	\$ 2,910,869	\$ (721,391)	
EXPENSES COMPARED TO APPROPRIATION							
	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26	
Appropriation	5,261,242	5,278,136	5,582,357	5,582,357	5,582,357	5,582,357	
Expenditures (from above)	(1,003,227)	(851,768)	(4,068,169)	(5,338,605)	(5,763,429)	(7,300,631)	
EXCESS SPENDING AUTHORITY / (ADD'L SPENDING AUTHORITY TO BE REQUESTED)	\$ 4,258,015	\$ 4,426,368	\$ 1,514,188	\$ 243,752	\$ (181,072)	\$ (1,718,274)	

As shown above, estimates are that the ORPC's expenses will exceed the available cash fund plus reimbursements in FY 2025-26. This is partially because the agency has been required to use IV-E funds for purposes other than parent representation and partially because the ORPC believes reimbursements will decrease as agency programs have a positive impact on the number of children removed, making fewer children eligible for Title IV-E reimbursement. Should it be necessary, the

ORPC will consider requesting General Funds to continue programs that have been found to be effective.

As noted previously, federal sources have indicated that the additional Title IV-E funding should be used for new programs and services. The ORPC therefore believes that using Title IV-E funds for existing programs is supplanting and thus an unallowable use of federal funds. However, during the budget crisis in which the FY 2020-21 budget was finalized, the ORPC's budget was modified to require that the ORPC use IV-E funds for existing programs, including Personal Services and benefits, Operating, Training, and existing Mandated Costs programs. The ORPC believes that this use of the title IV-E funds is supplanting and that the agency may be required to repay the amounts from the General Fund. The amount of the repayment will depend on how long the agency is required to continue supplanting. The amount subject to repayment is shown below.

Potential Required Repayments of Federal Title IV-E Funds								
	FY 2020-21 Actual	FY 2021-22 Actual	FY 2022-23 Long Bill	FY 2023-24 Request	FY 2024-25 Estimate	FY 2025-26 Estimate	FY 2026-27 Estimate	Total
Personal Svcs & Benefits	94,133	127,921	190,104	204,220	218,964	229,483	235,127	1,299,952
Operating	-	-	950	950	950	950	950	4,750
Training	-	-	28,000	28,000	28,000	28,000	28,000	140,000
Court-appointed Counsel	-	-	337,334	398,054	398,054	398,054	398,054	1,929,550
Mandated Costs	-	32,949	-	-	-	-	-	32,949
Total	94,133	160,870	556,388	631,224	645,968	656,487	662,131	2,745,070

e. Major Expenses Anticipated [(Optional)]

Studies have shown that children have better long-term outcomes when they are raised in their families of origin.²⁰ Children who leave foster care struggle in all areas, including education, employment, income, housing, general and mental health, substance use and criminal involvement.²¹ As noted in Section 1, Agency Overview, the best outcomes for families involved in D&N proceedings are obtained when an interdisciplinary representation model of parent defense is used.²² The cost per case for cases with interdisciplinary teams is initially greater but the ORPC anticipates that the savings to other state systems, including education, public health, human services, courts, and corrections, will far outweigh those costs. To the extent possible, the ORPC intends to use the federal Title IV-E funds to defray these additional costs.

The ORPC does not anticipate any other major expenses.

²⁰ Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. REV. OF LAW & SOC. CHANGE 523, 541-552 (2019).

²¹ Laura Gypen, *supra* note 5.

²² Lucas A. Gerber, et al., *Understanding the Effects of an Interdisciplinary Approach to Parental Representation in Child Welfare*, 116 CHILD. & YOUTH SERVS. REV. (Sept. 2020), <https://www.sciencedirect.com/science/article/pii/S0190740920304643>; LORI DARNEL & DAWN MATERA BASSETT, A PROGRAM EVALUATION OF THE COLORADO OFFICE OF RESPONDENT PARENTS' COUNSEL SOCIAL WORK PROGRAM (2019), <https://coloradoorpc.org/wp-content/uploads/2019/11/ORPC-SWPP-Evaluation.pdf>.

SECTION 5: Anticipated Funding Decreases

The ORPC does not anticipate any federal funding decreases unless the potential supplanting discussed above should lead to a reduction or cessation of Title IV-E funding.