

JUDICIAL DEPARTMENT
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

1:30-2:30 COURTS AND PROBATION (JUD)

Main Presenters:

- Chief Justice Brian D. Boatright, Colorado Supreme Court
- Steven Vasconcellos, State Court Administrator

Topics:

- Introduction and Opening Comments
- COVID-19 Remote work planning: Page 1, Question 1 in the packet
- One-time federal stimulus funds: Page 2, Question 2 in the packet
- General Questions: Pages 3-8, Questions 3-8 in the packet
- Courts IT Infrastructure and Staff: Pages 8-9, Questions 8-10 in the packet
- Other Requests and Budget Items: Pages 10-28, Questions 11-21 in the packet

2:30-3:00 OFFICE OF THE STATE PUBLIC DEFENDER (OSPD)

Main Presenters:

- Megan Ring, State Public Defender

Supporting Presenters:

- Lucy Ohanian, Deputy State Public Defender
- Matthew Blackmon, Director of Finance
- Kyle Hughes, OSPD IT Director

Topics:

- Introduction and Opening Comments
- COVID-19 Remote work planning: Page 1, Question 1 in the packet
- One-time federal stimulus funds: Page 2, Question 2 in the packet
- General Questions: Page 2, Questions 3-6 in the packet
- OSPD Discovery Data and File Management: Page 5, Questions 7-10 in the packet
- Other Requests: Page 6, Questions 11 in the packet

3:00-3:10 BREAK

3:10-3:30 OADC, OCR, ORPC JOINT REQUEST

Main Presenters:

- Lindy Frolich, Director, Office of the Alternate Defense Counsel, lindy@coloradoadc.com
- Chris Henderson, Executive Director, Office of the Child's Representative, chrishenderson@coloradochildrep.org
- Melissa Michaelis Thompson, Executive Director, Office of Respondent Parents' Counsel, mthompson@coloradoorpc.org

Supporting Presenters:

- None

Topics:

- Joint Request – Contractor Rate Increase (OADC R4, OCR R1, ORPC R1): Page 2, Slides 2 – 9

3:30-3:45 OFFICE OF THE ALTERNATE DEFENSE COUNSEL (OADC)

Main Presenters:

- Lindy Frolich, Director

Supporting Presenters:

- Darren Cantor, Deputy Director
- Daniel Nunez, Chief Financial Officer

Topics:

- Introduction and Opening Comments: Pages 7-21, Questions N/A in the packet, Slides 1-16
- COVID-19 Remote work planning: Page 1, Question 1 in the packet, Slides N/A
- One-time federal stimulus funds: Page 1, Question 2 in the packet, Slides N/A
- General Questions: Page 1-2, Questions N/A in the packet, Slides N/A
- Requests: Page 2, 22-26, Questions N/A in the packet, Slides 17-21

3:45-4:00 OFFICE OF THE CHILD'S REPRESENTATIVE (OCR)

Main Presenters:

- Chris Henderson, Executive Director
- Ashley Chase, Staff Attorney and Legislative Liaison

Supporting Presenters:

- Mark Teska, Chief Operating Officer

Topics:

- Introduction and Opening Comments: Pages 6-13 in the packet, Slides 1-7
- COVID-19 Remote work planning: Page 2, Question 1 in the packet, Slide 8

- One-time federal stimulus funds: Page 2, Question 2 in the packet
- General Questions: Pages 3-5, Questions 3-6 in the packet, Slides 9-12
- Requests: Page 6, Question 7 in the packet, Slides 13-16

4:00-4:15 OFFICE OF THE RESPONDENT PARENTS' COUNSEL (ORPC)

Main Presenters:

- Melissa Michaelis Thompson, Executive Director, mthompson@coloradoorpc.org

Supporting Presenters:

- Linda Edwards, Chief Financial Officer, ledwards@coloradoorpc.org
- Ashlee Arcilla, Deputy Director, aarcilla@coloradoorpc.org

Topics:

- Introduction and Opening Comments: Page 7, Questions 1-2 in the packet, Slides 7-9
- COVID-19 Remote work planning: Page 2, Question 1 in the packet, Slide 10
- One-time federal stimulus funds: Page 2-3, Question 2 in the packet, Slide 10
- General Questions: Page 3-6, Questions 1-4 in the packet, Slide 11
- Requests: Page 12-21, Questions 1-2 in the packet, Slides 12-21

4:15-4:30 OFFICE OF THE CHILD PROTECTION OMBUDSMAN (OCPO)

Main Presenters:

- Stephanie Villafuerte, Colorado Child Protection Ombudsman
- Jordan Steffen, Deputy Ombudsman

Supporting Presenters:

- Ann Roan, Chair, CPO Advisory Board

Topics:

- Introduction and Opening Comments: Page N/A, Questions N/A in the packet, Slides N/A
- COVID-19 Remote work planning: Page 2, Question 1 in the packet, Slides N/A
- One-time federal stimulus funds: Page 3, Question 2 in the packet, Slides N/A
- General Questions: Pages 3-6, Questions 3-6 in the packet, Slides N/A
- Requests: Pages 6-45, Questions 7-8 in the packet, Slides 1-23
 - Slides contained on Pages 46-68 of the packet

4:30-4:45 INDEPENDENT ETHICS COMMISSION (IEC)

Main Presenters:

- Elizabeth Espinosa Krupa, Chair
- Dino Ioannides, Executive Director

Topics:

- Introduction and Opening Comments: Page 1, Questions N/A in the packet, Slides 1-8
- COVID-19 Remote work planning: Page 1, Questions 1 in the packet, Slides 9
- One-time federal stimulus funds: Page 1, Questions 2 in the packet, Slides 9
- General Questions: Page 1-2, Questions 3-5 in the packet, Slides 9
- Requests: Page 2-3, Questions 6 in the packet, Slides 9-13

4:45-5:00 OFFICE OF PUBLIC GUARDIANSHIP (OPG)

Main Presenters:

- Sophia M. Alvarez, Executive Director
- Debra Benett-Woods, OPG Commission Chair-Elect

Topics:

- Introduction and Opening Comments: Page 3-9
- COVID-19 Remote work planning: Page 2
- One-time federal stimulus funds: Page 2
- General Questions: Page 2-3
- Requests: Page 3-9

JUDICIAL DEPARTMENT – COURTS AND PROBATION
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

The Judicial Department (Courts and Probation) only pay for lease space at the Ralph Carr Judicial Center as all Trial Court and Probation Department space is county provided per statute. The State Court Administrators Office is updating its workplace policies and after implementation (expected in the first quarter of 2022) the Department will be better able to evaluate workspace needs in the Carr Building.

As for fleet vehicles, the Judicial Department (Courts and Probations) has a relatively small fleet of 40. The Department is constantly examining vehicle usage and believes there may be opportunities for fleet expansion in lieu of reimbursing employees for mileage costs incurred while traveling.

There are a number of remote work practices and policies implemented during the pandemic that have altered the landscape of the Department's operations for the foreseeable future. The implementation of technological solutions during the pandemic has illuminated the opportunities for the public to access to justice in a new way. Both the courts and probation adjusted operations to accommodate virtual practices and proceedings. As courts have continued to use virtual platforms to conduct hearings and court proceedings, the focus has shifted from needing physical space to accommodate large dockets to having the necessary technology to support quality connectivity for all parties, access to the public as appropriate, and preserving the court's ability to capture a clear and accurate record. The Department has also worked to expand electronic filing opportunities for litigants to reduce the need for citizens to travel to courthouses and wait in lines in order to file necessary court paperwork. Electronic filing is now available for attorneys in all criminal, domestic and civil case classes (with the exception of mental health cases) and work on expanding to juvenile case classes is underway. The Department is also working on expanding electronic filing capabilities for civil litigants not represented by counsel.

So far in 2021, more than 3 million documents have been electronically filed and 184,408 new cases have been initiated using our electronic filing system. The investment in expanding our electronic filing system reduces crowding and long lines in the clerk's office and provides an easier experience for citizens that do still need to come to the court in person to conduct business. Even with the expanded access to electronic filing, much of the court's business is still initiated with paper documentation, which requires some staff to be in person to process. In terms of remote work policies, there is great variation across the state driven by the local business

needs and culture. Some smaller locations only have a single court staff person supporting the courthouse, and so in person presence is required to maintain an open facility for the public. However, other locations have been able to incorporate more remote work for staff members on a permanent basis.

For Probation Departments, virtual appointments and presentence investigation interviews were executed in a virtual environment, adults and juveniles on probation continued to participate in treatment via telehealth. In many instances, treatment providers and probation officers reported higher levels of attendance and participation as probationer's engagement was not hindered by common barriers, like transportation challenges and the need to take off work to attend appointments. These changes certainly have the potential to create opportunities to utilize physical space and resources differently; however, many courts were grappling with physical space challenges prior to the pandemic and so these changes have served to alleviate some of those pressures rather than create entirely unused space. The successful implementation of these technologies didn't completely replace the functions of the Department, they have increased the options and the tools available for the Department to provide a larger number of options for service to the community. While in-person interactions and functions will always be an important part of the Department's day-to-day operations, many of the technology-oriented functions and services will continue to be available and expand the Department's ability to provide the public with greater access to justice.

Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

The Judicial Department has received the following federal stimulus funds:

CARES - \$350,000 for eviction legal defense grants. Approximately \$122,000 of this amount was spent in Fiscal Year 2021.

SLFRF/ARPA – \$1.5 million for eviction legal defense grants, \$750,000 for family violence justice grants, and \$3 million passed through to district attorney's offices and local VALE boards for grants to community-based victims' services programs. These funds were appropriated via HB21-1329 (eviction defense – obligated funds must be spent by 12/31/24) and SB21-292 (family violence justice and local VALE – funds must be fully expended by 6/30/22). Since these monies must be used for the customary purposes established in statute for all three programs, there is little flexibility in using the funds beyond what is already set in law.

NOTE: Additional detail has been requested in a separate written-only response.

GENERAL QUESTIONS

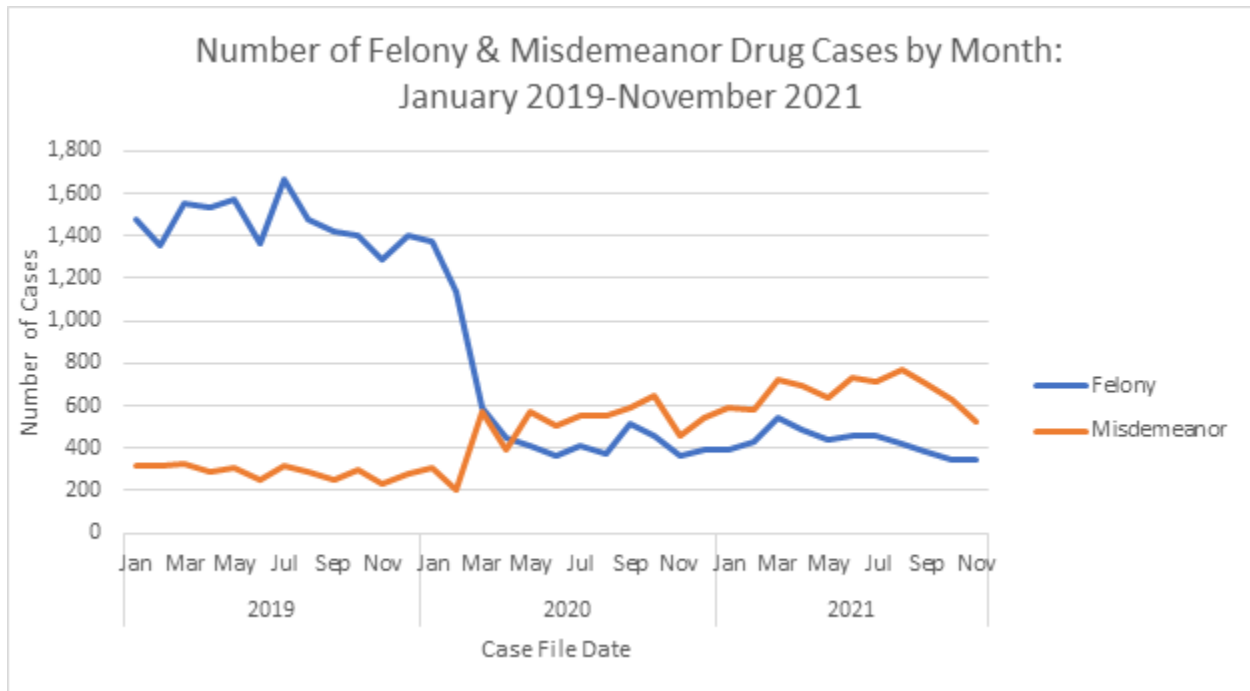
3. [Sen. Rankin] The mix of felony and misdemeanor cases has changed and will change based on recent legislation. Discuss the anticipated impact of recent legislation on the number and mix of court cases and on the resource needs for the court system such as technology, problem solving courts, interpreters and translation services, etc.

Over the past three years, the General Assembly passed several pieces of legislation making changes to classification of criminal cases. A brief summary of the bills we continue to monitor and track for impacts is below. While this summary is not exhaustive of all bills impacting trial courts during recent years, it does provide an overview of key legislation that makes significant changes to criminal matters.

HB19-1263 – Offense Level for Controlled Substance Possession:

House Bill 19-1263 significantly altered the mix of felony and misdemeanor drug cases. The bill reclassified several drug offenses that were formerly felonies to misdemeanors. These changes decreased the number of drug felonies and increased the number of misdemeanors. These changes apply to offenses on or after March 1, 2020. While House Bill 19-1263 also reduced some misdemeanor drug cases by prohibiting prosecution for residual amounts of controlled substances, this decrease in misdemeanor charges was overshadowed by the larger influx in misdemeanors from reclassified felonies.

While it appears clear HB 19-1263 has had an impact on drug cases it remains difficult to parse the scale of that impact from the scale of the impact from the COVID-19 pandemic. Immediately following the effective date of the bill, courts in Colorado and law enforcement agencies began to modify services due to the pandemic. The graph below illustrates the change in the number of felony and misdemeanor drug cases since January 2019 – of note is that district court filings went from 1,142 cases in February 2020 to 593 in March of the same year; on the other hand, county court filings went from 200 to 570 cases between February and March 2020. It is important to note that because Denver County is a home rule city, misdemeanor cases filed in the Denver County Court (DCC) are not part of the state court system and are handled locally by DCC. Therefore, cases that would previously have been filed in DCC that are now misdemeanors in accordance with this legislation will move out of the state court filings and shift into DCC cases. As such it is anticipated there will be some loss of total filings but that most of the cases will be shifting from district to county court and remain within the state court system overall.



HB19-1263 has, and will, shift needs in many areas of the courts—including technology, interpreters and translation services, and court resources. Not all of these shifts will require a change in the amount of resources (for instance, a computer is needed by a judge for a felony or misdemeanor case). In addition, as the impact of HB19-1263 on felony and misdemeanor cases coincided with changes brought on by the pandemic that continue to influence the judicial system, it remains unclear exactly how needs will shift going forward.

Problem Solving Courts can accept both misdemeanor and felony cases. The relationship between the impact from HB19-1263 on felony and misdemeanor cases and problem-solving courts remains unclear. Generally, most problem-solving court clients are facing felony charges and are considered repeat offenders that have prior charges. While a longer period of data is needed to assess whether recent legislation has impacted program referrals, programs have noted an increase in both higher-level and lower-level offenses that could be related to recent criminal justice reforms. Including offenders who are higher risk than those who have traditionally been served by these programs means that additional supports, more intensive supervision, and higher cost resources such as more intensive treatment, are needed to adequately serve the population while maintaining community safety measures.

Problem Solving Courts require buy-in from an offender to participate. In addition, increasing the number of low-risk offenders in these programs will make the implementation of low-risk tracks or dockets necessary to comply with national standards and research that demonstrates a need to treat high-risk and low-risk populations separately. If this trend continues, it is anticipated that additional Problem-Solving Court resources will be needed both to adequately serve an increasingly high-risk population and to add low-risk programs that will serve those with misdemeanors.

SB21-271 – Misdemeanor Reform

SB21-271 goes into effect on March 1, 2022. This legislation removes class 3 misdemeanors, makes all petty offenses unclassified, and decriminalizes several offenses by creating civil infractions. It also reclassifies numerous existing offenses into these law classes. The fiscal analysis of this bill did not anticipate a significant change in overall workload as some portions of the bill will create new workload for the courts and other portions are likely to decrease workload.

SB19-223 – Actions Related to Competency to Proceed

Senate Bill 19-223 created additional complexity for cases served by the Bridges Program, which connects defendants experiencing behavioral health issues to behavioral health services. The legislation significantly expanded expectations for the provision of services to and planning for defendants who were found incompetent to proceed (ITP). Liaisons assist the courts as directed in Senate Bill 19-223 through development of discharge plans when a participant is recommended for release from custody; identification of services and planning related to possible civil commitment; development of plans for mental health intervention; ensuring information sharing with the jails, working with the sheriff to ensure defendant is provided with medication; coordinating community reentry services; and advising defendants regarding court appearances. The Office of Behavioral Health also utilizes court liaisons to address these expectations and, as a matter of procedure, requests a liaison if there is not already one appointed when making a recommendation for outpatient restoration.

The passage of this legislation expands the statutory role of court liaisons from “identifying resources” and “supporting communication and collaboration regarding options available” to a role requiring intensive case planning and subsequent case management in order to support participants’ successful engagement in those plans when a defendant is found incompetent and referred to outpatient restoration services. These legislative directives have created a positive shift in outcomes for the Bridges Program, including upwards of a 69% rate of release from custody once a liaison is appointed to a case. At the same time, the changes have also increased caseload complexity and limited the number of participants a liaison can meaningfully serve. Currently, 10 districts have established waitlists for the services of court liaisons. Statewide, the Bridges Program serves approximately 1,900 cases annually. By contrast, in Colorado during fiscal year 2021 there were 5,035 cases where competency was raised and an evaluation was ordered, leaving more than 60% these cases unserved by the Bridges Program. The Bridges program would require a significant number of additional staff to fully meet this need.

HB21-1280 – Pre-trial Detention Reform (i.e., 48-Hour Bond Hearings)

The requirement set forth by HB21-1280 to hold a bond hearing within 48 hours of booking will require an increased reliance on technology and requires significant shifts in business practices for the Judicial Department. Most jurisdictions will utilize Webex to hold hearings virtually since courthouses will not be open on the weekend. Additionally, a live streaming platform will be used for public streaming of hearings in each of the bond hearing offices (BHOs), giving the public view-only access to these proceedings. This bill requires the electronic transfer of documents from the arresting agency to the Department. The Department has been vetting a short-term solution to transfer these files between the agency and the court, however the long-term goal will be to have the arresting agency e-file those documents into the court case. This will require an update to our systems to allow for third party e-filing. When interpreters are needed, instead of using judicial

staff, an outside vendor will be used at a cost to the Department. Although the changes in the legislation do not create new work, the shift in the timing and days of work means the Judicial Department will lose some efficiencies. The effective date to hold bond hearings within 48 hours of booking is April 1, 2022. The full impact will likely not be known until after the Department has fully implemented the business and technology changes. The Judicial Department will continue to monitor the changes and subsequent impacts experienced.

4. [Sen. Moreno] Comment on the increasing complexities of your agency’s cases, and the related impacts on your agency’s resource needs.

Much of the increased complexity of work is captured in Question 3 above. An additional impact is related to competency in criminal, juvenile delinquency and traffic cases. The table below illustrates the increase in the number of mental health stay orders issued since calendar year 2016 in district court criminal (CR), juvenile delinquency (JD), county court misdemeanor (M), and traffic (T) cases.

Calendar Year	Dist Court Criminal	Juvenile Delinquency	County Court Misdemeanor	Traffic Cases	Total
2016	1,287	362	575	88	2,312
2017	1,761	480	721	127	3,089
2018	2,067	634	968	120	3,789
2019	2,410	602	1,196	150	4,358
2020	2,301	525	1,296	161	4,283
2021	3,056	446	1,856	259	5,617
Total:	12,882	3,049	6,612	905	23,448

Judges have expressed concern over the delays in getting competency evaluations completed as well as services to restore competency. In other words, while evaluation and restoration services are taking longer to complete, the need for these services is increasing significantly. The increase in competency evaluation orders is particularly surprising in district court cases given the decrease in the number of district court case filings from 56,292 in FY19 to 43,834 in FY21. Importantly, judges have little discretion in ordering competency evaluations when they are requested by the parties.

Additionally, the recent legislative efforts to eliminate or change legal classifications for simple drug possession cases means that declines in caseload represent the most straightforward and least complex cases leaving or shifting within the courts. Because the Judicial Department utilizes the weighted caseload methodology to estimate resources, this change in complexity is significant in capturing and understanding workload demands on the courts. Specifically, workload standards average the processing time of all different cases within a category. Removing the least intensive cases will cause the current model to underestimate the amount of time needed to process cases in that category as only the more complex and time-consuming cases remain. This underscores the need for the Judicial Department to update the existing workload models for the Trial Courts, which all pre-date significant policy changes to criminal cases and operational changes that have been adopted as a

result of COVID-19. While the overall caseload in district courts is decreasing, the remaining cases appear to be more complex and drive significant workload demands for the Judicial Department.

Several legislative changes have been implemented to simplify access to the courts for pro se litigants. While these changes may not increase case complexity per se, they do place more responsibility on the courts to help navigate pro se litigants through the process, making the work more demanding. Advancements in technology can often help streamline some of this work, but time spent modifying existing programs in order to accommodate legislative changes comes at the expense of providing new tools to create better access and efficiencies in work. In situations where new legislation is effective before the case management system can be updated to accommodate the change, court staff must manually review cases and data entry processes to ensure compliance.

5. [Sen. Moreno] We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

The Department believes expanding employee total compensation is critical in retention efforts and attracting talent to State government. Programs such as tuition reimbursement should be available to State employees regardless of which branch they work for. In the current climate of heavy competition for motivated and competent employees, the Department supports state efforts to expand programs and benefits for state employees. Although we might not ever be able to compete with the private sector, it is in the Department's best interest to offer opportunities to encourage employees to continue growth and development assuming adequate funding is provided. These programs go beyond retention and recruitment. They can help ensure that we have qualified and trained employees who feel valued in the workplace. Additionally, comparable compensation and benefit levels between the three branches are important so as not to create inequitable employment levels within the State of Colorado.

6. [Sen. Rankin] Do the Courts provide any IT systems oversight or technical assistance for the independent agencies?

The Judicial Department (Courts and Probation) provides limited technical assistance to independent agencies and typically only occurs when they are initially created. Support includes limited access to Department systems and desktop support. Most of the independent agencies provide their own technical support through private entities when needed.

7. [Rep. McCluskie] Provide an overview about specific positions that have been extraordinarily hard to fill.

In the current climate, recruitments overall have resulted in smaller candidate pools, and an increased time to fill. We have also experienced more failed searches state-wide. For the Department's largest job class, Court Judicial Assistants (CJAs), the minimum salary is not competitive in the market, such that both rural and metro districts are directly competing with fast food establishments paying more

than the CJA minimum. Although the CJA position is typically seen as an entry-level position, it comes with a level of responsibility and pressure that is not commensurate with the level of compensation. When Judicial Districts are able to recruit for these positions, it is hard to retain good employees because the private sector, and even some public sector employers, offer significantly more compensation to experienced CJAs. The CJA job class is by far the largest in the Department, and the opportunities for increased compensation or promotion are largely seen as unavailable for many Department CJAs.

The Department's recruitment and retention challenges are not limited to entry-level positions, some IT positions have been posted three to four times before an offer is extended. The Department has seen failed searches with HR leadership, IT leadership, and other high-level administrative positions.

Other factors impacting the difficulty to fill positions include candidates rescind candidacy after applying, salary negotiations that are not sustainable budgetarily and for internal equity.

COURTS IT INFRASTRUCTURE AND STAFF

8. [Sen. Hansen] Describe the inter-relationship between existing data systems. We are aware of existing data gaps that are important to fill to help us develop public policy (e.g., the Department was unable to respond to RFI #6 concerning evictions, Page B-6). Please discuss the needs related to RFI #6 and how that might be addressed as a part of or within the IT enhancements requested. Please discuss other areas where additional data collection could be addressed within the current funding request.

The Department's data management system integrates with many other internal and external data systems to provide a variety of services to the public including government and public access, e-filing, online payments, jury management, court text reminders, and over twenty (20) different data exchanges with state and local agencies.

With regards to RFI #6 concerning Eviction Filing Indicators, the Department was able to fulfill the data request by providing ten (10) of the twelve (12) data elements requested. The Department was unable to provide two (2) of the data elements requested because there is no functionality in the existing data management system to collect property address or determine whether the property address is residential or commercial. The Department's FY23 IT request does include a request for planning and discovery regarding a new data management system that in the future may address these enhancements. The Department's data system is designed to provide the judicial officer with information necessary for resolving the case. Historically, our data system's data fields were not intended to collect additional data, not necessary for resolution of the case, for public policy evaluation. Given the volume of filings in our courts, the Department expects that a more robust data collection function will require additional staff and IT programming support.

9. [Sen. Moreno] Describe how the IT infrastructure request meets federal ARPA guidance.

As noted in the Department's decision item, the pandemic significantly altered court and probation operations statewide. Among other effects, there was an exponential increase in the use of video conferencing technologies, online connected applications, remote court interpretation and court reporters, and adoption of other internet-based technologies. The Judicial Department believes the projects included in the decision item are valid uses of SLFRF/ARPA funds inasmuch as investing in these projects will promote public health, increase access, and bolster equity in the future. Using ARPA funds deposited into the Revenue Loss Restoration Cash Fund Section 24-75-227 (2), C.R.S. for these projects would meet the statutorily intended criteria for those dollars.

Other states (e.g., Delaware, Texas) are also planning to use SLFRF monies for technology projects that address court backlogs and/or build, support, and expand court services in the future. For example, just like Colorado, Delaware has found that some of the measures instituted to stop the spread of COVID-19 (e.g., teleconferencing) have proven to be easier and more efficient for all involved. Several states also used CARES funding in similar ways (e.g., Kansas, New Hampshire, Vermont). Kansas, for example, used CARES funding to pay for remote technology equipment and software, a new web portal to allow people to seek protection orders without visiting a courthouse, and public access computer terminals to allow self-represented litigants to access virtual court proceedings.

10. [Staff] Please comment on staff's issue brief and the IT request items to clarify or better inform the Committee's understanding of these requests.

The COVID 19 crisis has caused a massive transformation in the way courts do business and the existing IT infrastructure is inadequate to handle this change. The \$33 million request covers the cost of upgrading and improving the Department's infrastructure to handle new and evolving court and probation business practices. These new demands have not only saturated the network, staff, and infrastructure, but challenged our overall customer service to the citizens of Colorado.

For example, more video and internet traffic, in addition to bringing staff back to the office, crippled the network in two court locations. The Department had to pivot quickly to find temporary solutions, some as drastic as postponing staff from returning to the office until new hardware, circuits, and faster connectivity could be procured that could accommodate the increased business demands and needs. These situations have highlighted the need to ensure proper IT staffing within the courts and probation locations throughout the state to provide immediate A/V and technical support, identify locations that have outdated or end of life equipment, address critical infrastructure needs, and take a more pro-active approach in addressing critical business operational needs which rely on the Department's IT infrastructure.

The courts and probation offices have utilized this technology to protect public health and ensure that individuals can conduct business within the court system without jeopardizing their own health or the health of those around them. Additionally, the pandemic has altered public expectations of the work we do, and the Department must upgrade and support critical infrastructure to ensure that we meet those expectations. The Department's obligation to serve the public is no longer limited to service inside of a courthouse. Attorneys, litigants, and probationers have all seen time and cost savings from the courts' expanded ability to offer online and remote services. Without necessary upgrades and support, the Department will not be able to reliably ensure that the public has robust access to the court system.

OTHER REQUESTS AND BUDGET ITEMS

11. [Rep. Herod] Behavioral Health Requests: What is the availability of these programs for individuals charged with felonies vs misdemeanors? How are Courts adapting to needs for chronically unhoused and severely mentally ill individuals? Will this program provide treatment for low level offenders before they become high level offenders? Is the amount requested sufficient to reduce the likelihood that individuals who commit misdemeanors go on to commit a felony? Are resources being provided in communities where there may be a lack of providers? How are the Courts handling this challenge?

A. Type and Level of Offenses

Generally, participants in the Bridges, Adult Diversion, and Problem-Solving Court programs may face misdemeanor and/or felony charges. To provide treatment for all offenders and reduce the likelihood of offenders committing higher level offenses, Bridges, Adult Diversion, and Problem-Solving Courts need additional resources to address treatment needs proactively.

The offense type – misdemeanor or felony – and offense level (e.g., M 1-3, F 1-6) is not determinative of eligibility for services through the Bridges Program. In contrast, offense classification, level, and type more significantly impact whether a program candidate falls within the target population of Adult Diversion or Problem-Solving Court programs. Whereas the Bridges Program is statewide, Adult Diversion and Problem-Solving Court programs, although numerous, are not. Prosecutors generally play a more significant role in establishing eligibility for Adult Diversion and Problem-Solving Court participation.

By statute, the Bridges Program is available for criminal cases, including juveniles, misdemeanors, and felonies. Statutory priority is given to individuals for whom a question of competency has been raised. With 29 Court Liaisons, program capacity is approximately 1,900 cases annually. By contrast, there were slightly more than 5,000 competency cases in Colorado during FY21. Fifty-four percent (54%) of cases in which competency is raised are felonies, 32% are misdemeanors, and the rest are juvenile and traffic cases. Judges and attorneys prioritize Bridge’s appointments not according to level of offense, but rather according to acuity of need (and other factors such as bond vs. custody status or outpatient recommendations from the Office of Behavioral Health). However, there are an estimated 4-5 times as many individuals in the justice system with mental health challenges as those for whom competency has been raised. An increase in the number of Court Liaisons would enable the Bridges Program to respond to those individuals before their mental health decompensates to the point of requiring competency services, and often before charges escalate. In this way, the program is poised to become an “early intervention” program, serving more individuals with less advanced mental health acuity and often lower levels of offenses should more funding be available for court liaisons.

By statute, the Adult Diversion Program may divert criminal charges, whether misdemeanor or felony, that are not statutorily excluded by Sec. 18-1.3-101(5)-(7), C.R.S. Each district attorney adopts their own eligibility criteria. Overall, most participating district attorney offices divert some misdemeanors and some felonies, although the target population may also include petty offenses and varies significantly among DA offices. Some DA offices focus primarily on diverting lower-level offenses,

thereby intervening to prevent escalation to higher level criminal conduct. Other DA offices primarily focus on diverting eligible felonies, thereby mitigating the substantial collateral effects that conviction would otherwise carry and addressing underlying treatment needs that drive involvement in the criminal legal system. Other DA offices focus on the program candidate and readiness to change, rather than on the offense type and level. Eligibility based on offense classification, level, and type reflect prosecutorial, law enforcement, and community priorities and philosophies, which vary tremendously and are often highly specific (e.g., allowing diversion of certain types of misdemeanors or felonies but not others of the same classification or level). For example, some DA offices divert alcohol-related driving offenses or domestic violence offenses, whereas others do not.

Like Bridges and Diversion, Problem-Solving Courts accept individuals charged with misdemeanors and felonies. While offense exclusions may vary among program sites, the target population primarily consists of individuals charged with felonies, often with a history of the same or similar charges. Problem-Solving Courts focus on “High Criminogenic Risk, High Need [for interventions],” as measured by the Level of Service Inventory-Revised (LSI-R) assessment, provided the person is considered safe for community supervision. Participation in Problem-Solving Courts is an alternative to sentencing in Community Corrections or the Department of Corrections that offers a highly structured, intensive, but less restrictive opportunity to obtain treatment. While research has shown that high risk, high need offenders are best served by problem-solving court programs, low risk modifications exist to proactively address the needs of lower-level offenders. However, an increase in misdemeanor offenders in programs that normally serve offenders with felonies would make the implementation of low-risk tracks or dockets necessary to comply with national standards and research that demonstrates a need to treat high-risk and low-risk populations separately. If programs for lower-level offenders are implemented to address recent criminal justice reforms, additional Problem-Solving Court resources will be needed to add low-risk programs that will serve those with misdemeanors. In addition, the workload model shows a need for 7.97 FTE coordinator positions statewide with the current capacity of participants. Additional FTE requests are not included in the restoration request.

B. Services for Persons Who Are Unhoused

The lack of stable housing is one of the most significant challenges shared by the Bridges, Adult Diversion, and Problem-Solving Court programs. The lack of stable housing would not disqualify an individual from participating in these programs but presents a huge logistical barrier, to the extent that basic needs must be met before individuals are able to address higher level needs, such as behavioral health treatment, consistent employment, and the like. A web of federal and local efforts to provide services and access to housing for persons who are unhoused are underway. These efforts are wholly consistent with the goals and objectives of the Bridges, Adult Diversion, and Problem-Solving Court programs. The challenge is identification of partnership opportunities and collaboration to effectively assist the vulnerable populations served by the criminal justice and social services programs. While much work to support collaboration has been done, much work remains. Most, if not all, communities have longstanding shortages of affordable housing, and solutions oftentimes require planning and are less immediate than needed.

Recognizing that housing is one of the most significant barriers facing the population served by the Bridges Program, Bridges Court Liaisons work to identify housing solutions for participants. These solutions may come from local shelters, long-term care facilities, and/or supportive housing. Liaisons also sometimes find solutions through family by responding to the needs of the family. In

circumstances where a participant may qualify for a long-term housing solution, the process required to secure housing is often beyond the participant's capacity. Liaisons help participants navigate access into various long-term housing options by helping participants obtain benefits, such as Social Security, disability, and veteran's benefits, needed to maintain stable housing. Additionally, a 2021 grant through the Coronavirus Emergency Supplemental Fund (CESF) funds temporary shelter, such as hotels and recovery housing, for Bridges participants. With rural and frontier communities especially limited in housing solutions, Liaisons seek solutions elsewhere in the State. Section 8 vouchers are rarely an effective response, especially in rural and frontier communities, given restrictions on justice-involved individuals and/or stigma from landlords.

Diversion Programs likewise recognize that individuals who don't have their basic needs met are unlikely to succeed with diversion. Programs have increasingly prioritized funding requests for ancillary needs, ranging from access to transitional housing or hotel vouchers, access to a cell phone, or assistance with transportation, clothing, employment, food, medical care, or behavioral health treatment, for example. The range of resources available to address basic needs varies tremendously from one program location to another. In addition to variation in the availability of community resources, some diversion programs are well-established and wholly integrated with community partners. Others are in their infancy or are championed by newly elected district attorneys. With time and effort, newer programs and those with new leadership will increase their capacities to serve the target population. Despite wide recognition of challenges posed by lack of stable housing, programs do not have a consistent approach to offering diversion or providing services to this population. With only \$100,000 divided among ten diversion programs, the need for comprehensive services for all diversion participants, particularly those who lack housing, was central to the Judicial Branch's decision item request to not only restore lost funding, but to increase it, reflecting the increase from 4 to 10-12 programs, and the need to financially support participant basic needs and behavioral health treatment. The FY23 funding application will elicit plans to support diversion participants who are unhoused.

On average, 1 in 7 (14%) of the active participants in Problem-Solving Courts were identified as having housing insecurities within the last quarter. Understanding that participants often lack stable housing, problem-solving courts work with probation and community partners to address housing needs through direct referrals, including short-term housing and sober residences. Problem-solving courts also foster participant stability through assistance with housing and employment through probation and offender service funding. Like the Bridges Program and Diversion, Problem-Solving Courts coordinate support for additional needs of participants in the community, working with a wide range of available resources within the programs' individual communities to create a net of services that foster long-term stability for participants served.

C. *Persons with Severe Behavioral Health Treatment Needs*

Bridges, Adult Diversion, and Problem-Solving Courts together address a continuum of behavioral health needs based on the participants' acuity.

With statutory priority given to serving individuals for whom a question of competency has been raised, the Bridges Program was created specifically to serve individuals with severe and persistent mental illness. Liaisons address a full spectrum of needs when working with participants, including mental health, behavioral health, medication management, crisis intervention, family engagement, and

social determinants of health, such as housing, medical needs, transportation, food, and communication. Liaisons provide person-centered case management, working directly with participants as they navigate multiple complex systems. This approach provides support to individuals with severe mental illness, who might not otherwise be able to understand and/or navigate the complexity of the systems and court obligations they face. As with housing, appropriate mental health services and facilities for those with severe mental illness is one of the most significant barriers facing the population served by the Bridges Program.

The availability and suitability of diversion for participants struggling with severe mental health treatment needs vary by location. Some programs target services to individuals with mild to moderate mental health needs, whereas others specifically include individuals with severe mental health needs, such as the 20th Judicial District. Generally, the ability to divert individuals with severe behavioral health treatment needs depends on how established the diversion program is, the availability of community-based treatment, funding for staff to administer the diversion program (e.g., diversion coordinators and behavioral health Navigators), and funding for treatment, when treatment costs are not otherwise covered. The smaller and more rural districts struggle with a shortage of treatment providers compared to metro-area locations, but these challenges cross geographic regions and locales. Several jurisdictions recognize restoration of competency as a potential entry point into diversion. The FY23 funding application will elicit ability and willingness to serve diversion participants with severe behavioral health treatment needs.

Problem-solving court participants are provided with individualized mental and behavioral health services to meet needs in conjunction with the supervision and case management of the courts and probation. These programs utilize many services (including telehealth services) to support, enhance, and expand the connection for participants to mental and behavioral health therapeutic and crisis intervention services. Problem-solving court programs work together with probation and community-based treatment services to provide client services. These services address mental health and substance use disorders based on treatment assessments and ASAM criteria assessed at treatment agencies. Drug, DUI, and Veterans courts work with participants and treatment providers to identify and treat co-occurring disorders. Program participants that have severe and persistent mental illness would be considered most appropriate candidates for Mental Health Courts where the court is geared specifically for addressing mental health needs; however, any problem-solving court team is equipped to address a wide range of behavioral health needs.

D. Adequacy of Funding Request

Increasing behavioral health needs throughout the state, combined with pandemic-related budget constraints, have left Bridges, Adult Diversion, and Problem-Solving Courts with significant gaps in funding if the programs are to serve at full capacity, adequately address disparities, and support positive outcomes for participants living with behavioral health challenges.

The Bridges Program sustained budget cuts through the pandemic and is requesting restoration of the 10% reduction in budget, as well as funds for clinical supervision and evaluation. However, the unmet need in the program even with restoration of funding is significant. Staffing levels enable the Bridges Program to serve less than 40% of competency cases in Colorado, leaving more than 60% the competency cases unserved. Additionally, both nationwide and statewide, four times as many individuals with mental illness are incarcerated rather than being treated through mental health

institutions. The importance of providing services to non-competency-related defendants with mental health concerns is therefore significant. In smaller districts that do not have as many competency cases to serve, Court Liaison caseloads reflect 4-5 times as many participants who need assistance outside of the competency system. Additional funding for the Bridges Program would provide an opportunity to serve most of the individuals within the competency system and would also allow the program to begin to address the needs of non-competency participants throughout the state. Expanding the program capacity would enable the Bridges Program to continue to work toward the legislative intention to bring the benefits of the program to “all Coloradans living with mental health conditions who encounter criminal justice involvement.”

In FY21 and FY22, the Adult Diversion Program sustained a 75% funding reduction, from \$400,000 to \$100,000, following approval of efforts to more than double diversion funding earlier in the 2020 legislative session. The funding reduction, along with the loss of funding for the Mental Health Diversion Program and loss of the requested funding increase, severely hampered the ability of programs to serve individuals appropriate for diversion. The FY23 Adult Diversion funding request submitted by the Judicial Branch is based on FY22 adult diversion program funding requests, FY21 mental health diversion program funding requests, and requests of four district attorney offices for funding from the Competency Fines Committee. If the decision item is approved, the State Court Administrator’s Office will disseminate a funding application to DA offices throughout the state. In the past, the available funding has limited interest in the program. The prospect of greater funding is likely to invite wider interest throughout the state. The number of funding applications and the time needed to scale up with implementation of new or expanded programming will eventually reveal the cost of fully scaling the program throughout the State. For the time being, the funding request reflected in the decision item is the best estimate available to serve diversion participants in accordance with the requests of district attorney offices that have expressed interest in diversion programming.

In response to the FY21 COVID-19 pandemic budget crisis, the Problem-Solving Court program budget was reduced. We are currently requesting restoration of the budget to continue services previously provided by the operating budget. This funding will be used towards ongoing training, technical assistance, and development of problem-solving courts through a consortium of resources and support geared towards developing improved practice competencies for criminal justice professionals within these programs. Statewide training and education, local support, program development, and evaluation of outcomes helps participants be matched with effective treatment at the appropriate level of care. Restoring funding relative to the Statewide Problem-Solving Court operating budget would allow the structural resources needed to create a unified mechanism for connecting programs to effective training, technical assistance, and evaluation practices. In developing a “center of excellence” for problem-solving courts, funding typically geared toward training and other activities could be coordinated throughout the state to improve the quality of programming and fidelity. Additionally, having the flexibility with operational funding to provide targeted statewide assistance to programs can free up local program resources to better meet participant needs.

E. Solutions When Community Based Services are Unavailable

The shortage in community-based services in Colorado is significant and continues to worsen, creating foundational challenges for the efficacy of programs designed to connect participants into services to meet both their behavioral health needs and social determinants of health (such as housing) needs. Numerous committees, task forces, and agencies are focused on potential solutions to address this need for the long-term.

When no services are available locally, Bridges Court Liaisons reach out to the network of Liaisons statewide to attempt to identify other solutions outside of the participant's community. This cross-county collaboration has resulted in solutions for participants that otherwise would not have been available. However, it comes at the cost of relocating participants outside of their community. When services exist but are not available due to an interpretation of eligibility, Liaisons advocate for admissions into the service and often utilize their collaborative networks and the courts to support successful admission. Liaisons advocate tirelessly for creative solutions to meet the needs of their participants, such as working with families or lesser-known community resources, such as advocacy groups for special populations (TBI, IDD, Veterans, etc.). The shortage of beds available at CMHIP and other competency-related facilities has also greatly increased the dependence on Liaisons to identify community-based alternatives, while simultaneously increasing the demand on those services. Often, the Bridges Program is the only BH/MH "service" available, and Liaisons become the primary protective factor for a participant. This is by no means an appropriate solution to the absence of services, but it is often a reality, especially in rural and frontier communities.

The pandemic has also expedited exploration into the availability of telehealth, and Diversion and Problem-Solving Court programs are relying more on this modality to meet the needs of participants. Telehealth is often a viable solution to limited services, as it removes barriers such as transportation, financial as well as family care needs often experienced by participants. The need to continue and expand the use of telehealth is likely the most significant short-term solution to address the dearth of community-based treatment providers, while longer term efforts to recruit, train, and financially support professionals in service "deserts" are underway.

12. [Rep. Benavidez] R10: Why are the Courts proposing to eliminate a Mental Health Diversion Program? How do you plan to use the requested funding that would be added to the General Courts Administration Program line item?

Reasoning

The Decision Item request would expand, not reduce, diversion participant access to behavioral health interventions beyond what was originally conceived in section 18-1.3-101.5, C.R.S., the pilot Mental Health Diversion Program (MHDP), by more broadly incorporating access to behavioral health interventions into the pretrial Adult Diversion Program (ADP), section 18-1.3-101, C.R.S.

The reasons for this recommendation are as follows:

- *A greater number of locations* throughout the state currently operate ADPs, 12 in FY21 and 10 in FY22, and could offer behavioral health interventions as part of diversion, beyond the original 4 MHDP pilot locations.
- Expanding the number of sites would *increase the number of diverted individuals served* with access to behavioral health interventions.
- Funding under the ADP line item would *increase the number of potentially eligible cases*, as the ADP statute does not categorically exclude all Victim Rights Act crimes, instead allowing prosecutorial judgment, victim input, facts and circumstances of the offense, and circumstances of the candidate to inform whether to offer diversion.

- Programs reported that MHDP's maximum diversion period of six-months was not appropriate for all cases or all participants, who varied regarding the level of intervention needed, stability factors, and the amount of restitution to be repaid. Pilot sites reported the obligation to pay restitution during the six-month period of diversion rendered some candidates, who would have otherwise been appropriate, ineligible. The amount of restitution owed, the challenge of participant stabilization in a six-month period of time, from the standpoint of mental health and basic needs (e.g., housing and employment), and participant access to personal or family financial resources affected the extent to which restitution was a barrier to program entry.
- Funding under the ADP affords *more flexibility to tailor funding to the needs and case volume of the funded programs*, rather than the one-size requirement of \$50,000 per year to each DA office, regardless of case volume or need, as set forth in the MHDP statute.
- Some programs observed that the target population needed a greater amount of support than was conceived in the MHDP model, as they understood it, particularly with regard to case management, assistance with basic needs, and other supports. Some pilot DA offices perceived the MDHP model to limit DA interaction with program participants following the warm handoff to the treatment provider, and believe that greater DA involvement, as opposed to being "hands off," would better support participants, promote engagement, and increase participant success.
- One of the original pilot sites is no longer interested in proceeding as a MHDP pilot. Two others have obtained alternate funding and adapted diversion programming with behavioral health interventions in a manner that better fits their local needs. With the benefit of lessons learned through the pilot MDHP, each pilot site has moved forward with the knowledge gained through the pilot program. For instance, whereas the MHDP pilot program provided for a single point of program entry (e.g., jail-based screening), the pilot sites recognized the need to provide additional points of entry to reach individuals who receive summons and citations, who are released on bond, or whose competency is restored.

Diversion Statute Comparison

Mental Health Diversion Program §18-1.3-101.5, C.R.S.	Adult Diversion Program §18-1.3-101, C.R.S.
MH-specific	General, not restrictive
Must follow CCJJ model	No specific model
Post-arrest MH Screening/ Assessment	Potential for triage
6-month period of diversion	Flexible diversion term, up to 2 years
No F1-F3, VRA	Excluded offenses (no VRA exclusion)
\$50K/DA office per year +	Flexible funding, ADFC
Focus on providing services not compliance monitoring	

MHDP Observations
<ul style="list-style-type: none"> ➔ Few in custody met eligibility criteria <ul style="list-style-type: none"> • post-arrest screening (in jail) • non-VRA, eligible offenses • + MH screen • acceptable risk / criminal history • not on parole, probation • restitution - ongoing barrier to entry) ➔ Those eligible released / lost contact (or not arrested) ➔ Need more providers and expedited assessment/treatment ➔ Need funding for basic needs/stabilization as much as for treatment

Both Diversion Statutes
<ul style="list-style-type: none"> • Alternative to prosecution • Potential funding for treatment needs: <ul style="list-style-type: none"> • MH/psychiatric screening, assessment and treatment as payor of last resort • Psychiatric meds as payor of last resort • Participant support/case management (MH provider, Div. Coordinator, etc.) • Participant basic needs • Opportunity to identify other needs and assist with referrals (Medicaid, SSD/SSI, food stamps, child support, housing, employment, education, vocational rehabilitation, etc.) • Interrupt criminal court involvement driven by unmet MH needs • Avoid collateral consequences of incarceration / conviction on employment, medical stability, family stability, etc.

Incorporating behavioral health interventions into existing ADPs would also increase operational and funding efficiencies by combining application, reporting, oversight, and program operation functions. This approach would also provide access to other streams of funding, including Correctional Treatment Funding administered through ADPs and funding received from the Competency Fines Subcommittee. This approach would leverage the existing structure and experience of the Adult Diversion Funding Committee and would foster a more integrated approach for case triage to match program candidates with needed interventions. The ADP statute emphasizes rehabilitation and reintegration and elevates reparation of harm to victims. Incorporating supportive case management and behavioral health interventions, tailored to the needs of the diversion participant, is wholly compatible with the pretrial adult diversion statute, as written. With the impending statutory termination of the MHDP on June 30, 2022, FY23 presents an opportunity to meaningfully and

efficiently integrate mental health interventions into adult diversion programming, building on existing strengths, partnerships, and programmatic infrastructure.

As a result of the short period of time the MHDP model was implemented, the pilot sites were still refining identification of participants, eligibility criteria, and operational processes. As a result, the MHDP model was minimally tested and did not undergo a formal program evaluation, due to lack of funding and due to an insufficient test experience, in duration and in the number of participants. Despite these limitations, the pilot sites learned from their experiences and apply this knowledge to better serve individuals with behavioral health challenges who encounter the criminal legal system. Emerging from the pilot site experience is the consensus that mental health impairments and substance use contribute to criminal legal system involvement in a significant share of criminal cases. Pilot sites share the consensus that mental health and substance use disorder interventions are critical to disrupting criminal legal system involvement, and that funding for these interventions is a top priority. Finally, pilot sites agree that supportive case management and short-term funding for participant basic needs that are necessary to participant stability are vital to participant and program success. The pilot sites collectively observed that MHDP increased awareness of mental health needs and changed their approach to working with this population. Pilot programs also observed that establishing a local MHDP transformed stakeholder partnerships, improved relationships, and increased collaboration across and within the behavioral health and criminal legal systems. Adult diversion programs in the 7th, 20th, 21st, and 22nd judicial districts sought and were awarded 2022 funding to incorporate mental health interventions for diversion clients and/or individuals involved in the competency evaluation and restoration system, reflecting awareness and commitment to serving individuals with mental health needs who intersect the criminal legal system.

Anticipated Use of Funding

Funding would be used for the following categories of expenditures:

1. Participant Needs/Support (Transportation, Medication, Transitional Housing, etc.)
2. Behavioral Health Navigators, Case Management, District Attorney or Consultant Compensation, and Operating Expenses (Supplies, Travel, etc.)
3. Behavioral Health Assessment, Evaluation and/or Treatment (Payor of Last Resort)
4. Law Enforcement/Jail Compensation (Screening in Custody Candidates), Data Collection, Reporting)
5. DA Staff and Stakeholder Training
6. Purchase or Development of Multi-Program Criminal Justice Programs Case Management System

13 [Rep. Herod] R7 Problem Solving Court Operating Restoration: What are the Courts doing to ensure that treatment courts are accessible to all populations? How would the requested funding be used, and would it be used to simply divert individuals out of the system or divert them into care?

A. Problem Solving Court Accessibility

In response to the statewide problem-solving court evaluation, programs across the state have introduced and reintroduced several methods for determining equitable access to all populations. Each

problem-solving court program is required to collaboratively develop a policy and procedure manual identifying the target population and objective eligibility criteria. “The target population for problem solving courts shall be individuals classified as moderate-to high-risk and high-need and are high-risk for reoffending or failing to complete less intensive forms of supervision.” (Adult Drug Court Standards). The [PSC Advisory Webpage](#) provides information on all court types and their eligibility criteria.

PSC programs have eligibility criteria that are objectively defined and evidence-based through the statewide Problem-Solving Court Accreditation Program that operates through the PSC Advisory Committee. Additionally, prior to 2021 PSCs had no effective method for tracking PSC referrals. With the implementation of the statewide PSC Dashboards in July 2021, PSCs are capable of tracking and understanding who has access to the programs, where referrals originate, and who is ultimately accepted into the program. If someone is denied entry into the program for whatever reason, PSC Coordinators are trained to record and track the reasons for the denial. Statewide PSC Coordinators collect district data quarterly to review and provide technical assistance as required to ensure programs comply with standards and provide equitable access to their programs.

Cost-effective operations, training, and technical assistance are key to ensuring that Colorado’s problem-solving court programs are accessible to all populations statewide. Problem-solving courts that consistently monitor operations, review findings as a team, and strive to meet validated benchmarks for success are more cost-effective and produce more beneficial outcomes to the community. To help ensure accountability of outcomes, performance benchmarks will be identified by either the PSC Advisory Committee (or a similar entity) to help grow and develop programs through data-driven, responsive processes. In doing so, these benchmarks or measures can help to illustrate funding and resource priorities. With those resources, it becomes more likely for programs to increase accessibility and improve participant outcomes.

While the Problem-Solving Court Unit does not have regulatory authority over statewide problem-solving court programs, the Unit does provide robust training and technical assistance, which is funded through the operating budget. The following initiatives have been implemented to address problem-solving court accessibility and inclusivity statewide:

1. The Problem-Solving Court Statewide Coordinators have piloted an Equity Mentor Courts Program with pilot judicial districts statewide and will continue to refine and implement the curriculum to engage more treatment courts throughout the state. In this program, Problem-Solving Court Statewide Coordinators work directly with individual treatment court teams to help them improve equitable access to programs and treatment to all populations, in alignment with our State Standards ([Appendix A](#)) and the National Drug Court Institute’s (NDCI) Best Practice Standards 1 (Target populations) and 2 (Equity and Inclusion). A-F.
2. Statewide Problem-Solving Court Coordinators are working in conjunction with the Judicial Department’s Office of Language Access to establish a streamlined avenue for programs around the state to request interpreter and translation services starting at the referral stage of the participant’s interaction with the Problem-Solving Court to ensure those with limited English proficiency are not excluded from consideration and participation in a program.
3. The Problem-Solving Court Statewide Coordinators are actively researching Diversity, Equity, and Inclusion training opportunities that can be acquired and delivered to the

state's Problem-Solving Court Unit staff via our Learning Management System, for both internal and external users/team members. The statewide PSC team also recognizes that training is only one necessary component to ensure equal access as part of a comprehensive approach.

To adequately review new data, problem-solving courts statewide are utilizing a new data collection tool as of July 1, 2021. Programs submitted quarterly reports through the new collection tool on October 1, 2021. These program-specific data dashboards are being combined to create a statewide report of quarterly data. The data collection tools provide program acceptance information based on various demographics with automatic visual updates. In addition, a RFP announcement is pending for a new database, which will further enhance data collection and analysis for programs.

B. Use of Funding

In response to the FY21 COVID-19 pandemic budget crisis, the Problem-Solving Court program budget was reduced. The Judicial Departments budget request includes restoration of the budget to continue services previously provided by the operating budget. The requested funding will be used to support problem-solving courts statewide with the training and technical assistance to better comply with state and national standards. To respond to the issues presented in maintaining continued operational fidelity to the problem-solving court model, restoring funding relative to the Statewide Problem-Solving Court operating budget would allow the structural resources needed to create a unified mechanism for connecting programs to receive effective training, technical assistance, and evaluation practices. In developing a "center of excellence" for problem-solving courts, funding typically geared toward training and other activities could be coordinated throughout the state to improve the quality of programming and fidelity. Additionally, having the flexibility with operational funding to provide targeted statewide assistance to programs can free up resources to better meet participant needs at the individual program level. Problem solving court programs are generally post sentencing programs in lieu of probation revocation and a possible prison sentence. Given this structure, they are not diversionary programs per se. That said, participation in a problem-solving court program is predicated on meaningful engagement with treatment. The majority of state resources expended by problem solving courts is on treatment and other supportive services such as transportation and emergency housing.

14. [Rep. Benavidez] R4 Judicial Training: Describe the responsibilities of and scope of work for the 4.5 FTE requested training specialists. How do the Courts currently handle training and how does this request compare to the current program? What are the staff resources currently assigned for training?

The Judicial Department currently utilizes a collaborative blended learning approach that provides a combination of virtual and in-person, instructor-led training (ILT) and self-paced on demand training or web-based training (WBT) to provide a robust, research-based training program that meets the needs of learners across the Department. Both the ILT and WBT approaches provide the benefits of personalized learning, immediate feedback, flexibility, and hands-on experience.

The additional training resources in the Judicial Department's budget request includes:

- 2.0 Court Education Specialists for trial courts
- 1.0 Education Specialist for probation
- 1.0 Distance Learning Specialist
- 0.5 Court Program Analyst

The Court Improvement Court Program Analyst is not a training specialist but is primarily responsible for program development, implementation, and management. This position works closely with education specialists and provides subject matter expertise in grant management, juvenile court operations, case management, and multi-disciplinary team facilitation.

A more detailed description for how each education specialist is currently utilized and the plans for how additional positions (if funded) will be utilized to address unmet needs is below.

Court Education Specialists

Two requested FTE would join the current eight Court Education Specialists who cover twenty-two judicial districts to provide instructor-led virtual training, in-person classroom training and individual training support to trial court staff. The Court Education Specialists cover data integrity for all case classes with special attention focused on coding that affects public safety. The orders, judgments, and sentences entered by the court profoundly impact the individuals, communities, and governmental agencies that the court serves on a daily basis. Additionally, the court data entered by court staff are routinely shared with law enforcement, corrections, child support enforcement, and the department of human services in real time. Statewide data sharing of important and sensitive data heightens the need for standards, data integrity monitoring, and high quality, continuous training.

As a result of COVID-19 disruption and the loss of one Court Education Specialist position in budget cuts, Court Education Specialists shifted from primarily in-person classroom training to virtual instructor-led training. Currently, Court Education Specialists continue to conduct trainings via live virtual sessions, although there is increasing demand to also reinstitute in-person classroom training to complement the virtual offerings. Although there are some efficiencies and benefits to training virtually, such as reaching the entire state with one training and providing unprecedented access to training in the most rural communities, it is not fully meeting the Trial Court needs. For example, the Judicial Department's more complicated data integrity training is more effective in person where participants can have hands-on practice. Employees struggling to learn also benefit from the in-person support. Additionally, the Court Education Specialists provide both virtual and in-person support to help answer any difficult questions that arise in daily trial court data entry. With having only eight Court Education Specialists for the entire state, the necessary travel, training, and support in addition to maintaining a statewide virtual training schedule is not possible.

Additional Court Education Specialists will ensure the work of the court is done in an effective, accurate, and timely manner across the state which ultimately improves the service and experience of members of the public interacting with the court system. Specifically, the funding of these two positions will directly support:

- Reduced training region size to maximize the amount of time spent actively training court staff both in person and virtually;
- Reduction in travel expenses;

- Increased time to prepare training curriculum and focus on the most crucial trainings (warrants, protection orders, sentencing, extreme risk protection orders, etc.) and the most requested trainings while accurately updating material with legislative or rule changes;
- Increased frequency of course offerings both virtually and in person.
- Increased knowledge of learning styles, virtual engagement, and training skills to maximize learner engagement and retention of content and skills;
- Increased public and officer safety.

Education Specialist for Probation

The requested Education Specialist FTE position for the Division of Probation Services will facilitate training and support ongoing learning and skill development with approximately 1260 Probation staff statewide. Learning is primarily facilitated by the Judicial Department and not from outside organizations. There are currently five Education Specialists, supported by one manager, to facilitate training for statewide probation staff. This puts the staff to trainer ratio at 210:1, which is higher than similar organizations across the country. The narrative for Decision Item R-04 provides more detail about other states' capacity for centralized training compared to Colorado. The data illustrate that Colorado is very under-resourced compared to other states. Districts have long struggled with the very limited resources at the Division of Probation Services who has not been able to meet their minimum training needs for staff.

Recent Legislative driven initiatives have a significant training component. More resources are needed to effectively meet legislative requirements for initiatives such as Senate Bill 19-108 (Juvenile Justice Reform). SB19-108 requires:

- All Probation staff who work with juvenile clients (20% of all Probation staff) must be trained annually on the components of the Juvenile Justice Reform
- According to research on learning development conducted by the Association for Talent Development in 2020, effective learning development for the 12 hours of SB19-108 training requires 5 Education Specialists to spend almost two months of full-time work
- The statewide training effort included 140 hours (17.5 working days) of live virtual training, approximately 840 hours (105 working days) of facilitation preparation across 13 facilitators, many of whom were pulled away from their regular job duties to assist

The role of an Education Specialist in Probation is evolving and becoming more complex. Studies show that training alone is unlikely to result in practice change, long-term learning retention, or skill development. Virtual training has increased the accessibility of training opportunities, but in addition to classroom and virtual training, an Education Specialist needs to support individuals in coaching and skill practice while also supporting districts to enhance their capacity to do this as well.

More resources are needed to allow Education Specialists the ability to develop new training and to support staff and districts in deeper-level learning that can impact Probation outcomes. This includes deeper learning for Probation-driven, as well as legislation-driven, efforts. Furthermore, resources are needed to update and create learning for Probation staff. Some of this is virtual learning, which can increase accessibility to learning while also reducing travel costs.

Distance Learning Specialist

One requested FTE would join the current two Distance Learning Education Specialists who support Judicial Officers and personnel in twenty-two judicial districts, SCAO, appellate courts, probation, the public, providers, and court appointed professionals. These FTE specialize in digital/technology programming to create interactive engagements and software simulations to develop on demand modules that provide bite-sized just in time training available on-demand. These simulations provide a safe environment to practice a task that mimics court software. This team has received increased requests for WBT supplements and engagement assessments to enhance ILT by reinforcing learning retention over time and preventing a one-time information overload. With the increase in virtual hearings and electronic filing, this team has also received increased requests for on-demand modules for probation, judicial officers, and the public . This additional specialist will expand program capacity to timely and effectively meet the following needs:

- Timely maintenance of updates to curriculum to account for changes in rule, regulations, and statute.
- Timely updates in response to software and technology changes.
- Design interactive WBT for mandatory employee and supervisor trainings. For example, Anti-harassment for supervisors, judges, and staff.
- Create microlearning's and trainings for courts, probation, and judges to increase learning over time. For example, domestic violence 101 for judges, probation, and court staff.
- Create public WBT for the expansion of eFiling to other case types for self-represented litigants and instructional modules for jurors.
- Develop WBT to assess or knowledge check during and after training for providers and court appointed professionals. For example, Child and Family Investigators 40-hour training provided by Judicial.

Court Improvement Analyst

The Court Improvement Program (CIP) is seeking .5 FTE to increase capacity to create and deliver training and technical assistance to multi-disciplinary juvenile court and human services professionals, to support local Best Practice Court Teams in their efforts to implement local goals that improve safety, permanency, and well-being for Colorado's children, youth and families. Training efforts will primarily be focused on improving the quality of court hearings, improving the quality of legal representation, and supporting joint data projects between courts and departments of human services at the state and local levels. Training will also emphasize tools and approaches for creating high functioning teams in a multi-disciplinary environment.

15. [Sen. Moreno] Page 16, Annualize prior year legislation, S.B. 21-202/VALE Fund: Describe the process of allocating the funding made available through S.B. 21-292, and whether it has been effective.

After consulting with DCJ staff and VALE program administrators as required by SB21-292, the SCAO allocated funds based on a DCJ-created model. Five districts declined funding, which freed up over \$100,000 for use by the remaining districts. These funds were redistributed equitably among the districts that expressed capacity to use them and all amounts were then rounded up to the nearest \$1,000. SB21-292 further allows district attorney's offices to use up to 10 percent of their district's funding allocation for development and administrative costs. The allocation results are shown below:

District	VALE Board Allocation	DA Office Allocation	Total Allocation
1	\$293,400	\$32,600	\$326,000
2	481,500	53,500	535,000
3			
4	427,500	47,500	475,000
5	51,300	5,700	57,000
6	14,400	1,600	16,000
7	45,000	5,000	50,000
8	204,300	22,700	227,000
9	75,600	8,400	84,000
10	59,400	6,600	66,000
11	24,300	2,700	27,000
12	43,200	4,800	48,000
13			
14	26,100	2,900	29,000
15			
16			
17	353,700	39,300	393,000
18	279,000	31,000	310,000
19	171,000	19,000	190,000
20	144,000	16,000	160,000
21			
22	6,300	700	7,000
TOTALS	\$2,700,000	\$300,000	\$3,000,000
Note: The 3rd, 13th, 15th, 16th, and 21st Judicial Districts declined funding.			

DCJ staff and VALE program administrators received notice of the final allocations via SCAO memorandum on August 27, 2021. Because most local VALE programs operate on a calendar year basis (i.e., grant applications are solicited in the fall), the majority of SLFRF funds will be spent January through June 2022. Most boards have completed their award cycles and are currently executing contracts with local partners.

The SCAO believes the collaborative process for allocating SLFRF funds to local VALE programs was as swift and efficient as possible and will result in a much-needed revenue boost for community-based victims' services programs throughout Colorado. Feedback from the local program administrators has been positive despite the added challenges of administering federal funds and the compressed timeline for expending them.

The effectiveness of the funds is unknown at this time as many of the local boards have not disbursed the funds. We anticipate the effectiveness of these funds to be consistent with normal state funded grant awards. The Division of Criminal Justice may have additional information regarding the details of all local VALE grant awards.

16. [Rep. McCluskie] HB 21-1280: Describe the implementation of H.B. 21-1280 and the Courts determination for the need for increased bond hearings on weekends and holidays relative to those anticipated in the fiscal note.

Identifying the locations of the two Bond Hearing Offices (BHOs) created in the bill is one of the first key milestones for implementation of House Bill 21-1280. The Chief Judges and court leadership in the 13th and 14th Judicial Districts agreed to help establish and host the BHOs and supervise the bond hearing officers and staff working in these offices. Once the BHO locations were finalized, the next step for implementation focused on determining what districts wanted to “opt in” to using the BHO services for conducting bond hearings over the weekend for their districts. A total of 12 districts (including the 13th and 14th) have opted to use the BHOs. Based on historical weekend arrest data, those districts were equitably split between the two locations. Because of the number of stakeholders impacted by this legislation, the BHO host sites assumed that it would be the most efficient use of time if there was a set schedule for each county assigned to each of the two BHO sites to allow for predictability, consistency and support the planning efforts of the jails, District Attorney (DA) staff, Public Defender (PD) staff as they work to adjust operations to meet the demands of this legislation. This also allows for a consistent schedule for members of the public to support access and participation in these proceedings as necessary. The historic arrest data was used to determine how much time should be scheduled for each county and each county is scheduled on *either* Saturday or Sunday, not both. Based on this, each BHO location is expected to hold between 9 and 10 hours of hearings each weekend, which does not include any prep or follow up work by the judicial officers or court staff before and after the hearings.

There are two key cutoff times that needed to be established in order to finalize the BHO schedules. The first is the Friday booking cutoff time, before which the court location where the case originated will need to conduct the bond hearing before close of business on Friday. The current BHO schedule has a booking cutoff time of 2pm for all counties. Moving that cutoff time any later would create extreme hardship for the originating jurisdiction to conduct the hearing by close of business on Friday. This means that the weekend bond hearings need to be completed by 2pm on Sundays, to ensure that the person who is booked at 2:01pm on Friday still gets a bond hearing within 48 hours.

The second cutoff is the weekend booking cutoff time, after which the court location that has the case will conduct the bond hearing on Monday. The current BHO schedule has a booking cutoff of 2pm on Saturdays. This means that the remainder of the weekend bookings will need to have bond hearings conducted by 2pm on Monday to ensure that the person who is booked at 2:01pm on Saturday still has a bond hearing within 48 hours. There also needed to be a deadline built into the schedule for law enforcement paperwork to be provided to the courts, DAs and PDs or private attorneys. The schedule has a Saturday 3pm paperwork deadline. Additionally, some locations utilize pre-trial services to administer assessments or provide additional information for the bond hearing. This is an additional factor that requires time to complete and makes it impossible to immediately begin bond hearings after the conclusion of the booking cutoff window. Allowing for at least one hour between the paperwork cutoff and the hearing start time is necessary for data entry and preparation activities, the window to hold hearings is between 4pm on Saturday and 2pm on Sunday, and the current schedule has both BHO locations scheduled from 4pm-7:30pm on Saturday and from 7am to approximately 1pm on Sunday.

Given all of these considerations and the number of stakeholders impacted by this change in business, developing a schedule that includes 9 hours of hearings on a single day and still complies with 48-hour hearing requirement is untenable. Additionally, on weekends that are preceded by or that precede a holiday (e.g., the Monday of Memorial Day), this schedule will likely repeat itself, for example, there would be a break between 2pm and 4pm on Sunday, and then the schedule would start over.

The remaining judicial districts that have opted to not utilize the regional bond hearing office services have the autonomy to decide with their local stakeholders what the weekend schedule will be, and whether it will be one day or two. The State Court Administrator's Office has been providing support to these locations upon request and facilitating conversations about implementation efforts and will continue to do so as the implementation deadline approaches.

The Judicial Department is also working to finalize details related to the technology platform for weekend hearings, identifying the method and process for secure information sharing and public access to proceedings. The Judicial Department is also working to recruit qualified candidates for the bond hearing officer and staff positions provided as part of the passage of the bill.

17. *[Rep. Herod]* For each cash fund related to the Courts request items, please describe and discuss current balances, reserves, changes in reserves, and the intention to increase or spend down current reserves. For each cash fund, are current reserves intended to pay for the request item?

The Department monitors cash fund revenues, expenditures and fund balances on a regular basis and works to ensure the appropriate and proper usage of funds to avoid the building of excessive balances. The funds are very diverse in purpose, revenues and expenditures and administration. The Department's Decision Item #2 for 16.0 additional IT FTE is a split fund request of \$845K General Fund and \$1.081K Cash Fund from the Judicial Information Technology Cash Fund. The chart below lists all Judicial Cash Funds, the FY21 revenues, expenditures and ending year balances. The funds are extensively utilized to fund FTE, treatment services and program operations.

Colorado Judicial Branch Cash Funds Summary - FY 2021

Fund	Name	Beginning Fund		FY21 Rev	FY21 Exp	Net Change	Ending Fund Balance	Reserve Vs Exp	% change FY20 vs FY21
		Balance	GF Appr						
1180	ADDS	820,715	-	2,934,713	2,137,087	797,626	1,618,341	75.7%	97.2%
2550	Correctional Trtmt	10,460,568	14,652,936	5,817,082	22,177,413	(1,707,395)	8,753,173	39.5%	-16.3%
20W0	Court Security	1,470,011	-	1,819,647	2,358,596	(538,949)	931,062	39.5%	-36.7%
7130	Victim's Comp	12,231,027	-	11,498,464	11,244,900	253,564	12,484,591	111.0%	2.1%
12Z0	Family Violence	42,815	-	162,901	170,274	(7,373)	35,442	20.8%	-17.2%
15H0	Family Friendly	316,046	-	194,072	199,876	(5,804)	310,242	155.2%	-1.8%
29W0	Fines Collection	-	-	953,356	953,356	-	-	0.0%	#DIV/0!
26X0	Interstate Compact PB	579,757	-	159,161	95,871	63,290	643,047	670.7%	10.9%
26J0	Collection Enhancemt	4,876,421	-	6,661,593	7,902,520	(1,240,927)	3,635,494	46.0%	-25.4%
21X0	Information Tech	7,299,904	-	30,307,260	27,761,268	2,545,992	9,845,896	35.5%	34.9%
16D0	Judicial Stabilization	7,667,638	-	27,450,830	28,661,204	(1,210,374)	6,457,264	22.5%	-15.8%
21Y0	Justice Center	12,156,869	-	17,282,841	18,583,664	(1,300,823)	10,856,046	58.4%	-10.7%
1010	Offender Services	13,752,862	-	18,824,888	18,366,136	458,752	14,211,614	77.4%	3.3%
27S0	Restorative Justice	449,476	-	783,155	655,513	127,642	577,118	88.0%	28.4%
2830	Sex Offender	743,277	-	675,485	533,215	142,270	885,547	166.1%	19.1%
13C0	Judicial Performance	750,805	-	436,600	415,014	21,586	772,391	186.1%	2.9%
700J	Law Library	250,348	-	605,929	618,818	(12,889)	237,459	38.4%	-5.1%
29Y0	Underfunded Facilities	5,180,726	-	562,639	2,261,458	(1,698,819)	3,481,907	154.0%	-32.8%
7140	VALE	9,776,620	-	12,859,385	12,801,523	57,862	9,834,482	76.8%	0.6%
UPSF	Useful Public Service	38,834	-	120,126	73,256	46,870	85,704	117.0%	120.7%
JCMF	Carr Maintenance	3,987,254	-	33,662	2,127,152	(2,093,490)	1,893,764	89.0%	-52.5%
EVIC	Eviction Legal Defense	162,203	1,600,000	634,287	930,136	1,304,151	1,466,354	157.6%	804.0%
29V0	Statewide Discovery Sharing	221,906	-	85,643	70,274	15,369	237,275	337.6%	6.9%
2860	Mediation Fund	30,774	-	14,275	-	14,275	45,049	#DIV/0!	46.4%
2910	Youth Offender	6,626	-	15	-	15	6,641	#DIV/0!	0.2%

18. [Sen. Moreno] Please provide recommendations to improve data sharing between Judicial, DOC, and DCJ.

The Colorado Judicial Department and the Colorado Department of Public Safety have recently renewed a Memorandum of Understanding (MOU) that allows the Division of Criminal Justice (DCJ) to access Judicial data through the Colorado Integrated Criminal Justice Information System (CICJIS). Access to Judicial Department data through CICJIS is aligned with section 16-20.5-101.5, C.R.S., which mandates data sharing to improve public safety and increase productivity by eliminating redundant data collection and input efforts among the agencies, and to improve the decision-making by increasing the availability of statistical measures for evaluating public policy.

The MOU authorizes DCJ to access Judicial Department data to study criminal justice policies, programs, and practices, and to identify activities that improve the administration of justice, as well as the data necessary to conduct recidivism studies on behalf of the Colorado Department of Corrections, or other agencies as deemed necessary (including Community Corrections). Additionally, the Judicial Department has recently spearheaded a multi-agency Data Share Agreement with Denver County to incorporate their criminal court data for the purposes of recidivism studies. As Judicial Department data is available to other agencies via Data Share Agreements, MOUs, CICJIS and in the coming years, Denver County data will also be available, barriers to recidivism studies for all agencies have significantly been reduced.

Finally, the Judicial Department has entered into an agreement with Linked Information Network of Colorado (LINC), a collaborative between the Governor's Office of Information Technology and the Colorado Evaluation and Action Lab (Colorado Lab) at the University of Denver. LINC provides a streamlined, secure process to research complex policy, process, and service issues, which often require data from multiple agencies. The Department is currently involved in a LINC project to evaluate data related to crossover youth – those youth who are involved with both Colorado Department of Human Services due to a dependency and neglect action, and the courts due to one or more juvenile delinquency cases. The Judicial Department anticipates projects through the LINC network will continue to grow over time as more agencies agree to utilize this framework to aid in interagency data sharing to study and address important social issues that touch multiple systems.

The Department's FY23 IT request includes funding for planning and discovery regarding a new data management system that in the future may address opportunities to collect additional data elements that historically may not have been captured previously.

Competency

Written Answers will be provided at the Department Budget Hearing

19. [Sens. Rankin and Hansen] The State continues to see an increasing number of court orders for competency evaluations and competency restorations. Please provide data on the number of those court orders coming from each judicial district. What factors have changed that are causing that ongoing increase? Are specific locations driving disproportionate amounts of that workload? Are specific judges initiating a disproportionate number of those orders? Please provide data. In addition, please discuss options that that the State could consider to reduce the workload and ensure that evaluations and restorations are in the appropriate setting.

20. [Rep. Ransom] Please discuss the origins of the competency requests, including data on what actors tend to raise the competency issue (defense, prosecution, the Court, parole, etc.). Who is making the requests, and is there judicial discretion once the issue has been raised? Please explain.

21. [Rep. McCluskie] Please provide data on the levels of offenses related to the competency workload. For example, what number and percentage of evaluations are associated with lower level misdemeanors vs. more serious offenses? What do those data tell us about the severity of charges driving the competency workload and backlog? Please explain.

JUDICIAL DEPARTMENT – OFFICE OF THE STATE PUBLIC DEFENDER
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021

1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.**

COVID-19 has changed the way attorneys do business. As we strive to provide zealous and safe representation for our clients, we also want to protect OSPD employees. Lawyers and staff are working both in-person and virtually. Jails and detention facilities continue to experience COVID-19 outbreaks and are places of high-risk for COVID-19 infection. We strive to keep staff safe from infection at these facilities and protect against bringing the virus to incarcerated clients. In terms of accessing virtual proceedings, a large portion of our clients are not only indigent but also have no home and no access to phones or computers. Thus, while virtual court proceedings can have some benefits and create some efficiencies, many activities, from getting signed paperwork to sharing voluminous electronic discovery to resolving cases, has become more difficult and time-consuming for Public Defenders. The increased time to accomplish the basics of representation along with court closures and docket postponements due to COVID-19 have created additional court hearings and delays in resolving cases, which impacts attorney caseloads.

OSPD office heads and supervisors are constantly working with judges, sheriffs, district attorneys and others to organize client contact and WebEx hearings for court, when available. We have employed different tools while providing high quality representation for clients consistent with our mission, including video conferencing, online applications for Public Defender representation, internal electronic processes, virtual committees, modified work locations, and mental health resources.

Many courts have already returned to more normalized operations that require in-person work and we expect that to largely continue when we come out of the pandemic emergency. And, the work of the Public Defender requires in-person contact with clients. Consequently, our long-term vehicle and leased spaced needs will likely not change significantly in response to the COVID-19 pandemic. At this time, we are unsure how many of the changes

we have implemented will continue but we anticipate further modifications as we come out of the COVID-19 pandemic and focus on dealing with outstanding cases.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.**

The Public Defender's Office does not receive any federal funds.

GENERAL QUESTIONS

- 3 *[Sen. Moreno]* Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.**

Over the last ten years, the complexity and amount of digital information that is transmitted, stored, tracked, and reviewed between and by justice-involved agencies has grown exponentially. The OSPD receives discovery (information about the case) from the prosecution and law enforcement agencies. It is commonly comprised of electronically shared digital files that include large PDF files, audio/video media files, cell phone and other device "dumps," photos, and digital files that contain various technology-based investigative techniques. Whereas even five years ago OSPD only received body camera and recordings of jail calls in the most serious of cases, now cases of all levels might include these items. A simple misdemeanor or traffic case that would have had 20 total pages of substantive discovery now will often contain hours of body camera footage that has to be reviewed by the defense team. In felony cases it is not uncommon to receive "weblinks" to more than a hundred individual recordings, often of the same scene but from different angles, the vast majority of which turn out to be irrelevant, but must be reviewed. Law enforcement may know which of these links are most relevant to the case and often assist prosecutors in focusing on those recordings, but do not routinely assist the defense in the same way.

The complexity and diversity of that data also exploded. A single Public Defender's office might be dealing with more than ten different law enforcement agencies, each with its own formatting and naming conventions for its discovery, typically including non-descriptive names, and media-specific software programs necessary to access the files. Public Defenders must manually install specific media players from web sources or find the correct player embedded in multiple folders and subfolders just to access the discovery. They must also learn how to use the media player, some being complex, with overlapping views of a single event. Our agency currently uses hundreds of different media players across the many jurisdictions.

Discovery commonly includes evidence from a variety of video surveillance tools (such as stop light cameras, dash cameras, and police officer body worn cameras that have been mandated across all Colorado law enforcement agencies with the enactment of Senate Bill 20-217). Witnesses and accused persons often create potential evidence through their use of social media, smart phones, and computers, as well as through recorded calls from the jail and personal phones.

Major law enforcement agencies and many prosecutors' offices now have access to complex software programs that allow them to collect and analyze these large files of data that either did not exist before or were not collected because of their volume and difficulty in analyzing. For example, the 18th Judicial District Attorneys Office and the Aurora Police Department have contracted with the RADIX Corporation for use of their LEONighthawk tool. This specialized software program enables law enforcement to upload, search, and analyze multiple types of records, including call detail records, social media records, GPS trackers, and google geo-fencing records. They can use this tool to easily search through gigabytes of data for incriminating evidence and do sophisticated location mapping that in the past would only be done by the FBI on the most serious of cases. Our offices are seeing an increase in production of records requests to be used with these tools and it can result in thousands of pages of additional discovery and megabytes of data.

Federal task forces involvement in state level cases have become more common place, particularly in larger, metropolitan jurisdictions. For example, The Innocence Lost Task Force with the FBI has engaged in major human trafficking and internet luring stings that involve months- or years-long investigations and the prosecution of multiple defendants resulting in large discovery case files. Likewise, the RAVEN Task force with the Bureau of Alcohol, Tobacco, Firearms, and Explosives has focused on using Colorado's Organized Crime Statute ("COCCA") to investigate and prosecute "street gangs."

Many jails across the state now use SECURUS for recording and logging jail calls and messages. SECURUS has voice recognition software that allows law enforcement to identify when a person using a jail phone is the not person associated with the inmate PIN, thereby raising suspicion of illegal communication. As a result, it has become more common place for prosecutors to request recordings of all jail calls implicating a particular defendant over long periods of time. These recordings may have little evidentiary value but must be reviewed by the defense. The Rules of Evidence largely leave to the discretion of the prosecutor whether statements by a defendant are used in a trial but provide no obligation to the prosecution to notify the defense of that decision. Consequently, the defense must review it all even if the prosecution does not.

To deliver constitutionally mandated and effective counsel, Public Defenders now must not only be experts about the law but must master the proliferation of digital investigative tools and evidence. That requires Defenders to have the time and support to navigate, analyze and present complex digital evidence.

- 4 ***[Sen. Moreno]* We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?**

The OSPD uses the state health, life, and dental benefits as well as PERA for retirement. Thus, OSPD supports providing the same compensation and benefits for all employees. Although our staff are not within the collective bargaining agreement, providing funding directly to OSPD for compensation and benefits such as tuition reimbursement will help with growth opportunities for employees, allow staff to increase their education and skills, and aids in employee retention, especially for positions that are hard to fill.

- 5 ***[Sen. Rankin]* Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?**

As an independent agency, all of our information technology needs are handled internally by our staff. The Office's IT department manages all aspects of these needs including user support, networking, telephony, application development, security, servers, storage, contracting, and hardware replacement. The FY2022 IT department has 17.0 total FTE to provide these services for 966.4 FTE in 23 offices across the state.

There is not overlap with OSPD IT systems and services from any other Judicial agency as we maintain different systems with diverse data for different purposes. OSPD maintains its data and case management systems for the purpose of the representation of our clients throughout the entirety of their case. The Judicial Department maintains its systems around the legal proceedings occurring in court and OSPD has the same basic level of access to these systems as any other counsel. The OADC contracts with private counsel who utilize their own private systems to manage cases that we cannot take due to ethical conflicts. From a network standpoint, outside of the Ralph L. Carr Colorado Judicial Center, all of our offices are located in separate buildings from other Judicial Branch agencies. Within the Judicial Center, the need to connect to all of our trial offices and isolate our data to prevent any conflict of interests, require us to maintain separate network connections.

The OSPD does not receive assistance from the courts for IT systems and services although we are able to utilize the general guest Wi-Fi provided at some courthouses. The OSPD will review if efficiencies can be gained in partnering with other agencies prior to completing projects.

The FY2021 total cost for IT FTE and IT Automation was \$4,371,957.

- 6 ***[Rep. McCluskie]* Provide an overview about specific positions that have been extraordinarily hard to fill.**

The OSPD maintains 21 regional trial offices, which cover the State's 22 judicial districts and 64 counties. There are two job classifications that are difficult to fill: attorneys and administrative assistants. So far in FY2022, the turnover rate for attorneys is projected to be around 18 percent. It is particularly difficult as this turnover includes experienced felony attorneys. Our hiring pool consists primarily of entry-level lawyers who have just graduated from law school and will need significant training and experience to be able to handle more complex casework. The turnover rate for FY2022 for administrative assistants is projected to be around 35 percent. Many of the tasks required for administrative positions are at a higher level, such as processing technical court filings, than routine administrative tasks completed in other state agencies. These positions are also pay-sensitive and are difficult to hire when competing with other agencies such as the courts or private law firms or service industry jobs.

OSPD Discovery Data & File Management

- 7 ***[Rep. McCluskie]* What are the State Public Defender's thoughts on the consequences if we were to approve the requested increases in the number of paralegals and other support staff over a longer period of time?**

The OSPD will address this question together with question #10.

- 8 ***[Sen. Moreno]* How does the paralegals request compare to the current number of paralegals?**

The OSPD historically had paralegals working in its Appellate Division but not trial offices. The OSPD has successfully piloted the use of 14 paralegals working in ten trial offices across the state. The OSPD is asking for 66 FTE for trial offices to assist with closing felony cases and 38 to assist on closing misdemeanor cases. The 66 FTE will assist on closing an estimated 22,008 felony cases while the following year the remaining 38 will began working on closing approximately 114,736 misdemeanor cases.

- 9 ***[Sen. Moreno]* Describe the basis for the 1:6 ratio for paralegals to attorneys. How does this compare to other government agencies or industry metrics and practices?**

The 1:6 ratio was developed using both the National Association for Public Defense's May 2020 Policy recommendation – which states that there should be one paralegal for every four attorneys – and OSPD's experience with utilizing a small number of paralegals in trial offices. Some prosecutor offices in the state have an even smaller ratio of prosecutors to paralegals.

10 [Staff] Please comment on staff's issue brief and the R1, R2, and R3 request items to clarify or better inform the Committee's understanding of these requests.

The OSPD must provide its clients the constitutionally mandated effective assistance of counsel. OSPD does not control the amount, type, and complexity of discovery it receives from law enforcement and the prosecution, but to meet its constitutionally and ethically required obligations it must review all such information it receives in connection with every case. Due to the growth of electronic discovery, the OSPD must procure and implement a new storage solution that is highly scalable, reliable, and accessible to staff wherever and however they need to work and must have additional staff to assist in processing, reviewing, and incorporating this information for the defense of the client .

While the possibility of stretching the two-year request for paralegals to three years and cutting the discovery clerk request from 15 to 10 was mentioned at the briefing, reductions and delays will have serious consequences, not only to OSPD staff and clients, but to the criminal legal system as a whole. When attorneys do not have adequate technological resources and skilled staff support, cases take longer, court delays result, OSPD representation may be challenged as inadequate and not constitutionally effective (which can lead to convictions being at risk), and there is a huge toll on our already-stretched staff who strive daily to provide excellent representation to clients.

OTHER REQUESTS

11 [Rep. Benavidez] Describe the purpose of the R4 request for H.B. 21-1280.

The original OSPD fiscal note response requested funding for hearings that OSPD understood would be held on only one weekend day and five holiday Mondays per year. The State Court Administrator's Office has since decided that centralized hearings will now be held on both weekend days with two magistrates working on each day, and will include at least one large Front Range jurisdiction, which was not contemplated in the original plan. The OSPD does not have the staffing resources for this expansion of hearings, as it requires covering seven days per week, including Saturday nights and Sunday early mornings. The R4 request is for the OSPD to utilize some additional compensation for staff working 7 days as well as contracted attorneys to cover these expanded days and hearings.

WRITTEN ONLY RESPONSES - Office of the State Public Defender (OSPD)

- 1. Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

The Office of the State Public Defender (OSPD) has implemented legislation in accordance with statutory timeframes.

- 2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.**
 - a. The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.**

OSPD does not have any outstanding audit recommendations.

- 3. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

OSPD does not spend any money of public awareness campaigns

- 4. Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.**

OSPD does not promulgate rules.

- 5. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.**

The OSPD is a service-oriented agency with approximately 85 percent of our budget devoted to personal services. Accordingly, any changes within our personal services

appropriations will have a tremendous effect on our overall appropriation. The largest part of the Office's increase in our FY 2022-23 budget request over the prior year is primarily due to our information technology request. IT costs are typically a greater percent higher than general CPI percent change.

6. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

The impact of the COVID-19 pandemic was both immediate and significant. Court closures have led to outstanding caseloads that will continue to rise and will have a direct effect on our workload and ultimately our budget in the coming years. Adapting to a virtual world for both our offices and clients has been challenging. Communication with clients, witnesses, and district attorneys, delays in in the courts, and helping people through the application process has proven difficult.

Another factor that impacts our services is economic. During economic downturns, more people qualify for our services which increases our budgetary needs.

7. In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item. For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

The OSPD has not changed the roles or duties of existing FTE and have not created any positions that were not the result of legislation or a decision item.

8. Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

OSPD does not have any impacts from these cash fund transfers.

9. Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

The OSPD has utilized any vacancy savings for necessary personnel overtime costs if applicable, leave payouts, or hired temporary personnel. The FY2020-21 vacancy rate was

3.5%. As of the first four months of FY 2021-22, the vacancy rate has dropped to 2.5 percent.

10. State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.
- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.
- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.
- d. **NOTE: An example template for providing data for this question will be provided by the JBC Staff.**

A. OSPD does not have any cash funds that exceed \$100,000 annually.

B. Cash fees collected in FY2020-21 = \$0. Projected fee collections in FY2021-22 and FY2022-23 = \$14,000.

C. No decision item submitted will increase revenue to the state.

11. Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. NOTE: A template for providing data for this question will be provided by the JBC Staff.

OSPD has not received any federal stimulus funding.



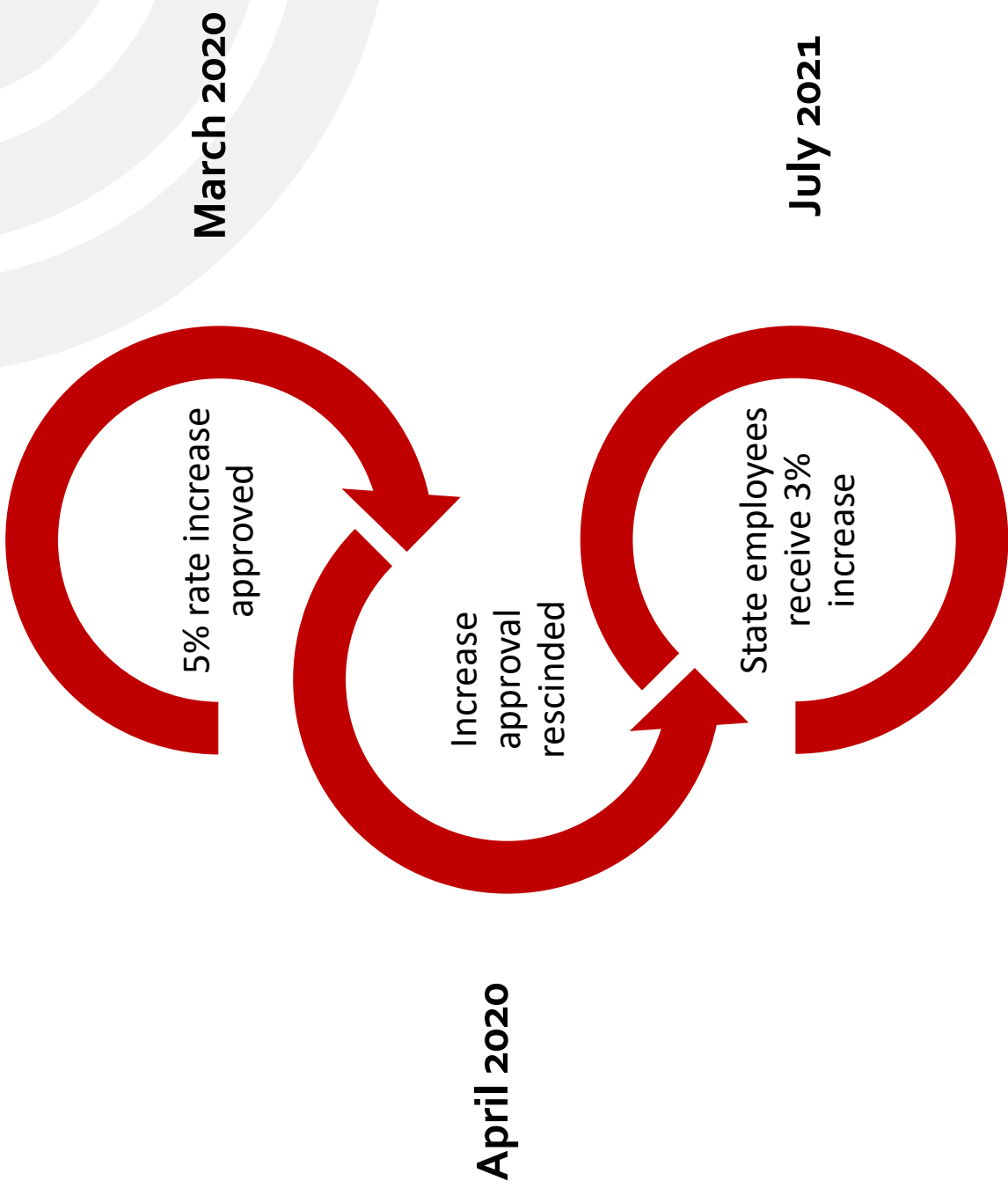
INCREASE IN HOURLY RATES OF CONTRACTORS

OFFICE OF THE ALTERNATE DEFENSE COUNSEL

OFFICE OF THE CHILD'S REPRESENTATIVE

OFFICE OF RESPONDENT PARENTS' COUNSEL

JBC PREVIOUSLY APPROVED RATE INCREASE FOR FY21

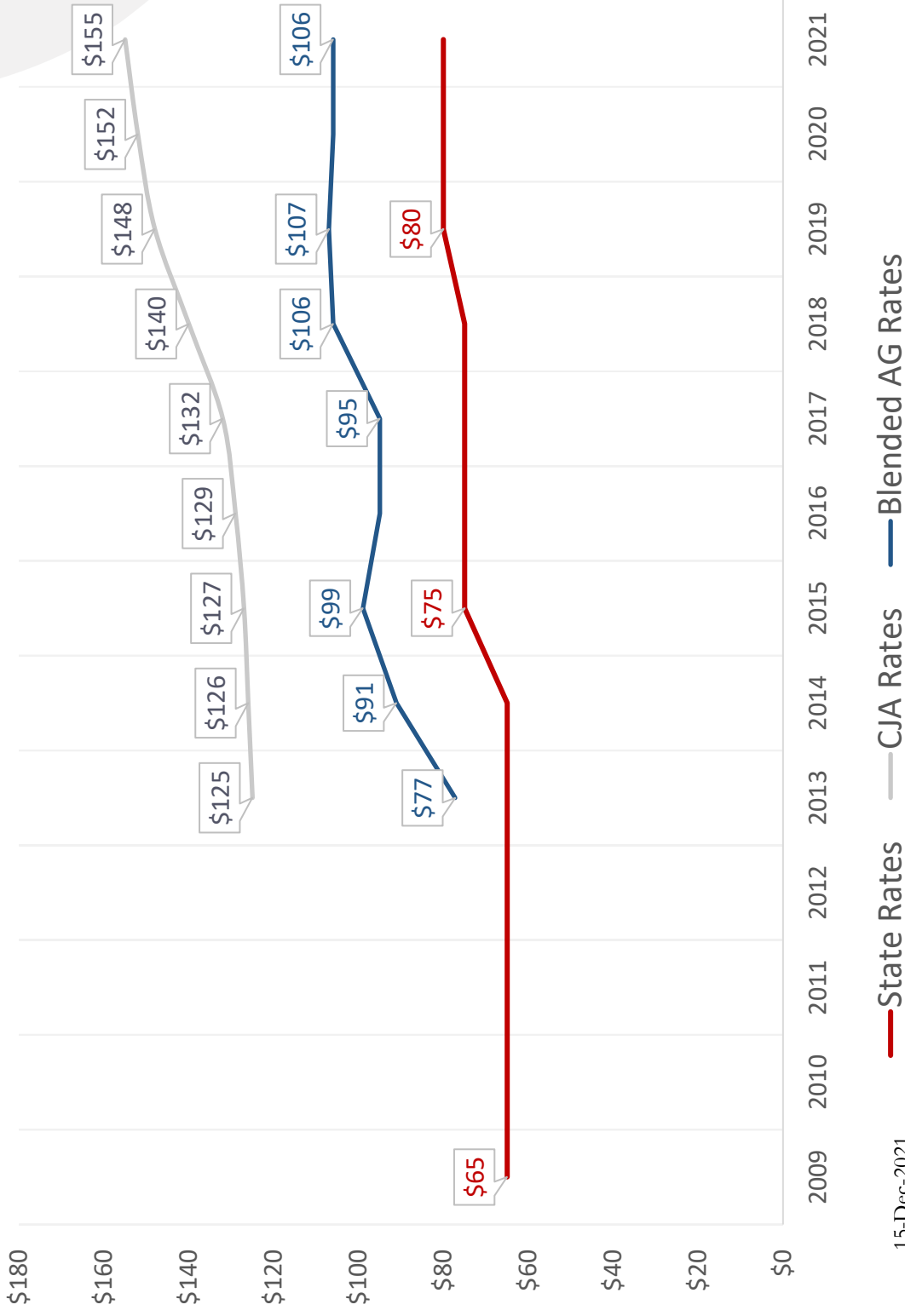


CONTRACTOR RATES FALL BEHIND STATE EMPLOYEE PAY

Cost of Living Adjustments for State Employees

FISCAL YEAR	INCREASE
2019-20	3%
2020-21	0%
2021-22	3%
TOTAL	6%

HISTORY OF STATE ATTORNEY RATES

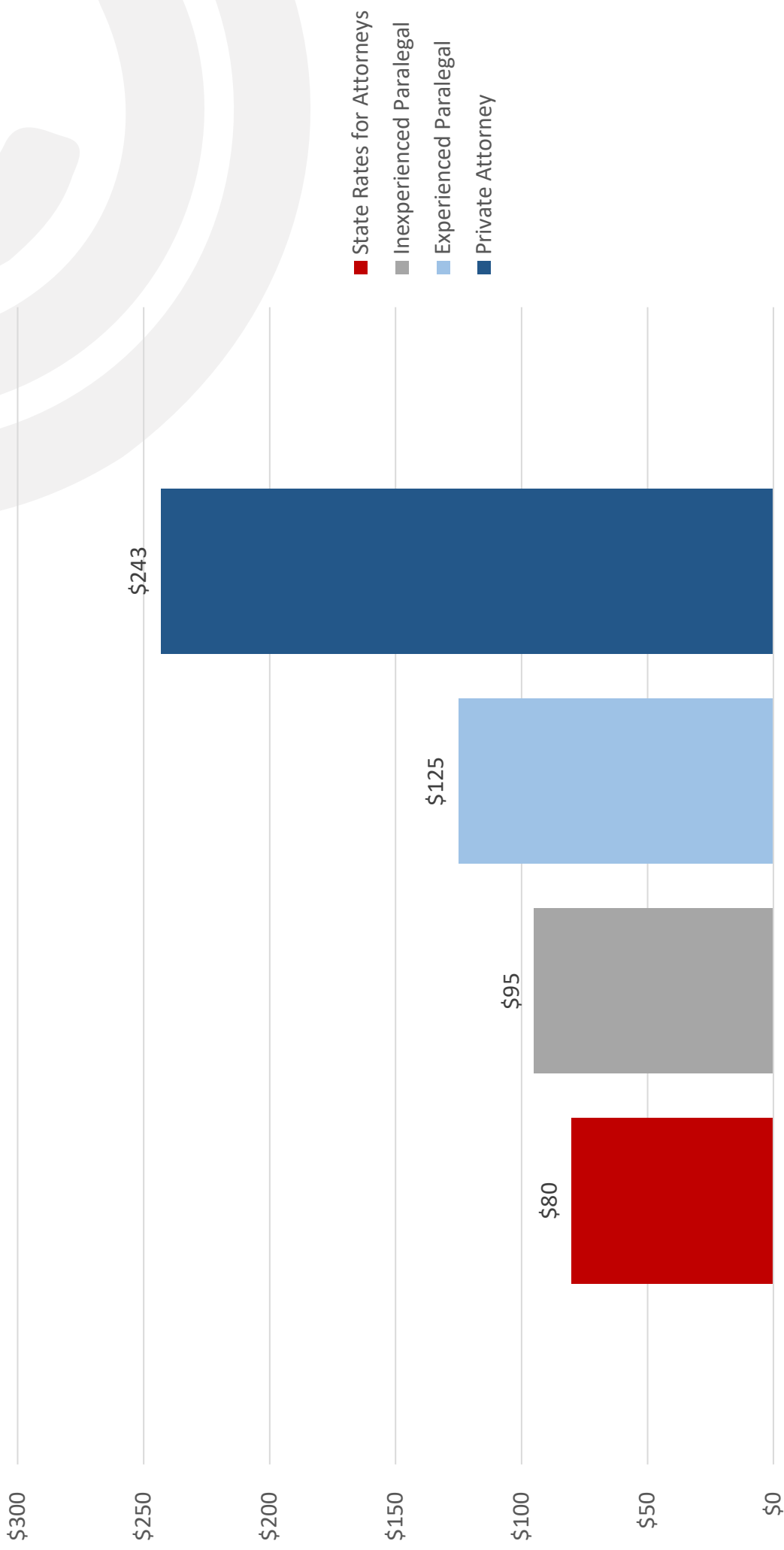


2009 to 2014: \$65

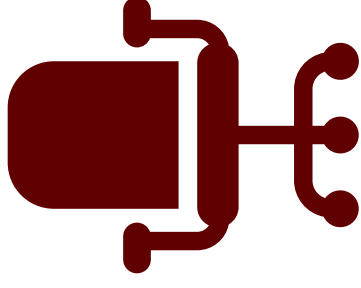
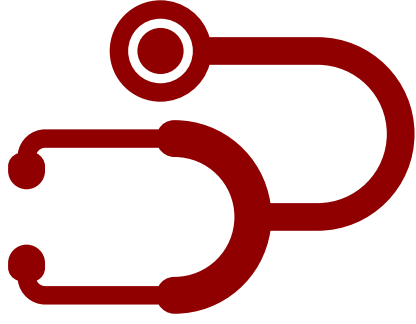
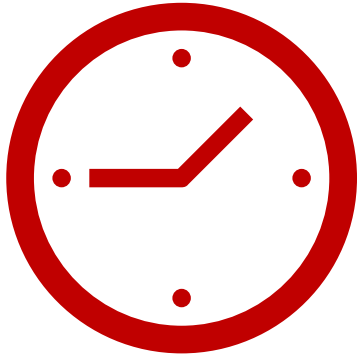
2015 to July 1, 2018: \$75

2018 – current \$80

STATE RATES CONSISTENTLY BELOW PRIVATE SECTOR

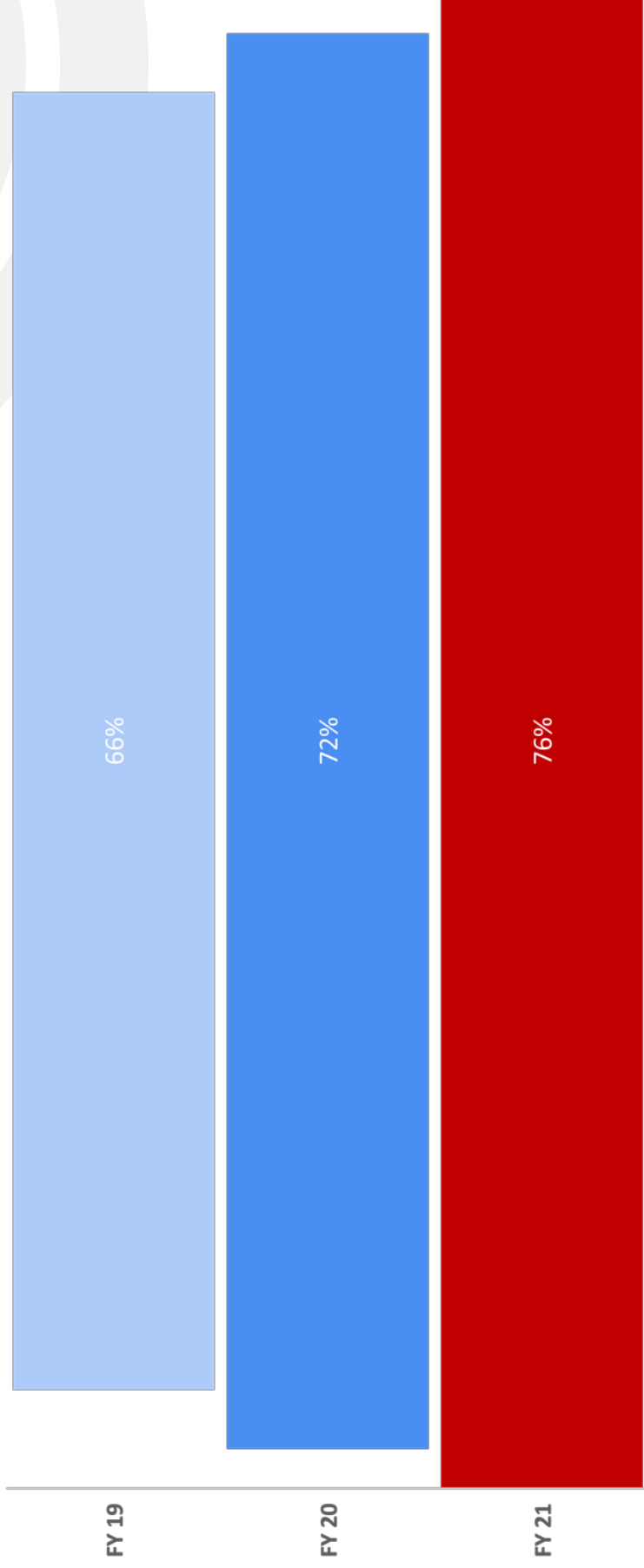


ATTORNEY SHORTAGE LOOMS FOR COLORADANS



RATE OF PAY IMPACTS BURNOUT

Percentage of Contractors Who Say They Experience Burnout Sometimes, Usually, or Always



THE MATH ADDS UP

FY22-23
6%
requested



FY20-21
5%
approved



FY22-23
1%
increase

JUDICIAL DEPARTMENT –
OFFICE OF THE ALTERNATE DEFENSE COUNSEL
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

The OADC's physical office continues to be closed as it has been since March 13th of 2020. There are current staff who physically work in the office both full and part-time. However, a majority of staff continue to work remotely at their discretion. Because staff still utilize the physical space, no adjustments have been made to the Agency's lease space agreement with the Office of the State Court Administrator. The OADC expects to continue this practice until further 'return to the building' guidance is provided by the Office of the State Court Administrator. In its FY20-21 budget request the Agency did request a build out of additional office space as part of its increase in FTE. This is no longer being requested due to the increase in remote work.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

The OADC has not received, nor does it expect to receive, any one-time federal funds from stimulus bills.

NOTE: Additional detail has been requested in a separate written-only response.

GENERAL QUESTIONS

[*Sen. Moreno*] Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

The work that must be done on cases has become increasingly more complex. This results in more expert expenses, more work for other non-attorney

contractor types, and greater costs in general. Despite the increasing complexities of the OADC's cases the agency can meet these needs by continuing to integrate holistic representation which will also contribute to ongoing cost savings on cases. The incorporation of professionals such as social workers, paralegals, case assistants, legal researchers, investigators, and resource advocates leads to a more holistic, inter-disciplinary model of representation. Holistic defense models are linked to better outcomes for clients (which also generally lead to lower tax expenditures for incarceration, supervision, etc.) and help distribute workload amongst professionals that are paid at lower rates than attorneys.

[Sen. Moreno] We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

The OADC would support any JBC request or decision to better the compensation and benefits to all state employees, regardless of whether they are included within collective bargaining agreements.

[Sen. Rankin] Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

The OADC currently contracts with outside vendors to administer and monitor all IT systems. The OADC does not overlap IT system services with any other Judicial agencies due to confidential case and client information that resides on its servers. The OADC will expend about \$3,900 per month (\$46,800 annually) on IT system services in FY22.

[Rep. McCluskie] Provide an overview about specific positions that have been extraordinarily hard to fill.

The OADC has no trouble filling FTE positions within the Agency. The OADC has very little turnover.

REQUESTS

[Staff] Please discuss the Office's request items.

The OADC has 5 decision items which comprise an increase of 5.0 FTE and \$2,785,996 in General Funds. Of that amount only \$250,227 is related to its increase in FTE, while the remaining \$2,535,769 is related to a 6.0% increase in contractor rates.

JUDICIAL DEPARTMENT –
OFFICE OF THE ALTERNATE DEFENSE COUNSEL
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The OADC does not have any outstanding legislation to be implemented.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

The OADC has no outstanding recommendations identified in the Annual Report of Audit Recommendations.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The OADC is not spending money on public awareness campaigns.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have

you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

The OADC has not promulgated any new rules in the past year.

5 What are the major cost drivers impacting the Department?

The major cost driver impacting the OADC is the number of cases handled by the Agency’s contractors. Approximately 95% of the Agency’s total appropriation goes toward representing clients on cases.

Is there a difference between the price inflation the Department is experiencing compared to the general CPI?

N/A

Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

The OADC did see a negative cost/caseload impact driven by COVID-19. That impact was primarily due to courtroom closures and jail and prison lockdown requirements as a result of the pandemic. However, as the vaccination rate is increasing, the cost/caseload numbers for the OADC are slowly rising again.

6 How is the Department’s caseload changing and how does it impact the Department’s budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

Pre-pandemic the Agency experienced caseload increases each fiscal year since FY15 as demonstrated by the following chart:

	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19** Actual	FY20 Actual	FY21 Actual
Caseload	16,680	18,244	20,103	22,638	25,022	24,085	23,746
Caseload % change	10.57%	9.38%	10.19%	12.61%	10.53%	-3.74%	-1.41%
Expenditures	\$ 29,694,094	\$ 30,037,642	\$ 32,932,573	\$ 35,367,129	\$ 39,698,549	\$ 39,471,286	\$ 37,704,784
Expenditures % change	16.66%	1.16%	9.64%	7.39%	12.25%	-0.57%	-4.48%

**In FY15, there was an 8% rate increase for attorney contractors, a 14% increase for Investigators, and a 20% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

***In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

As previously stated the OADC is anticipating caseload and expenditure increases to slowly return as the courts get back to more of a pre-pandemic pace.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;

Uncertain. The OADC will post the FY23 requested positions statewide. If staff choose to apply, and if they qualify, they will go through the interview process. If hired they would assume the role of the new position.

- b. Specify why additional FTE are necessary; and

The complexity and scope of work required by the positions requested cannot be absorbed by current OADC staff.

- c. Describe the evaluation process you used to determine the number of FTE requested.

As detailed within the FY23 Budget Request, the OADC identified several processes and tasks that require additional staff. The Agency also reviewed the Office of the State Court Administrators' Compensation Plan and job descriptions to identify the type of FTE needed to achieve the Agency's mission and meet the performance measures.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

N/A

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

The OADC only has 16 FTE. The Agency experiences very little turn-over, so vacancy savings is rarely seen. The OADC is not projecting vacancy savings for FY22 or FY23. In FY21 the OADC saw limited savings totaling \$47,590. That

amount, combined with mandatory staff furloughs, was used to accommodate the mandatory 5.0% statewide HLD decreases.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds.

Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.

N/A

- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

N/A

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

N/A

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

The OADC has not received any one-time federal funds from stimulus bills.

NOTE: A template for providing data for this question will be provided by the JBC Staff.



Office of the

Alternate Defense Counsel

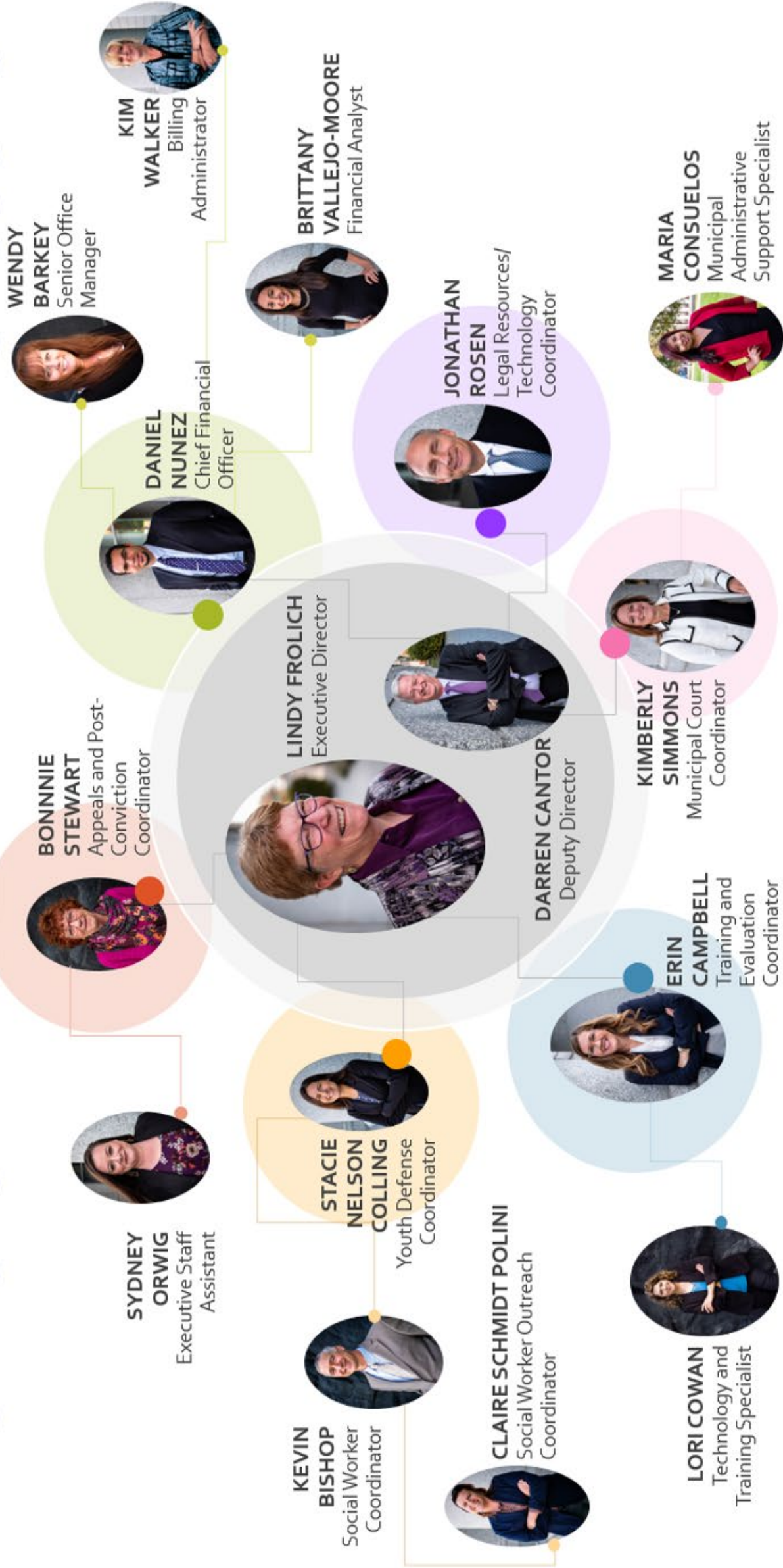


Judicial Branch

Fiscal Year 2022-2023 Budget Presentation

Lindy Frolich, Director

THE OFFICE OF THE ALTERNATE DEFENSE COUNSEL



Mission Statement

The mission of the Office of the Alternate Defense Counsel (OADC), through the practice of holistic public defense, is to help adults and children who the government has charged with criminal and delinquent offenses. The OADC's holistic practice model fosters ethical, informed, and standard-driven best practices in public defense. The OADC allocates resources in a manner intentionally designed to rebalance the disparate power wielded by the government in the criminal legal system. We advocate for every client's inherent worth and dignity by centering the client's experiences and voice to achieve the best legal outcome.

The OADC is dedicated to zealous, client-centered advocacy rooted in social justice, integrity, and humility. We recognize that we are working within a broken and racist criminal legal system. Public defense advocates play an essential role in challenging bias and disparity within the courtroom, within our offices, and within ourselves. There is a disparate presence of violent policing, over-charging, and harsher sentencing outcomes for Colorado's people of color and other vulnerable populations. The OADC is unwavering in its support of decarceration, the decriminalization of youth, and equity within the criminal legal system.

4 arrested on gun charges at Denver hotel, police feared 'Las Vegas-style shooting' during All-Star Game

Liz Roscher

July 11, 2021 · 3 min read



Three men and one woman were arrested at the Maven Hotel in Denver on Friday night after a hotel housekeeper tipped off the police to a large stash of guns and ammo in an 8th floor room. The hotel is near Coors Field, where the MLB All-Star Game is being held next week.

[Channel 7 in Denver](#) reported that the tip from the hotel employee, combined with other factors, caused the police fear that there could be a mass shooting event during the festivities next week. [Via thedenverchannel.com](http://Via.thedenverchannel.com):

Sources said police removed 16 long guns, body armor and more than 1,000 rounds of ammunition from the room which featured a balcony overlooking the downtown area. The sources said they feared the number of weapons, ammo, vantage point and large crowds could have resulted in a "Las Vegas style shooting."

7 suspects identified after 13,000+ fentanyl pills, other drugs and guns seized

The suspects were identified in connection with the seizure of drugs, guns and cash in Garfield County, the Two Rivers Drug Enforcement Team said.

- 13,846 fentanyl pills
- 3,814 Xanax bars
- 8.43 pounds of methamphetamine
- 0.75 pounds of cocaine
- 73.6 grams of Psilocybin mushrooms
- 5.69 pounds of marijuana
- 12 guns, at least two reported stolen
- \$45,000 in U.S. currency



7 people arrested for kidnapping and attempted murder of a woman

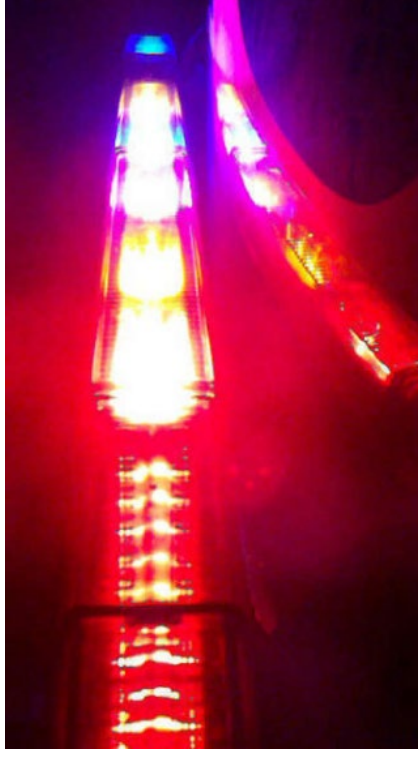
ROCKY FORD — On Friday, the Colorado Bureau of Investigation announced they had arrested seven people in connection with a kidnapping, torture, and attempted murder of a Rocky Ford Woman.

Authorities say the incident took place at an apartment in Rock Ford in August 2017.

They did not release many details about what happened but they say starting in 2019 the Colorado Bureau of Investigation was asked to look into the incident along with the Otero County Sheriff's Office, the Rocky Ford Police Department, and the District Attorney's office.

 By: Caitlin Sullivan

Posted at 11:56 AM, Jul 09, 2021 and last updated 1:23 PM, Jul 09, 2021



The Colorado Bureau of Investigation released a list of the suspects they arrested:

- 43 year old Cosme Flores of La Junta
- 35 year old Hipolito Isaac Sanchez of Rocky Ford
- 33 year old Jamie Harmon of Rocky Ford
- 28 year old Jeremy Casias of Rocky Ford
- 33 year old Kendra Thompson of Rocky Ford
- 39 year old Leonard Trujillo of Rocky Ford
- 32 year old Leroy Osborne of Pueblo

All of the suspects are facing First Degree Kidnapping and Conspiracy to Commit First Degree Murder charges.

“MOTHER GOD” OF LOVE HAS WON

Mummified remains of cult leader found in group's home

By Noelle Phillips
The Denver Post

A woman who led a controversial Colorado religious group is dead and seven of her followers are under investigation after Saguache County sheriff's deputies found the leader's mummified body in a sleeping bag and wrapped in Christmas lights inside a home in Moffat.

Deputies discovered the body on Wednesday inside a home where followers of Love Has Won lived, according to court records. Investi-

gators believe Amy Carlson's followers had driven her body to Colorado from California, according to a Saguache County Sheriff's Office arrest affidavit.

A follower told deputies the body belonged to Lia Carlson, and a Saguache County sheriff's corporal wrote in the affidavit that, “Ms. Carlson is believed to be the leader of ‘Love Has Won’ and goes by the name ‘Mother God.’ ” It's not known why the follower gave the name “Lia” to deputies.

Saguache County Coroner

Tom Perrin confirmed he had received a body in connection with the investigation of the Love Has Won group but said he had not yet confirmed the identity.

Perrin said the body belonged to a middle-aged woman and it appeared she had been dead for awhile. “Must be a couple of weeks or more,” he said.

A follower posted a video message on Love Has Won's Facebook page on Sunday to say that Amy Carlson “has ascended.”

Amy Carlson has been
CULT » 5A



W105.775986

Photo Credit: Screenshot from video released by Saguache County Sheriff's Office.

From: ortega, heather <heather.ortega@judicial.state.co.us>
Sent: Tuesday, May 04, 2021 10:34 AM
To: Lindy Frolich <lindy@coloradoadc.com>; Darren Cantor <darren@coloradoadc.com>
Subject: ADC Request

Good morning,

I believe the public defenders office may have reached out to you already but we are in need of 6 ADC attorneys. We have a case that involves 7 co-defendants and the public defender's office took one however we still have the other 6. We thought some would have bonded by now however none have. They are all in custody and are set to be advised tomorrow at 1:30 p.m. Please let me know what we need to do to get this accomplished. The case numbers are

- 2021CRXX People v. XXXXXX
- 2021CRXX People v. XXXXXX
- 2021CRXX People v. XXXXXX
- 2021CRXX People v. XXXXXX
- 2021CRXX People v. XXXXXX
- 2021CRXX People v. XXXXXX

We have 4 attorneys on our felony ADC list so if they all are able to take a case we would still need 2 more.

Thank you,

Heather Ortega
Court Judicial Assistant
Saguache Combined Court
501 4th Street, PO Box 197
Saguache, Co 81149
Heather.ortega@judicial.state.co.us
719-655-2522

FY 2022-23 Base Request of \$ 47,721,789

PLUS DI 1 – Change Request – Coordinator of Adjunct Services \$ 0

PLUS DI 2 – Change Request – Staff Accountant \$ 103,413

PLUS DI 3 – Change Request – Information Systems Director \$ 134,414

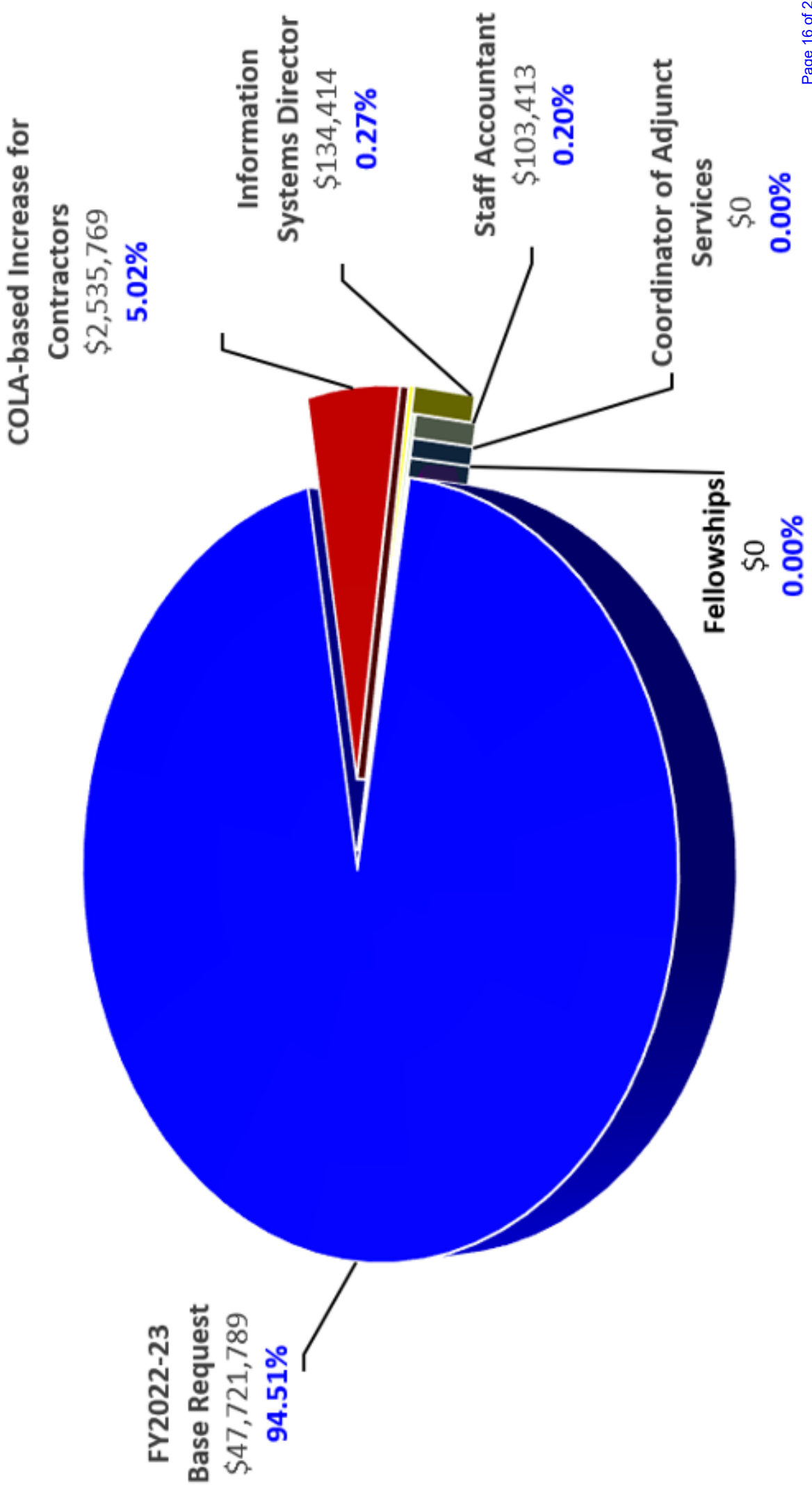
PLUS DI 4 – Change Request – COLA-based Increase for Contractors \$ 2,535,769

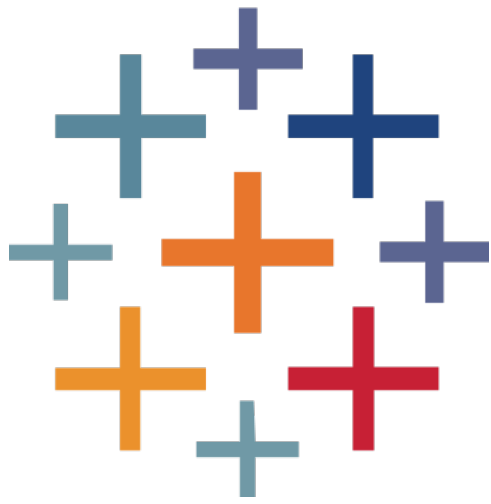
PLUS DI 5 – Change Request – The Greater Colorado Practitioner Fellowship \$ 0

PLUS DI 5 – Change Request – The Inclusivity Fellowship \$ 0

FY 2022-23 Budget Request of \$ 50,495,384

FY 2022-23 Budget Request





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a

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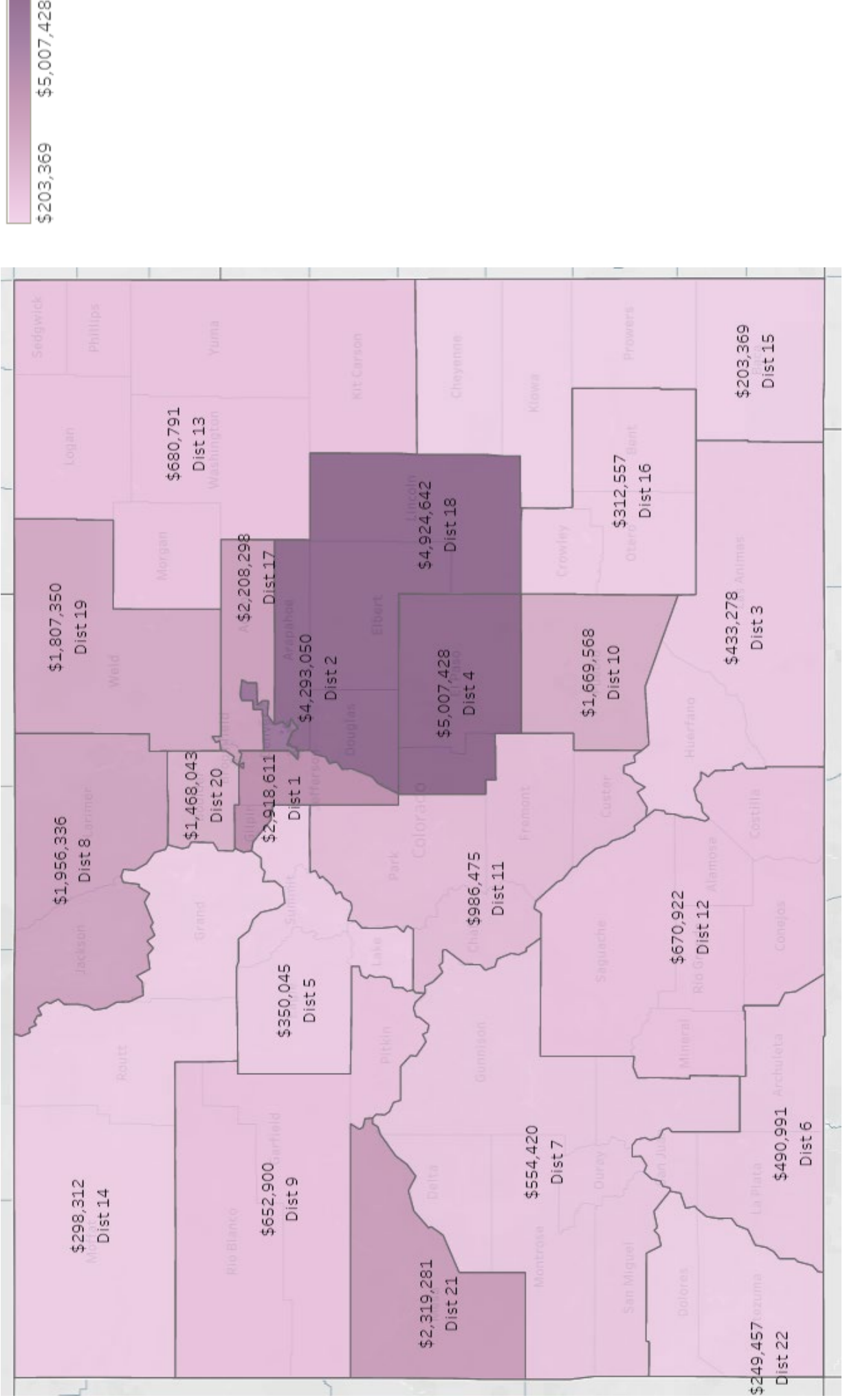
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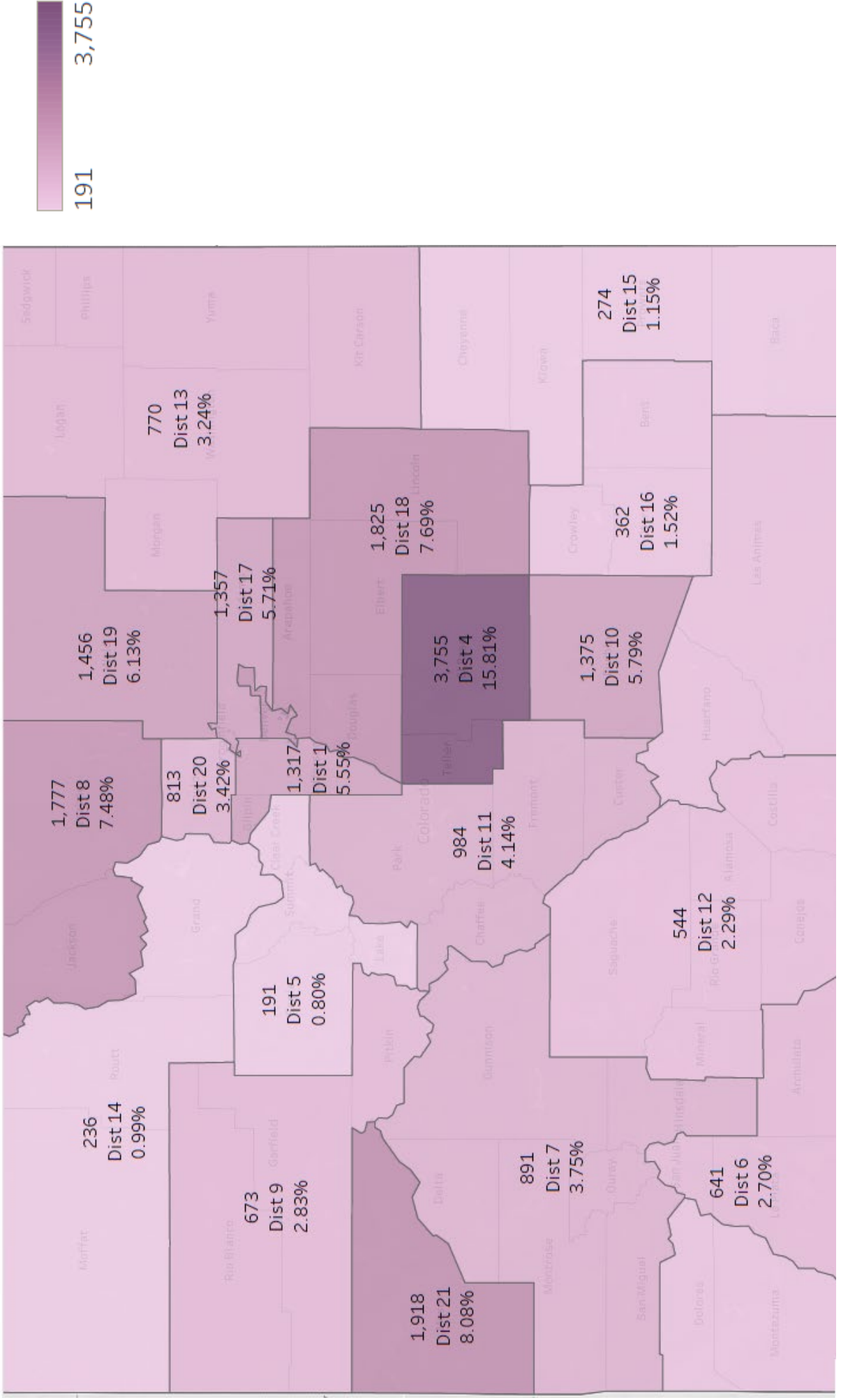
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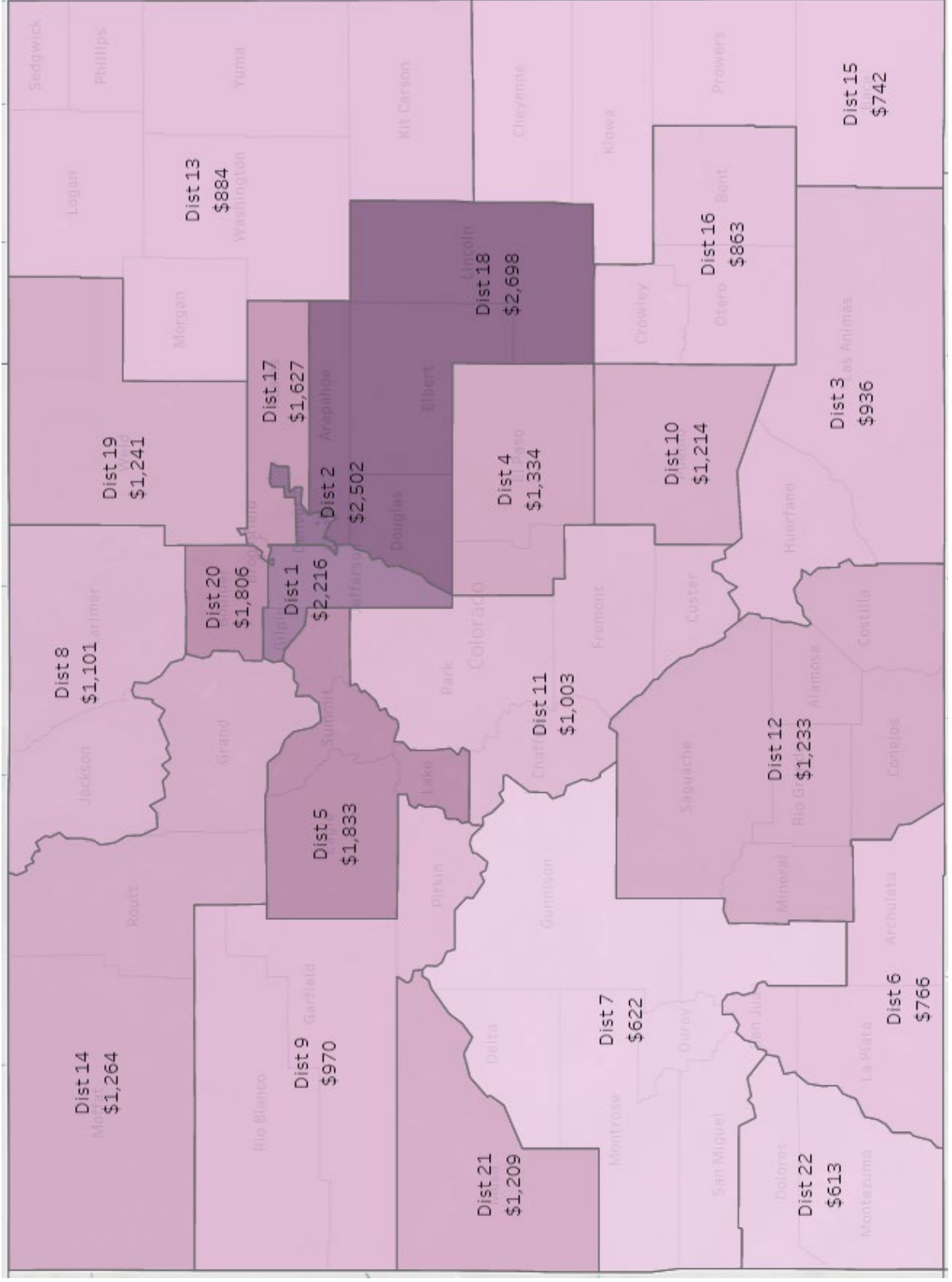
Expenditures by District Map FY21



Case Count by District Map FY21



Average Cost per Case by District Map FY21



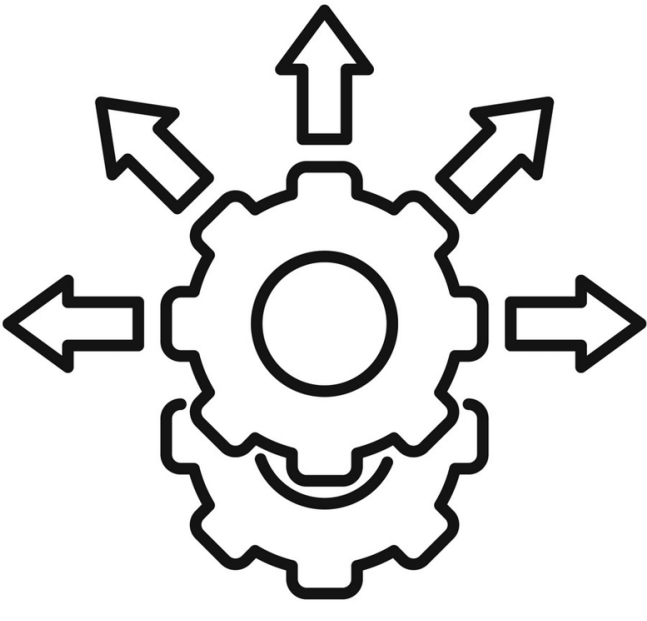
	FY16	FY17	FY18	FY19*	FY20	FY21
Overall Average Cost per Case	\$1,581	\$1,523	\$1,456	\$1,474	\$1,498	\$1,451
change from prev FY	-8.2%	-3.7%	-4.4%	1.2%	1.6%	-3.1%

$$(\$1,581 - \$1,451) = \$130 \times 23,746 = \$3,086,980$$

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.*

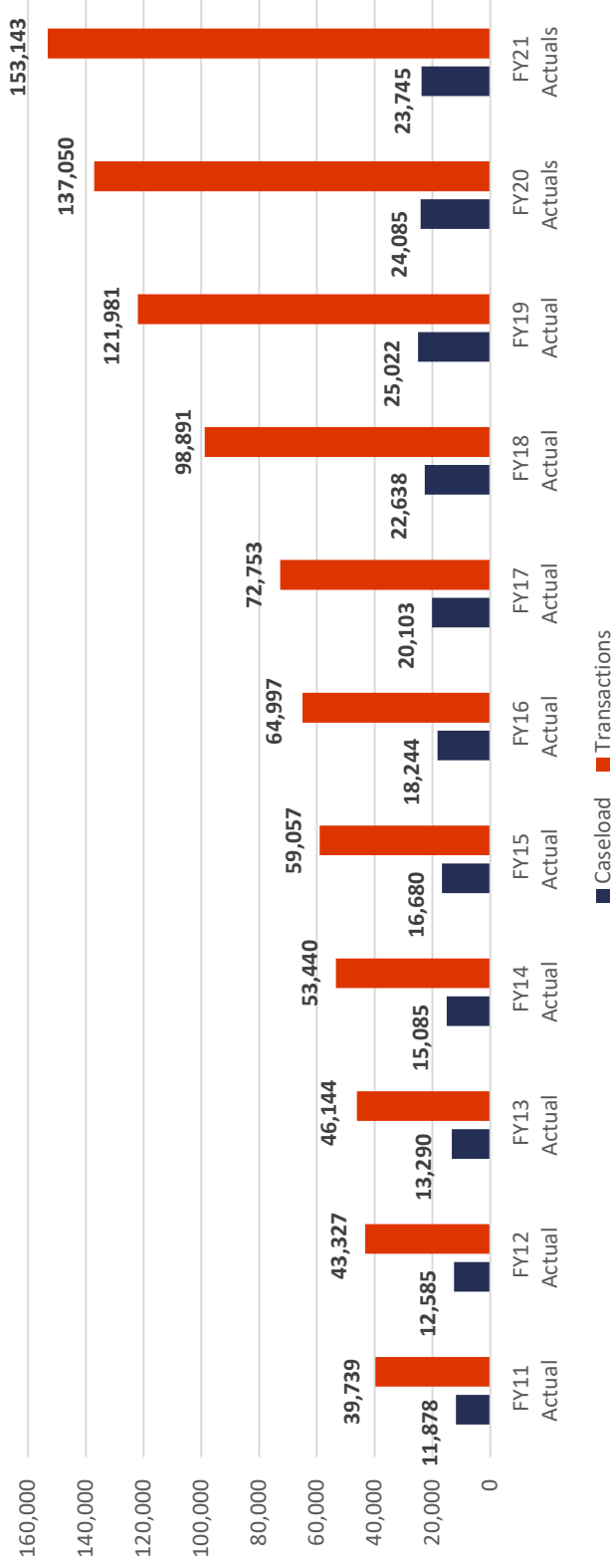
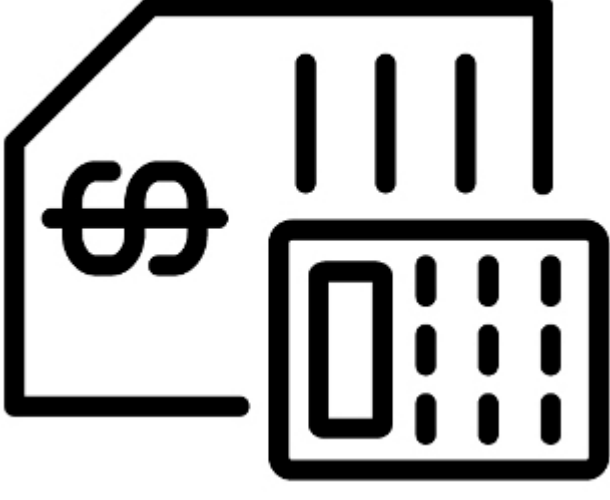
R-1 Coordinator of Adjunct Services

- 1.0 FTE. \$0 impact to the State's GF. Funding transferred from Conflicts of Interest LBLI.
- Assist in achieving Agency's mission of providing holistic public defense.
- Guiding contractors to adjunct services to better meet the needs of clients and their cases, while lowering billable rates and overall Agency costs.
- Conducting outreach to develop resources, particularly in rural areas.



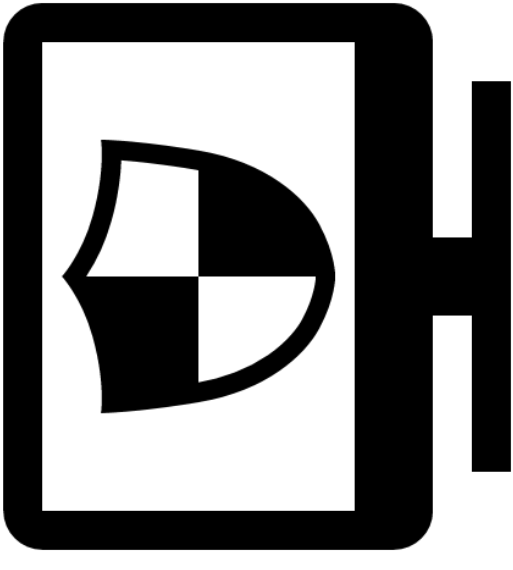
R-2 Staff Accountant

- 1.0 FTE. \$109,613 impact to the State's GF.
- Assist with procurement card tracking, travel coordination, reimbursements audits, and monthly & year-end journal entries and reconciliations



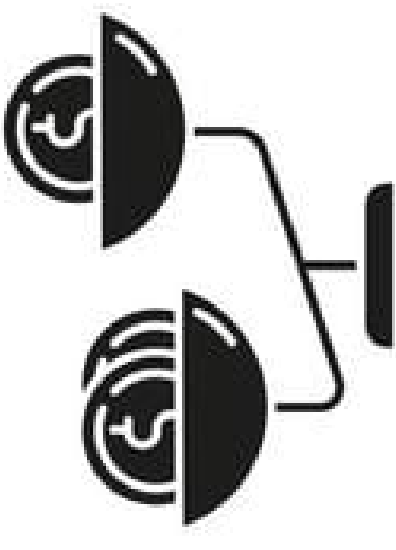
R-3 Information Systems Director

- 1.0 FTE. \$140,614 impact to the State's GF.
- Responsible for all aspects of the agency's information technology needs.
- Guide Agency's IT needs to efficient, secure, and reliable systems.
- Reducing the use and expense of an external IT contractor.



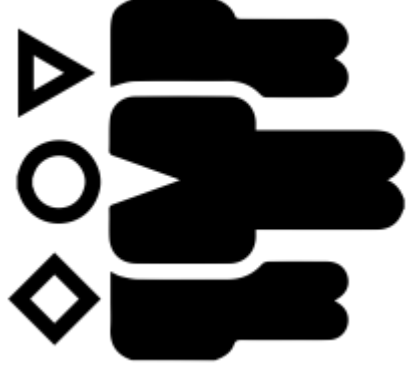
R-4 COLA-based Contractor Hourly Rate Increase

- \$2,535,769 impact to the State's GF.
- To fund a 6.0% COLA-based hourly rate increase for Agency contractors.



R-5 The Greater Colorado Practitioner Fellowship and The Inclusivity Fellowship

- 2.0 FTE. \$0 impact to the State's GF.
- Two-year fellowships.
- To address and improve representation in the legal deserts in greater Colorado.
- To address the lack of BIPOC attorneys in the agency's contractor pool.



Top 10

- 10
- 9
- 8
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Questions ?

- Contact Information
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JUDICIAL DEPARTMENT – OFFICE OF THE CHILD'S REPRESENTATIVE
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021

1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

OCR Response: Since March 2020, OCR staff have been primarily working from home. OCR staff have remained highly productive, keeping up with day-to-day operations, continuing to provide oversight, expanding its support to attorneys throughout Colorado, and serving as an active member on an increasing number of statewide and national committees and task forces. As a tenant of the Ralph Carr Judicial Center, the OCR is following the lead of other Judicial agencies as it plans re-occupancy. Remote work has increased the office's flexibility and ability to house more staff. As new staff are added, the OCR does not anticipate the need for any additional office space in Denver for several years.

The OCR does not own vehicles; however, it does lease space in Colorado Springs for its case-carrying attorneys and staff. While staff were able to adapt to remote work, an office presence is required as courts continue to shift to more in-person activities. The leased space in Colorado Springs is sufficient for existing staff, and the OCR does not anticipate any need to increase leased space for the next five years.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

NOTE: Additional detail has been requested in a separate written-only response.

OCR Response: The OCR has not received any one-time funds from stimulus bills or other new federal legislation.

GENERAL QUESTIONS

- 3 *[Sen. Moreno]* Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

OCR Response:

The OCR's case types have become increasingly complex as: Colorado strives to implement child welfare and juvenile justice reform; social service, court, education, and other systems grapple with the ongoing impact of COVID-19; OCR attorneys navigate more challenging issues presented by children and families in all case types and increased litigation in D&N proceedings.

Colorado's Foster Youth in Transition Bill (HB 21-1094), Colorado's Juvenile Justice Reform legislation, and the Federal Families First Prevention Services Act (FFPSA) have launched all stakeholders on a steep learning curve to dramatically reform how we serve children and families and to keep children and youth in their communities with targeted services designed to truly address their needs. While Colorado has worked hard to execute an effective transformation of child welfare and juvenile justice systems, gaps in services and placements are inevitable, and not all stakeholders are 100% aware of or on board with the changes. OCR's attorneys must know the ins and outs of all these legal reforms, navigate an ongoing array of service and placement changes, and apply this knowledge to individual cases to advocate for compliance with these reforms and to promote the best outcome for children, youth, and families.

The families that find themselves in D&N, juvenile justice, and truancy proceedings are disproportionately poor and disenfranchised. While COVID-19 has taken its toll on so many systems and individuals, the children, youth and families in OCR case types and the systems charged with serving them are among the most impacted. Not only have these families and the communities in which many of them live been the hardest hit by school closures, isolation, and economic uncertainty, the social service systems intended to support them face staffing, budget, and other critical resource shortages. OCR attorneys report increasingly acute and pervasive substance abuse, domestic violence, and mental health issues in cases, and OCR has staffed some of the most egregious child abuse cases it has seen. With the many initiatives and efforts to keep families out of formal court systems when possible, OCR expects the complexity of its cases to continue long after the impacts of the pandemic fade.

COVID-19 has placed unprecedented pressures on court systems, delaying trials, hearings, and reviews, all of which serve to hold all parties accountable and to advance timely permanency for children. Continuances and delays have exponentially impacted attorneys' ability to seek oversight and court orders needed to address placement, service, and treatment issues. Attorneys in D&N cases report increased litigation, and in just this past year the Colorado Supreme Court has had five D&N cases pending before it on grants

of *certiorari* on issues ranging from less drastic alternatives to the Indian Child Welfare Act and the Uniform Child Custody Jurisdiction and Enforcement Act, as well as at least one emergency writ concerning vaccine-related issues.

In the context of strapped systems, limited resources, and heightened litigation, cases that are filed demand increased vigilance and advocacy by GALs. Because GALs' sole responsibility and loyalty is to the best interests of the children they represent, GALs cannot accept delays, denial of services for children and their families, inappropriate or unsafe placements, or premature case closure. GALs have needed to engage in heightened investigation and advocacy to protect the increasingly complex needs of the interests of the children and youth they represent in increasingly challenged systems. With a heightened and imperative focus on the racial and ethnic disparities that plague child welfare, juvenile justice, and school systems, OCR attorneys must work harder than ever to ensure their investigation and advocacy serves to advance justice rather than perpetuate disparities and to gain the trust of the children and youth they represent.

The OCR's average appointment costs demonstrate this workload increase. Despite many shutdowns and quarantine control measures that temporarily minimized some of the travel OCR's attorneys had to do to attend court and meetings on their cases, OCR saw only a slight decrease (less than one hour's worth of work per appointment) in D&N, Delinquency, and Truancy cases in FY 2020-21, and the OCR's first quarter financials for FY 2021-22 show an uptick in billing in each of these case types. This workload impacts not only attorneys' time but also their experience representing children and youth. OCR faces an increasing attorney shortage as many attorneys have had to reduce caseloads for personal and professional reasons related to burnout and compassion fatigue and others have decided to move on to other practice areas. The OCR's ability to recruit and retain attorneys and attorneys' ability to sustain their legal practice has a direct impact on the children, youth, and families in these systems.

OCR has intensified its efforts to support attorneys in managing the increasing complexity of cases, adding numerous resources to its litigation toolkit, hosting targeted trainings, and creating a Foster Youth in Transition Webpage to support all stakeholders in effective implementation of HB 21-1094. The OCR's staff has increased its participation on a growing number of committees and task forces charged with implementing and identifying needed reform, and OCR attorney staff spends more time than ever staffing cases with contract attorneys providing representation to children and youth. The OCR has also expanded its social science support to its attorneys and contracts with seven case consultants to support attorneys on an as-needed basis.

4 [Sen. Moreno] We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

OCR Response: The OCR supports providing the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining

agreements. As described below, the OCR has experienced significant challenges filling vacancies, especially attorney positions in our El Paso County office. Additional benefits, such as tuition reimbursement, will help recruitment and retention efforts. However, the OCR does not have sufficient funding to provide any enhanced benefits and would need an additional appropriation to offer such benefits to employees.

It is important to note that the vast majority of the OCR's attorneys are independent contractors and will not receive any of these benefits.

- 5 *[Sen. Rankin]* Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

OCR Response: The OCR's case management/billing system (OCR CARES) was developed and is maintained/enhanced by a third-party software development company (through a solicitation coordinated with the Statewide Internet Portal Authority). There is no overlap with IT systems from other Judicial agencies as no other software applications capture the same data within the OCR's application, and separate systems must be maintained due to confidentiality and privilege requirements. The OCR also contracts with a third-party IT support company (e.g., desktop support, network/server maintenance) and does not receive any IT services from the Courts. Additionally, OCR staff has developed multiple databases for evaluating and tracking OCR contractors, contract renewals, court observations, etc. All internal databases are developed and supported by one employee. IT costs can vary from year to year, but generally, the OCR incurs the following IT costs annually for its Denver and El Paso County offices (excluding hardware purchases, amounts are approximate):

- IT support and maintenance: \$50,000
- OCR CARES maintenance, subscriptions : \$40,000
- Server/data backup: \$1,700
- Software subscriptions (Microsoft, Adobe, domain name, etc.): \$9,700

- 6 *[Rep. McCluskie]* Provide an overview about specific positions that have been extraordinarily hard to fill.

OCR Response: OCR's El Paso Office has had an attorney shortage since last year. The attorneys in this office are significantly undercompensated as compared to other private and public sector peers. Since April 2020, the office has experienced a 40% turnover in its non- management attorney staff. Six attorney postings have been made to try to fill three open positions. For example, one posting seeking two case-carrying attorneys closed on December 8, 2021, and only two applicants met minimum qualifications. Child welfare law requires specialized legal and social science knowledge, trial and interpersonal skills, and consistent vigilance to ever-evolving facts, caselaw, and statutory reform. Investing in these positions will result in positive outcomes for children and youth.

REQUESTS

7 *[Staff]* Please discuss the Office's request items.

OCR Response:

R1: Increase the hourly rates paid to attorneys to \$85 (currently \$80), case consultants to \$47 (currently \$44) and paralegals to \$35 (currently \$32). While the JBC approved this rate increase at figure setting in March 2020, the OCR later worked with the JBC to remove this request given the state fiscal impact from the COVID-19 pandemic.

R2: One new Staff Attorney position to enhance the OCR's oversight, support, and programming in delinquency and criminal proceedings (reappropriated funds). This position will advance OCR's juvenile justice policy and committee work, develop advocacy and investigation supports for GALs, improve OCR's existing delinquency GAL oversight strategies, and support GALs in advocating for equity, justice, and positive outcomes for youth in delinquency proceedings.

R3: Continue implementation of the common compensation plan developed with the Office of Respondent Parents' Counsel (ORPC) and the Office of Alternate Defense Counsel (OADC). This will allow the OCR to align current staff with existing Judicial and Executive Branch Compensation Plan positions and to ensure salaries for all positions at or above the minimum of the adjusted salary ranges. Additionally, this decision item addresses four positions that are misaligned. The OCR requests funding to adjust the salaries and ranges to comparable positions in other offices to reflect the similarities in key responsibilities of these positions as well as the additional complexities presented by the numerous case types the OCR oversees.

R4: The OCR requests an increase to its Operating appropriation to pay for a Westlaw price increase, a website redesign, and necessary enhancements to its electronic case management and billing system, Colorado Attorney Reimbursement Electronic System ("CARES").

JUDICIAL DEPARTMENT – OFFICE OF THE CHILD'S REPRESENTATIVE
FY 2022-23 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

OCR Response: The OCR is not aware of any legislation that is either not implemented or partially implemented. Additionally, the OCR is not aware of any missed deadlines for legislation.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link:
<http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

OCR Response: The OCR does not have any outstanding audit recommendations.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

OCR Response: The OCR is not spending money on public awareness campaigns.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

OCR Response: The OCR does not promulgate any rules (i.e., regulations).

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

OCR Response: Contract attorney caseload and workload are the primary cost drivers impacting the OCR. However, caseload and workload projections indicate OCR's base budget for Court-appointed Counsel is sufficient in FY 2022-23. The OCR, along with the Office of Alternate Defense Counsel and Office of Respondent Parents' Counsel, is requesting a rate increase for their contract attorneys, paralegals and case consultants for FY 2022-23.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

OCR Response: Case filings, judicial appointment decisions and case length determine OCR's caseload. These factors do not necessarily correlate with population growth but instead are driven by reports of child abuse and neglect, county departments of social services, school district and district attorney office decisions to file cases, and judicial assessment of the need to appoint GALs on discretionary case types (e.g., truancy and delinquency). While the OCR has experienced a decline in its caseload the last two years, the OCR attributes the decline in part to public health isolation measures as opposed to a decrease in child abuse and neglect (D&N cases). The OCR expects caseload to return to pre-pandemic patterns at some point, but at this time "flat" funding is projected to be sufficient in FY 2022-23.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

OCR Response: The OCR's only new positions since FY 2019-20 have been the result of approved decision items.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;

OCR Response: The OCR's one request for FTE is for a staff attorney position at its Denver Central Office. This position would bring the Denver Office's Attorney FTE count to six full-time attorneys, including the OCR's Executive and Deputy Directors. The increasing specialization of all the OCR's case types and many initiatives require the OCR to structure its attorney assignments to support specialized work in one or more areas, though all of the OCR's staff attorneys have consistent oversight and support responsibilities as well as the knowledge, skills, and experience to provide basic support to contract attorneys and to support and cover for each other in their work as needed. The new attorney, if funded, will bring and develop specialized expertise in juvenile justice matters.

- b. Specify why additional FTE are necessary; and

OCR Response: The OCR does not have sufficient staff to address ongoing juvenile delinquency issues. The OCR actively participates in many committees relating to juvenile justice, monitors all juvenile justice legislation, actively participates in select bills, and trains GALs. This work is primarily handled by an attorney staff member with several other substantive, support, and management responsibilities. Through this work, the OCR has identified many practice supports for delinquency and young adult criminal GALs that it has not had the time and resources to develop. These include but are not limited to: GAL-specific investigation and advocacy sheets for each hearing throughout the life of a delinquency and direct file case (a condensed version of Colorado's Guided Reference in Dependency, www.coloradogrid.org); sample pleadings for GALs to file in delinquency and direct file cases; a litigation support list of GALs specialized in direct file and transfer to adult court cases; accessible information about state and jurisdiction-specific services and placement continuums, the various assessment tools used in juvenile justice proceedings, and facilities and programs. Developing such materials will promote efficiencies and consistency in GAL practice and support GALs in ensuring that the many Colorado efforts to improve outcomes for justice-system involved youth become a reality for individual youth in individual cases. Additionally, the OCR is acutely aware of disproportionality and equity issues prevalent in juvenile justice cases and would like to develop more concrete strategies for GALs to use to address these issues in their representation.

- c. Describe the evaluation process you used to determine the number of FTE requested.

OCR Response: Through the OCR's existing efforts, it has identified several resources and strategies that could better support GALs appointed in delinquency and criminal direct file cases and that could enhance the representation they provide to children and youth on these matters. The OCR's response to the previous question

(7.b) details some of these resources and strategies. After having to postpone the development of these resources and strategies over multiple years and analyzing existing Staff Attorney workloads, the OCR has determined that an FTE is necessary to realize these goals.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

OCR Response: The OCR began using reappropriated funds (Title IV-E administrative reimbursement) in FY 2020-21. These funds were approved for a Staff Attorney position, portions of two other positions (0.2 FTE each) and an expansion of the use of case consultants by GALs. These programs will continue as long as the reappropriated funds are available. The OCR continues its strategic planning to ensure thoughtful and beneficial expenditure of these reappropriated funds to enhance attorney services.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

OCR Response: The OCR's Personal Services appropriation (including AED, SAED, HLD and Disability Insurance) was underspent by approximately \$420,000 in FY 2020-21. The OCR has struggled to fill vacant attorney positions in its El Paso County office as described in the response to Senator McCluskie's questions regarding positions that have been extraordinarily difficult to fill (Question 6, OCR Discussion Questions). A significant portion of the vacancy savings was the result of a delay in filling a new staff attorney position funded with newly appropriated IV-E funds. Reappropriated funds were a new funding source for the OCR, and the OCR worked diligently to finalize its interagency agreement with the Colorado Department of Human Services before posting this position. The OCR utilized a relatively small portion of its vacancy savings (approx. \$43,000) to purchase Microsoft Surface Pros to support remote work.

The OCR anticipates vacancy savings of more than \$200,000 in the current fiscal year primarily due to the two vacant case-carrying attorney positions and one case consultant position in its El Paso office. Interviews for the attorney positions will be scheduled over the next few weeks with the hope of filling the positions shortly after the new year. The OCR will continue its efforts over the next several months to achieve full staffing for FY 2022-23.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.

OCR Response: The OCR does not receive non-tax revenues such as fees, fines, parking revenues, etc.

- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

OCR Response: Not applicable.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

OCR Response: All decision items requested in the OCR's FY 2022-23 budget request are funded with General or Reappropriated Funds.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

NOTE: A template for providing data for this question will be provided by the JBC Staff.

OCR Response: The OCR has not received, nor does it expect to receive any one-time federal stimulus funds.



COLORADO

Office of the Child's Representative

Presentation to the Joint Budget Committee

December 15, 2021

OCR Mission

OCR gives children and youth a voice in Colorado legal proceedings through high-quality legal representation that protects and promotes their safety, interests, and rights.

Vision

Justice, opportunity, and healthy families for all court-involved children and youth.

Values

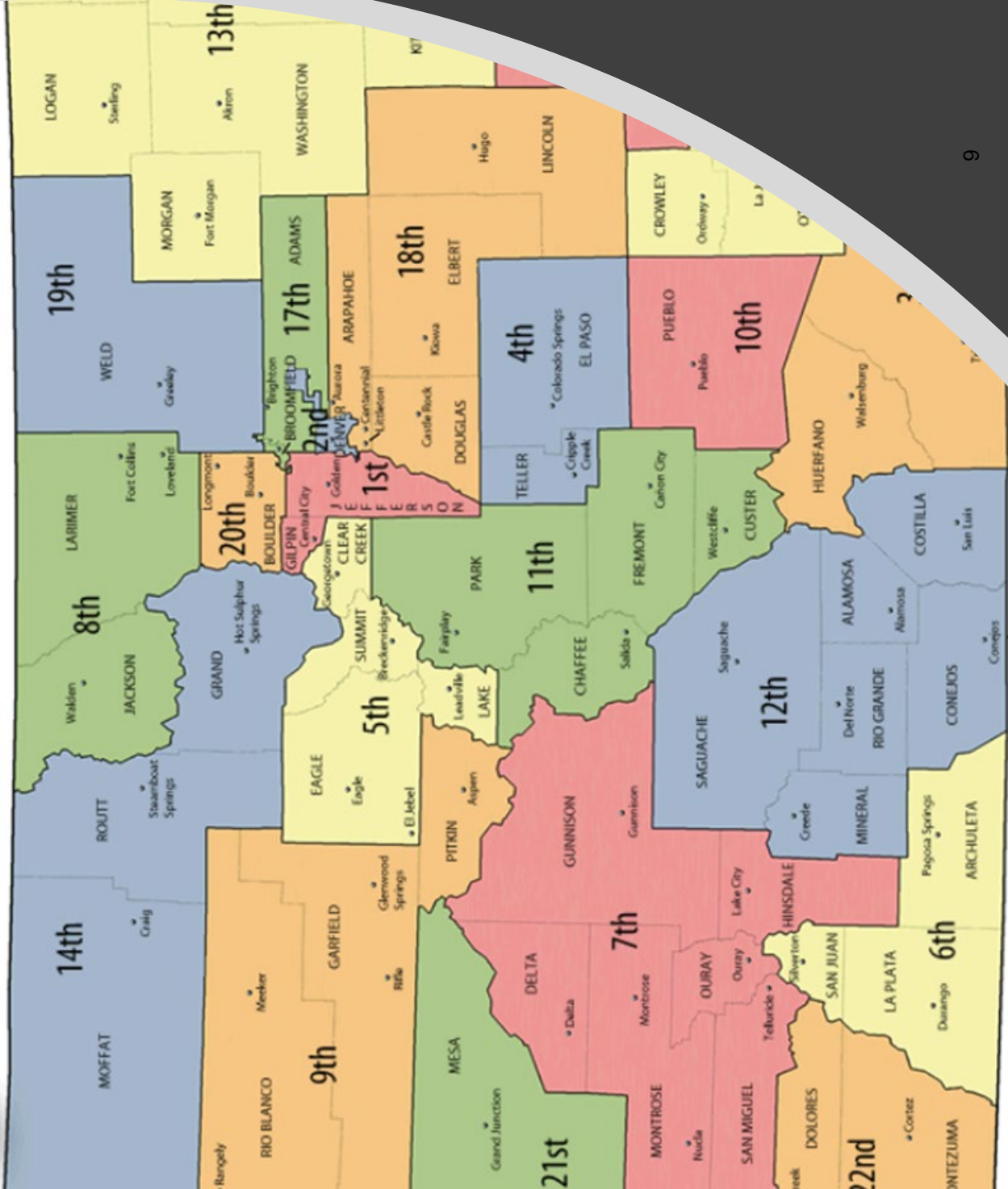
Accountability: Colorado's children, attorneys, families, and communities can count on OCR to ensure that each decision we make and action we take advances our mission in a fair, inclusive and transparent manner.

Efficiency: OCR strives to accomplish its mission and conserve resources by streamlining efforts, adhering to deadlines, resolving conflict constructively, and honoring well-defined projects, processes, and roles. We balance our drive to achieve with thoughtful planning and implementation.

Empowerment: OCR cultivates an environment of respect and honesty. We value the diverse experiences and expertise of the children we serve, our attorneys, and our staff. We invest time to reflect and connect, focus on strengths, value feedback, and recognize success. We stand for justice and support each other in our mission to empower children.



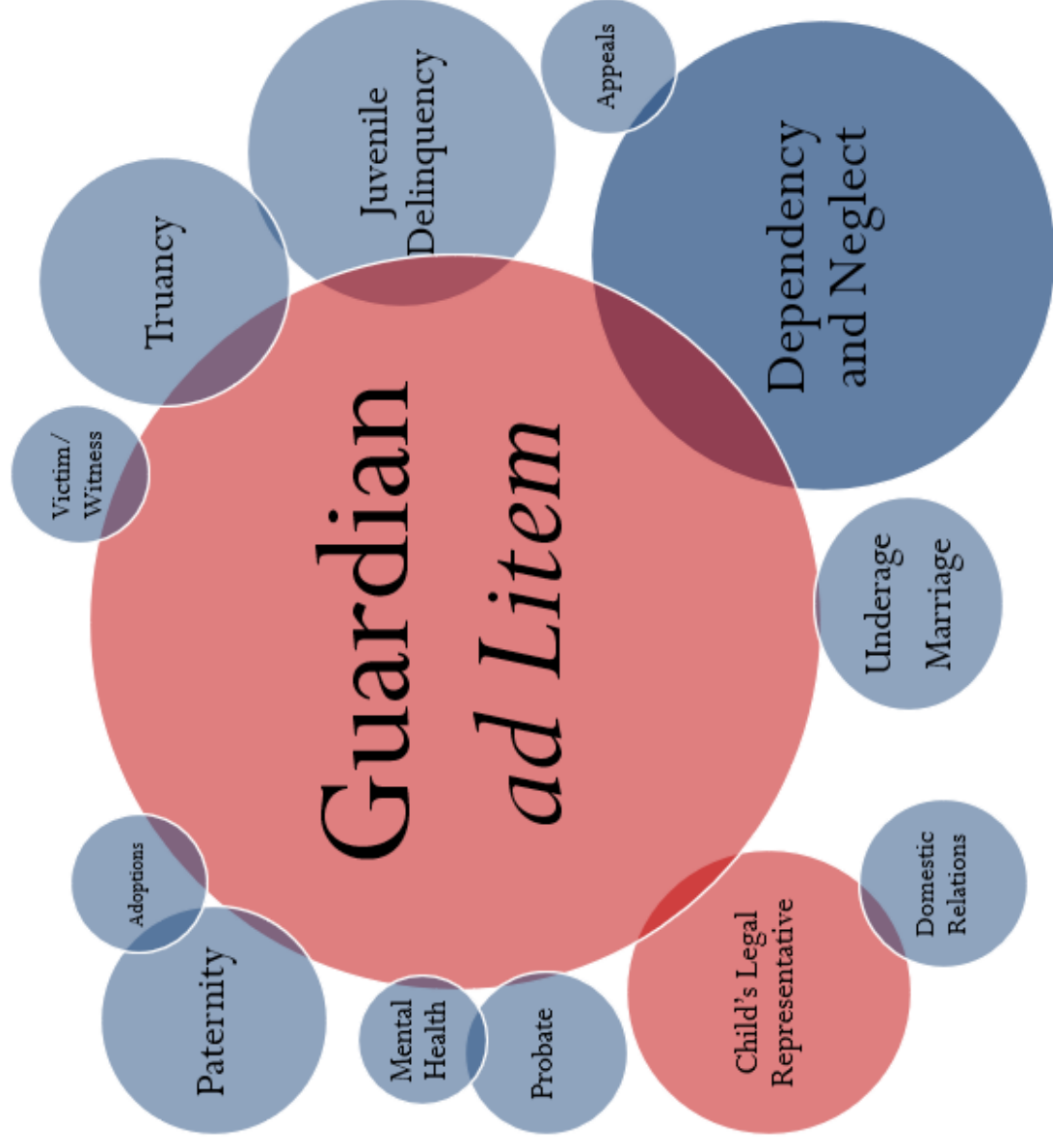
COLORADO JUDICIAL DISTRICT



OCR contracts with
 approximately 270
 attorneys spanning
 all 22 judicial
 districts

Guardian ad Litem (GAL)

- GALs are attorneys who advocate for the best interests of every child/youth in Colorado named in a D&N petition throughout the entirety of the case.
- GALs in other case types are appointed at the discretion of the court.

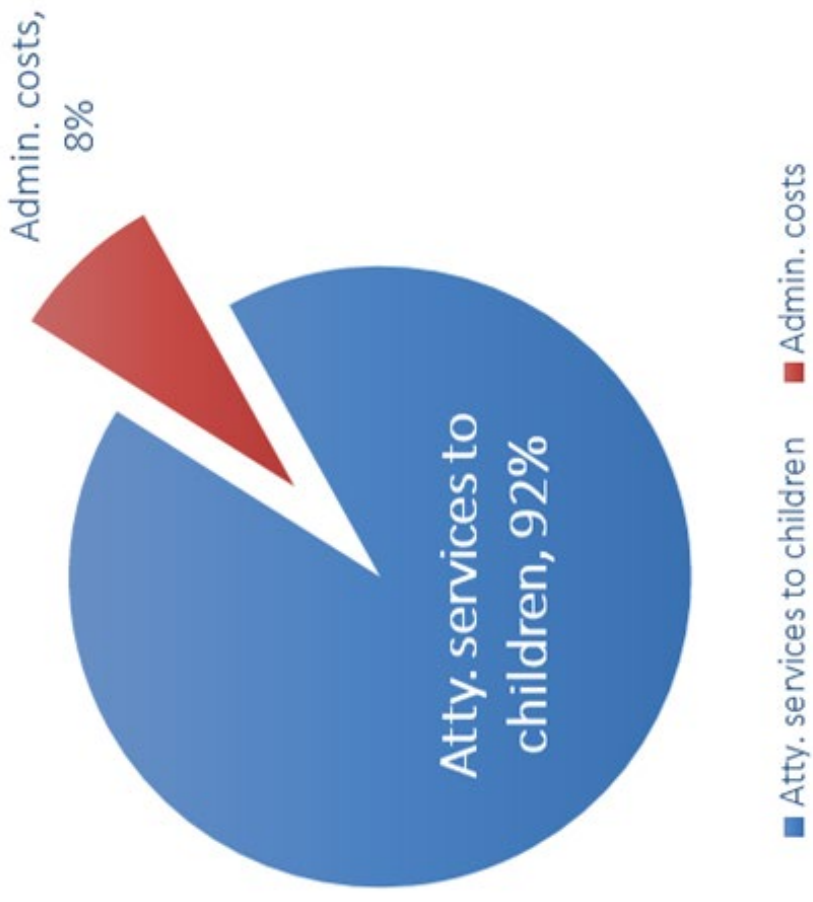


Counsel for Youth

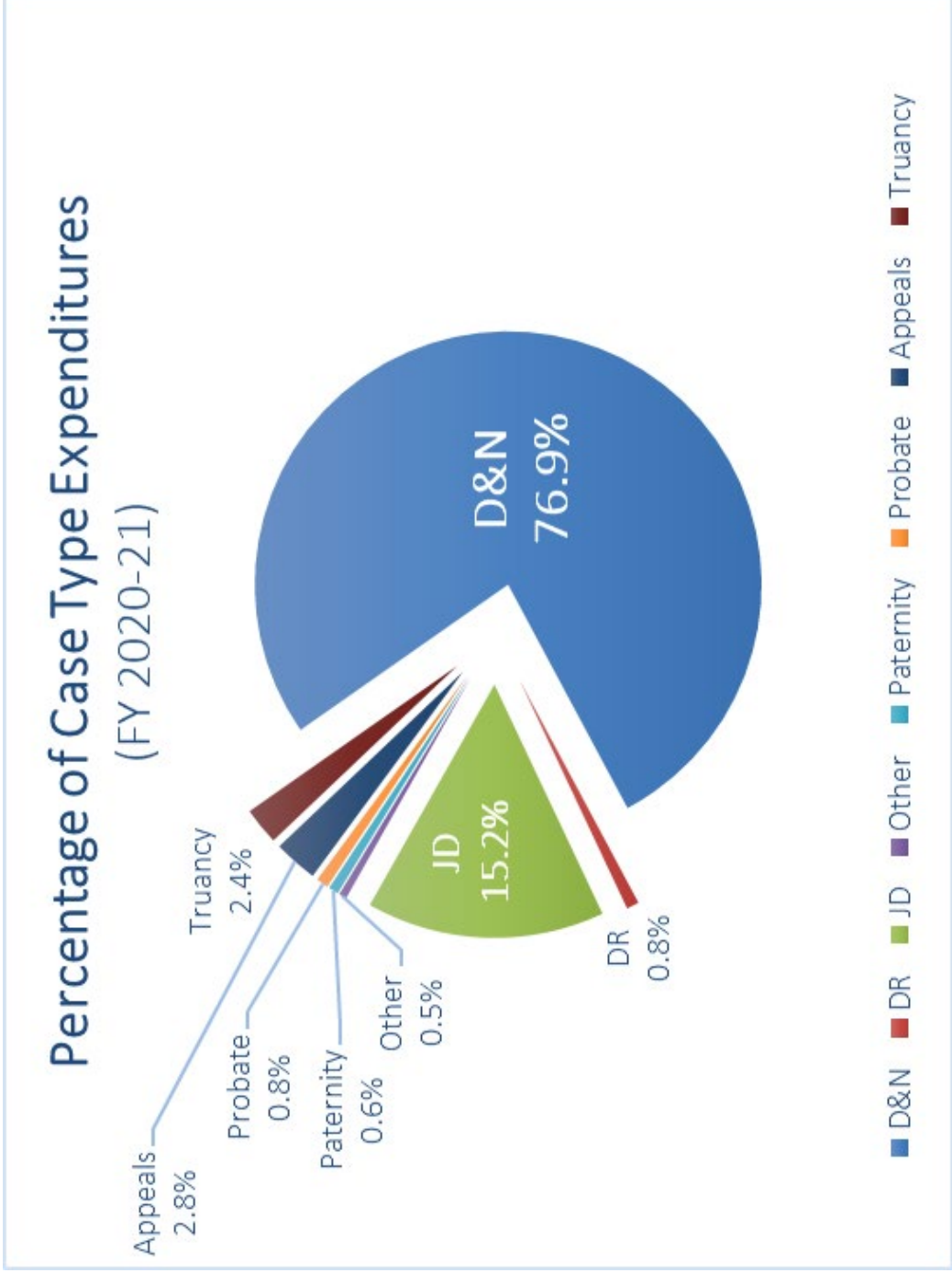
- Attorneys transition from a GAL to Counsel for Youth when a youth reaches the age of 18 in D&N cases.
- Foster Youth Transition Program.
- Therapeutic Privilege Advisement

Administrative Expenditures

FY 2020-21 Administrative Expenditures



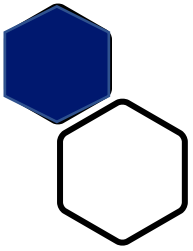
Case Type Expenditures



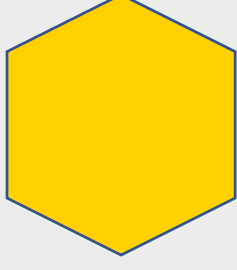


COVID-19 Remote Work Planning





Case Complexity





WINS Partnership & Compensation

OCR Perspective



Filling staff positions



OCR IT Infrastructure



FY2023 Budget Requests



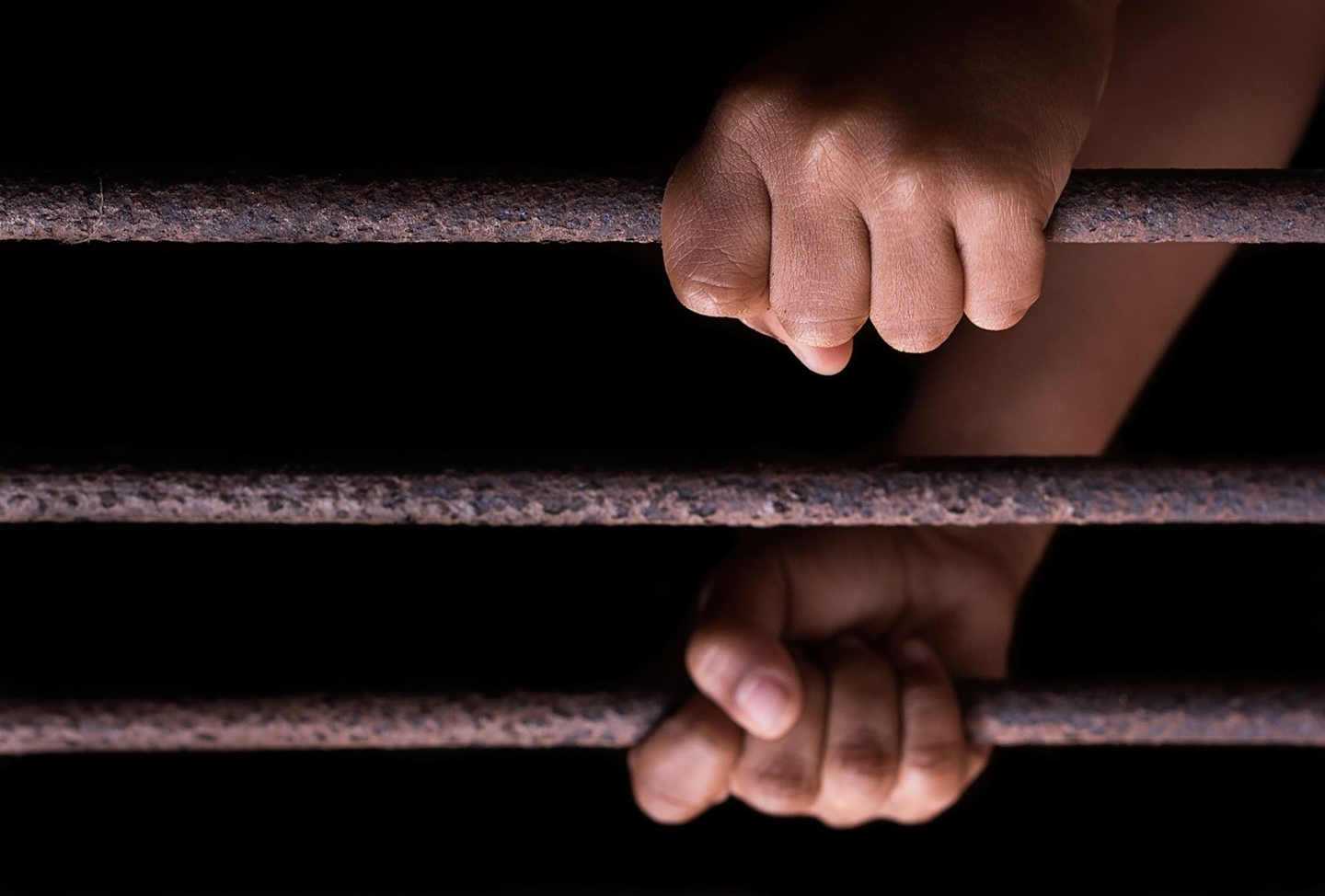
You have already heard about our first request – the Contractor Rate Increase

Juvenile Delinquency Staff Attorney

Second largest case type comprising **15%** of
OCR's CAC expenditures and **31.4%** of OCR
Appointments

Dynamic area of law that has changes
drastically in the past few years and continues
to evolve.

Need for more litigation support, training and
resources.



Common Compensation Plan



Need to align entry and mid
level salaries at OGAL



40% turnover in non-
management attorney staff

Operations Increase

Westlaw Price Increase

Website

CARES Enhancements



Wildly Important Goal - FY22

Client Directed Counsel for youth 12 & older in D&N cases.

JUDICIAL DEPARTMENT –
OFFICE OF THE RESPONDENT PARENTS' COUNSEL
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021

1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

Prior to the pandemic and our implementation of remote work policies, several members of ORPC's staff were required to share offices because the agency had outgrown the current leased space. This created waste and inefficiencies and we estimated that we would have to request funding for additional leased space in 2-3 years. As a result of the remote work policies implemented in response to the pandemic, we no longer believe that additional leased space will be necessary or desirable in the next 3-5 years. Our staff has responded professionally to the remote work policies and we have seen an increase in staff satisfaction without any decrease in productivity. It has been more of a challenge to integrate newly hired staff members into the existing team, but we have implemented practices and additional supports for new staff members to help replace the informal learning that would take place in a physical office. We expect to continue to allow staff to work remotely at least part of the time after the pandemic, and most of our staff have indicated that they will take advantage of that flexibility.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

NOTE: Additional detail has been requested in a separate written-only response.

The ORPC has not received and does not expect to receive any federal funds from stimulus bills or other new federal legislation.

GENERAL QUESTIONS

1. [*Sen. Moreno*] Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

- a. Parents are increasingly likely to have more complex issues leading to the filing of a dependency and neglect case.

The ORPC often hears from long-time Respondent Parent Counsel (RPC) who lament the increasing complexity of cases. Fifteen years ago, they might have handled cases where a parent had an alcohol problem that led to the removal of their children, but now it is uncommon for substance abuse to be the only issue leading to a dependency and neglect finding. Instead, respondent parents often struggle with co-occurring mental health issues. Whenever a parent struggling with addiction also must deal with homelessness, mental health issues, or domestic violence, it is much more complex to ensure the parent has access to appropriate services and to keep the parent engaged, particularly during a pandemic that has disrupted many of the service delivery systems and court systems designed to help families.

The substance abuse issues facing parents are also more lethal and difficult to treat, including the opioid epidemic and increase in fentanyl overdoses. In November 2021, the Colorado Health Institute reported a 54% increase in overdose deaths in 2020 alone. The Institute also highlighted the increased risk of death from COVID-19 for people addicted to opioids, which often compromise lung function. During the twenty months prior to the pandemic, RPC reported the death of 52 clients. Over the first twenty months of the pandemic, RPC reported 103 cases closing with the death of their client, a doubling of the number of parents dying. The ORPC does not ask for the cause of death, but many RPC have reported a stunning increase in both the number of overdoses overall and overdoses resulting in deaths during the pandemic. When RPC, social workers, and parent advocates are aware that parents are struggling with opioid addictions, they must work harder to help the client access treatment services and to engage with clients in an effort to help the client manage their addiction before it is too late.

RPC also reported statistically significant increases in cases involving physical abuse and domestic violence during the pandemic, with 22.6% of cases opened during the pandemic involving domestic violence and a three percent increase in cases involving physical abuse. Because the parents ORPC serves are indigent, victims of domestic violence are often financially dependent on their abusers. The abuser may present better to caseworkers, resulting in children being placed with an abusive partner and victims feeling like they have to return or stay with an abusive partner in order to keep their children safe. Cases involving domestic violence are among the most challenging cases for RPC, parent advocates, and social workers to navigate. They now make up almost 1 in 4 appointments.

In addition, the shortage of affordable housing greatly impacts the ability of parents to reunify with their children and the length of cases. When parents obtain full time employment earning minimum wage, they still cannot afford housing in most areas of the state. Even when a parent does everything right, obtaining sobriety and employment, they often still cannot afford stable housing, and there is not enough affordable housing for those who need it.

- b. The crisis of faith in government and particularly in the judicial branch has impacted parents’ concerns about engaging with the system.

The crisis within the judicial branch has also affected the complexity of cases. This past year saw both the sentencing and disbarment of a former juvenile judge from Weld County, Ryan Kamada, as well as the public censure and resignation of a juvenile judge in Arapahoe County, Natalie Chase, based on her actions demonstrating racial bias. This is on top of allegations of sexual harassment and misappropriation of funds. This crisis impacts families appearing in juvenile court. They do not believe they will be treated fairly, and they believe the system is rigged against them. This makes cases far more challenging for RPC to navigate, and RPC must often involve interdisciplinary teams of social workers and parent advocates to assist them in engaging parents to participate in a system that they believe is working against them.

- c. The increased intervention by foster parents hoping to adopt children increases the costs and complexity of cases.

An increasing number of foster parents, often represented by attorneys, are intervening in dependency and neglect cases. Colorado allows far more permissive intervention and participation by foster parents than in most states. When foster parents intervene, they might object to a return home of a child or to a placement with family members. They sometimes file motions to suspend the visitation of relatives or parents with the children. The increased litigation costs in these cases cannot be overstated.

Since the ORPC started collecting data about the number of cases with foster parent intervenors represented by counsel on July 1, 2020, RPC have closed 264 cases

	N	Total Cost	Mean Cost per Appointment
No Intervenor	6,633	\$ 21,331,252	\$ 3,216
Intervenor	264	\$ 1,699,594	\$ 6,438

where foster parents intervened and were represented by counsel. Those cases cost twice as much, on average, as cases without intervenors represented by counsel. They pit foster parents against parents and often result in dependency and neglect cases becoming private custody disputes with all the attendant expert costs and time from attorneys and the court.

- d. The difficulty in retaining RPC during the pandemic, particularly in rural areas but also in some metro areas, has also increased the complexity of cases and costs to the ORPC.

For rural jurisdictions, many communities are “legal deserts,” where an entire county may not even have one attorney licensed to practice law in Colorado residing there. The Colorado Bar Association has multiple articles and reports that reference this state-wide problem of legal deserts. There simply are not enough Colorado attorneys, let alone RPC, residing in these areas to fill available contractor positions. As a result, the contractors that are in these jurisdictions often have high caseloads and spend a great deal of time traveling, reducing the amount of time they can spend working on cases. These contractor positions are challenging to fill due to recruitment issues with so few attorneys residing in these areas or wanting to move to these areas. And, as long as there are open positions in urban and suburban areas, most applicants choose to reside in those areas rather than in rural jurisdictions.

In suburban and urban districts, the challenge faced by the ORPC has been more of a retention problem than a recruitment problem. Since the beginning of the pandemic, the ORPC contracted with 70 new RPC. Out of those 70, 13 of them have already left RPC work. An additional 12 previously established RPC left the work during this same period. Of the total 35 RPC leaving this work during the pandemic, the most common reason for leaving was to obtain a job with benefits. The second most common reason was burnout or feeling overwhelmed.

When RPC leave this work, it means that clients must be appointed a new attorney. The new attorney has to read the entire file, develop rapport with the client, and get up to speed on the case. All of this increases costs in the case and results in worse outcomes from clients.

- e. Increased case complexity impacts the agency’s budget.

The ORPC has many tools to address increased case complexity, but all of them cost money. RPC are requesting the appointment of social workers or parent advocates on cases with more frequency to help engage clients and ensure access to appropriate services. RPC request experts be appointed to push back against foster parent intervenor motions opposing placement with relatives. Attorneys spend more time speaking with their clients. Finally, to reduce RPC turnover, ORPC needs to be able to raise contractor rates to help them cover the costs of benefits as independent contractors. If RPC have more financial resources to access benefits, and a higher rate of pay, they would be less likely to leave the work, which would result in better outcomes for clients.

2. *[Sen. Moreno]* We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

The ORPC believes that providing the same compensation and benefits to all state employees is fundamentally fair, a good employer policy, and a good business policy. Our people are our greatest strength and we need to be able to give them compensation and benefits equal to those in other

agencies, or we run the risk of losing them to those other agencies. At this time, however, we do not have funding to provide these benefits to our employees.

3. *[Sen. Rankin]* Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

The ORPC's IT systems and services are provided by outside contractors. There is no overlap with IT systems and services from other Judicial agencies and we do not receive any assistance from the Courts for IT systems and services. We do not have IT staff; instead, we contract with one company for general IT support and service at a cost of \$14,400 per year (\$1,200 per month). We contract with another company for maintenance and development of our dedicated attorney payment system, RPPS. RPPS is a unique program tailored to the needs of the ORPC that allows the agency to not only pay contractors directly, but to track important information such as case outcome data. In FY21, our cost for RPPS maintenance was \$9,000 and our cost for system programming and development was \$44,653. Our total annual cost for IT systems and services in FY21 was about \$68,000.

4. *[Rep. McCluskie]* Provide an overview about specific positions that have been extraordinarily hard to fill.

The ORPC has fortunately not experienced any staff positions being extraordinarily hard to fill. It is worth noting that three of the five ORPC staff attorneys left private practice as ORPC contractors. Part of the reason why they chose to leave private practice for State employment was the availability of benefits and pay stability. The agency has had extraordinary difficulty filling contract attorney positions in many areas of the state, including some metro Denver jurisdictions, El Paso County, Mesa County, and most rural jurisdictions. Whereas the ORPC used to only open applications for a month out of the year, the amount of turnover and needs of many jurisdictions have led to open applications and hiring of new RPC year-round.

REQUESTS

[Staff] Please discuss the Office's request items.

JUDICIAL DEPARTMENT –
OFFICE OF THE RESPONDENT PARENTS' COUNSEL
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The ORPC is not subject to any legislation with a fiscal impact that has not been implemented, nor has the ORPC missed any statutory deadlines.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

The ORPC does not have any high priority outstanding recommendations with a fiscal impact as identified by the Office of the State Auditor's report.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The ORPC does not spend money on public awareness campaigns.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The ORPC does not promulgate rules.

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

The Court-appointed Counsel, Mandated Costs, and IV-E Legal Representations appropriations account for over 90% of the ORPC's total budget. The major cost drivers impacting these appropriations is the number of appointments and the cost per appointment. These factors are largely unaffected by the costs used in calculating the CPI and therefore do not move in tandem with the CPI.

The number of ORPC appointments, not the number of dependency and neglect cases filed, is a major factor in child welfare cases because Respondent Parent Counsel (RPC) attorneys are appointed for each indigent respondent parent named by the county department of social services in a petition in dependency and neglect. In practice, this means there are cases where no RPC are appointed because the respondents are not indigent, cases where one RPC is appointed because only one indigent parent was named in the petition, and cases where five or six RPC attorneys are appointed because multiple children with different parents are named as respondents to the petition.

From July 1, 2021, through October 31, 2021, there were 813 case filings and 2,015 RPC appointments on those cases, a ratio of 2.48 RPC appointments per D&N case filed. Measuring ORPC costs must take these cases with multiple appointments into account, and ORPC data measures are therefore appointment-driven instead of caseload-driven.

In the first 4 months of FY 2021-22, the number of appointments was 11.3% smaller than in the same period of FY 2020-21. However, FY 2020-21 appointments for the same period were 3.9% *greater* than in the same period of FY 2019-20. This extreme volatility during the pandemic has made predicting costs even more difficult than normal. The month-by-month comparisons of Fiscal Year 2019-20, Fiscal Year 2020-21, and Fiscal Year 2021-22 to date are shown in the table below.

Office of Respondent Parents' Counsel
Appointments by Month and Fiscal Year
Fiscal Years 2019-20, 2020-21, and FY 2021-22 through November, 2021

	Appointments		Incr/(Decr) over PY		Appointments	Incr/(Decr) over PY	
	FY 2019-20	FY 2020-21	Count	Percentage		FY 2021-22	Count
Jul	643	550	(93)	-14.5%	480	(70)	-12.7%
Aug	535	553	18	3.4%	556	3	0.5%
Sep	490	615	125	25.5%	531	(84)	-13.7%
Oct	519	554	35	6.7%	448	(106)	-19.1%
Nov	406	515	109	26.8%			
Dec	561	478	(83)	-14.8%			
Jan	480	545	65	13.5%			
Feb	473	449	(24)	-5.1%			
Mar	485	489	4	0.8%			
Apr	467	468	1	0.2%			
May	495	434	(61)	-12.3%			
Jun	546	469	(77)	-14.1%			
YTD	6,100	6,119	19	0.3%	2,015	(257)	-4.2%

In addition to the number of appointments, the cost per appointment is a major cost driver for the ORPC. The average cost per closed attorney appointment increased by 6.4% in FY 2020-21 as compared to FY 2019-20, but we are unable to determine if this increase is attributable to increased representation needs due to pandemic-related issues. The ORPC expects that the problems of many families will be more severe and longer lasting, as many parents may have lost their jobs or homes or both as the pandemic has continued. In addition, many children who had already endured the trauma of being removed from their home were further traumatized when their parents were unable to have meaningful visits with them for three to four months as counties implemented shutdown orders. As a result of these factors, the ORPC expects that families will need more representation as parents work through the fallout of what the pandemic has done to them and their children. In addition, the loss of experienced RPC attorneys due to burnout or taking higher-paying positions with benefits in private firms may increase the cost per appointment because inexperienced and/or newly qualified attorneys may require more time per appointment than attorneys who are familiar with D&N representation.

For all these reasons, and despite decreased travel costs during the pandemic, the ORPC has seen a significant increase in the cost of closed appointments, as attorneys must provide even more representation to families who have been profoundly affected by the pandemic.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

Both the number of dependency and neglect case filings and the number of indigent parents named in a dependency and neglect position impact the ORPC's caseload and budget. Even if case filings go down slightly, if there are more indigent parents named on each petition, the agency's caseload will increase. As explained more fully in the agency's budget request, there continues to be a slight increase in the number of RPC appointments per case, with cases now averaging 2.48 RPC appointments per case up from 1.8 appointments per case just five years ago. This means that many cases include more than two parents who are eligible for court-appointed counsel, and this number continues to increase.

Nationwide, there has been a downward trend in the availability of babies to adopt for multiple reasons, including declining teen birth rates and rates of relinquishment of children, societal shifts in attitudes towards single parents, and a decrease in availability of international adoption. This demographic trend, which the ORPC has no reason to believe is different in Colorado, also impacts the agency's budget because it means that there are more foster parents seeking to adopt babies from the child welfare system. While certainly not all foster parents become foster parents in order to adopt babies, some do. And, in cases where foster parents intervene and hire counsel to represent them, the cases cost the ORPC double the amount of cases without foster parent intervenors and become more akin to private custody battles than cases designed to reunify parents with children.

Finally, though this trend is not new, the ORPC would be remiss not to highlight the continued overrepresentation of children of color, particularly Black children, in the child welfare system. Children of color are represented at far higher rates in foster care than in the overall population of Colorado, and parental rights of Black parents are terminated at a much higher rate. In addition, parents with disabilities are represented at much higher rate in dependency and neglect cases than in the overall population in Colorado, with RPC reporting that nearly half the parents they represent having at least one disability. One out of four parents who has a disability and has an open dependency and neglect case in Colorado will end up having their rights terminated.

The ORPC provides training, technical assistance, social workers, and experts to RPC who seek assistance when they are representing a parent of color or a parent with a disability who is experiencing discrimination. In 2020, the ORPC hired the Carrie Ann Lucas Disability Advocacy Director, who leads the agency's efforts to assist interdisciplinary teams representing parents with disabilities. Over the last year, the ORPC has seen a marked increase in contractors requesting resources to help parents who are experiencing discrimination or bias based on the color of their skin or disability. The agency provides expertise and assistance to contractors battling discrimination and bias on behalf of their clients, particularly for parents who have disabilities,

thanks to the hiring of the Disability Advocacy Director. The ORPC seeks funding for an Equity, Diversity, and Inclusion Specialist to further strengthen the agency's ability to assist parents and families of color in navigating a system that is biased against them.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

No positions have been created in the Office of Respondent Parents' Counsel that were not the result of legislation or a decision item.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

ORPC R-2, EDI Specialist:

- a. The ORPC does not currently have a staff member with the special experience and expertise to fill this position, so we will not be able to fill the position with existing staff.
- b. An additional FTE is necessary because current staff do not have the expertise needed to fill the position. Even if they did, existing staff are fully utilized in essential roles and must dedicate all their effort to meet existing requirements.
- c. As the ORPC learned more about the nationwide overrepresentation of people of color and those with disabilities in the child welfare system and as we saw that disproportionality clearly reflected in our own data in Colorado, we realized that piecemeal efforts to address the problem would be inadequate and that we need a staff person who is trained in and dedicated to these issues and impacts, and who can create awareness and implement change to address disproportionality and its effects in child welfare. As the work develops, the ORPC will evaluate whether the workload related to these efforts can be managed by one person or whether additional assistance and FTE will be needed.

ORPC R-3, Social Work Outreach Coordinator:

- a. This position requires experience and training in the Social Work field. Only one current ORPC staff member has that experience and that person manages the entire Social Work program, which includes interviewing, training, selecting, and overseeing contract social workers, family advocates, and parent advocates. The Social Work Outreach Coordinator will assist with those duties to ensure adequate oversight of the growing number of contractors, to consult with attorneys to maximize the impact of social worker contractors on interdisciplinary teams, to recruit new non-attorney contractors across the

state, and assist with the creation and management of new programs such as the ORPC's Prevention Legal Services Program and second class of Parent Advocates, both of which are scheduled to launch in calendar year 2022.

- b. An additional FTE is necessary because the current staff person must dedicate all their effort to meet existing requirements and does not have the capacity to support needed expansion of interdisciplinary programs.
 - c. As the interdisciplinary program developed, it has become increasingly difficult for the single staff person to fulfill existing requirements and to support the needed expansion of the programming. The requirements of existing programs and services and the implementation of needed new programs and services will require a full-time staff person dedicated to the Social Work programs.
- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

The Office of Respondent Parents' Counsel did not have any impacts from cash fund transfers implemented as part of the balancing process in the past two fiscal years.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

The Office of Respondent Parents' Counsel has only 14 FTE and does not ordinarily have significant vacancy savings. In FY 2020-21, however, the agency did not use 2.1 FTE. This resulted from not filling 2 positions when they became vacant; instead, we utilized part-time outside contractors to perform the essential functions of those positions. This allowed the ORPC to manage the 5% Personal Services cut without impacting essential services, though it did require significant dedication and extra work from remaining staff. The ORPC filled those positions after the budget restoration and does not expect to have more than minimal vacancy savings for FY 2021-22 and FY 2022-23.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:
- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.
 - b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

The ORPC does not receive any non-tax revenue that is subject to TABOR.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

NOTE: A template for providing data for this question will be provided by the JBC Staff.

The ORPC has not received and does not expect to receive any one-time federal stimulus funds.



PRESENTATION TO THE JOINT BUDGET COMMITTEE

DECEMBER 15, 2021



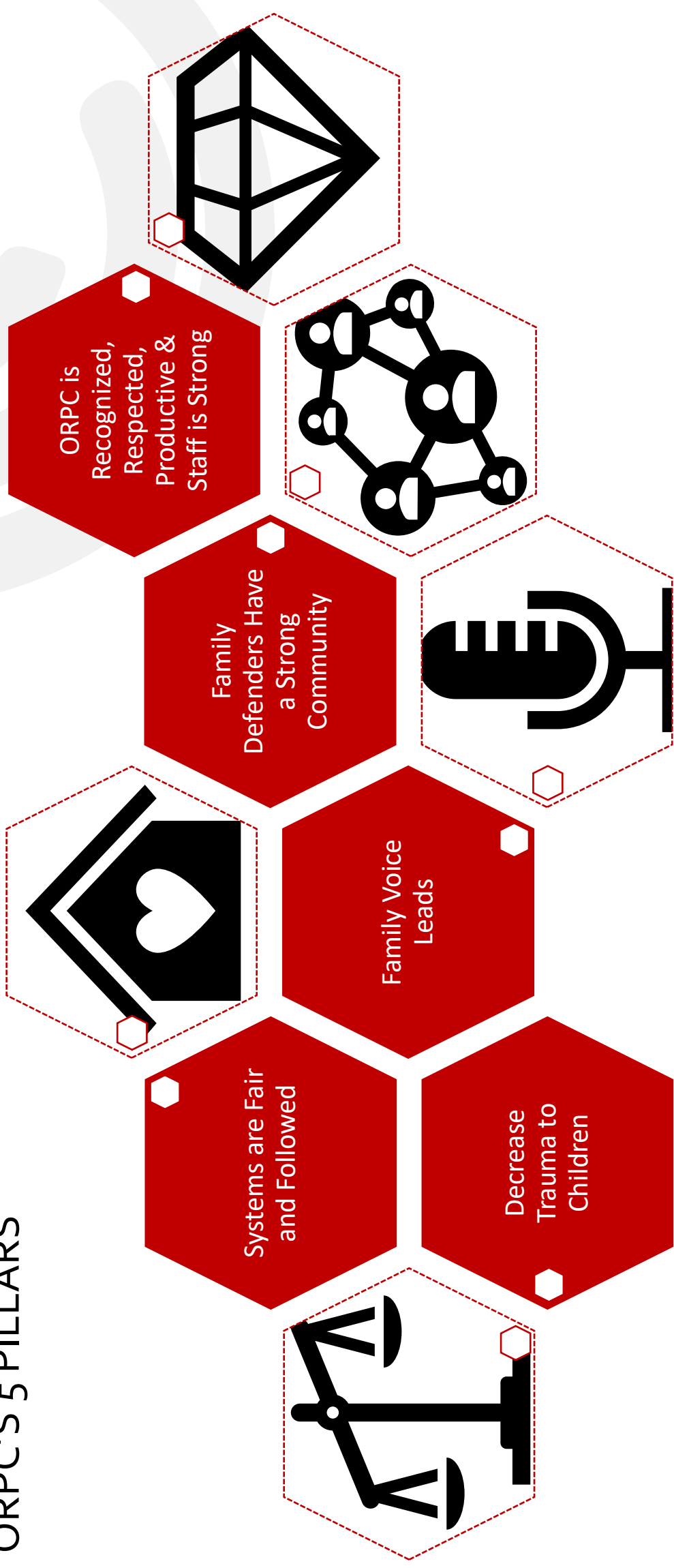
INTRODUCTION & OPENING COMMENTS

REUNIFICATION HERO – CAROLYN GAGLIONE

<https://vimeo.com/651738896/077195afa2>

INTRODUCTION & OPENING COMMENTS

ORPC'S 5 PILLARS



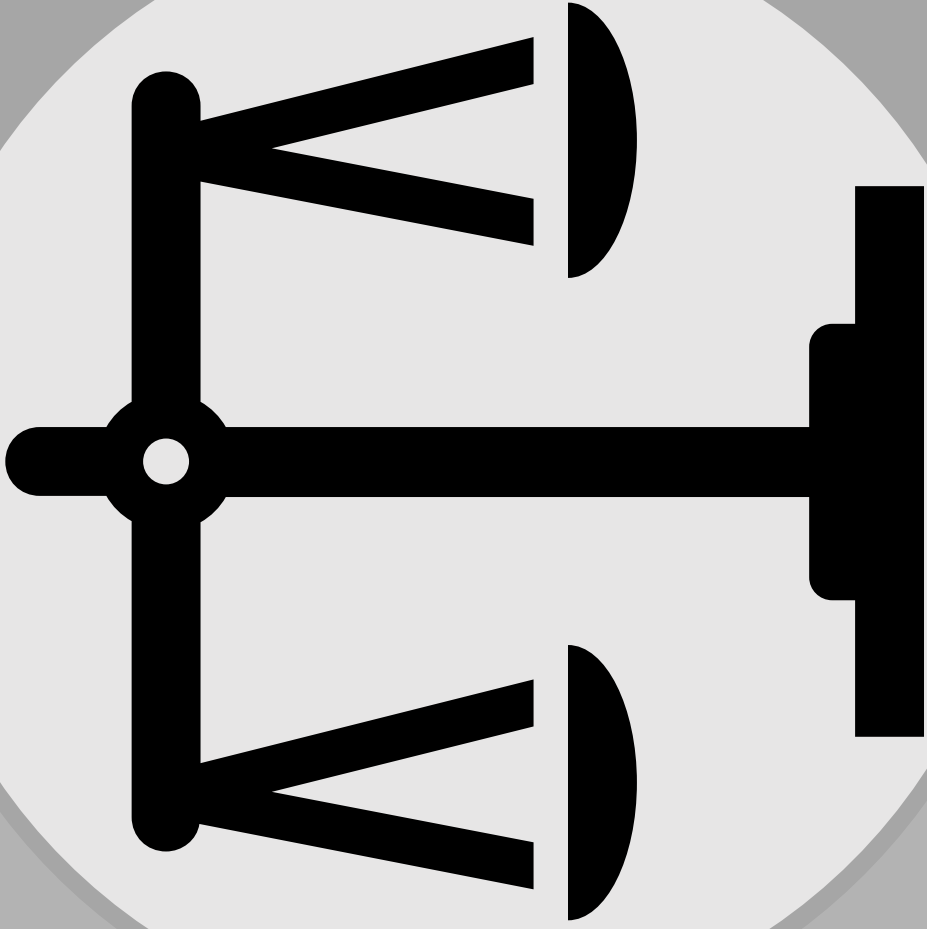
COMMON QUESTIONS

1. COVID-19 Remote Work Planning
2. One-Time Federal Stimulus Funds



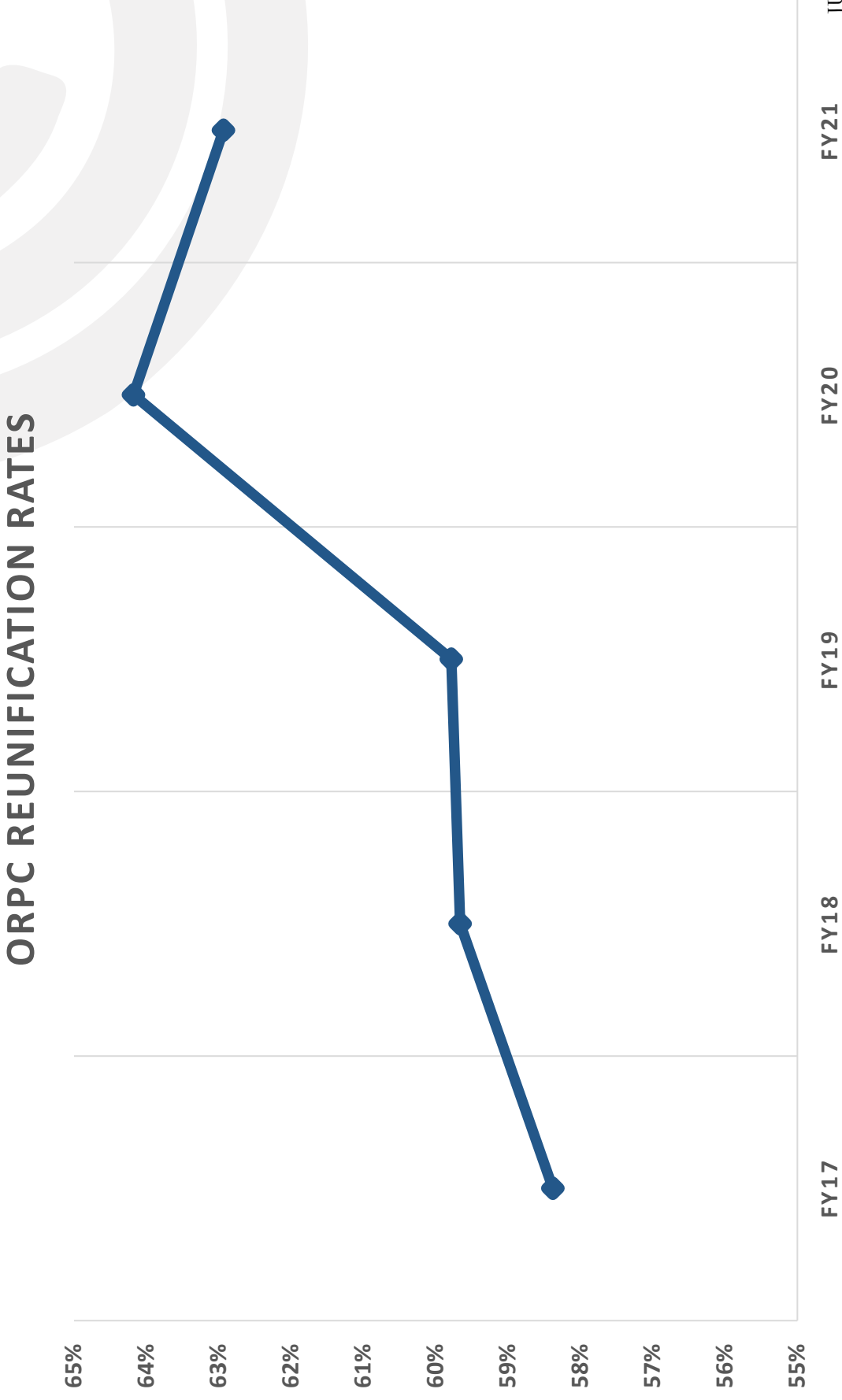
GENERAL QUESTIONS





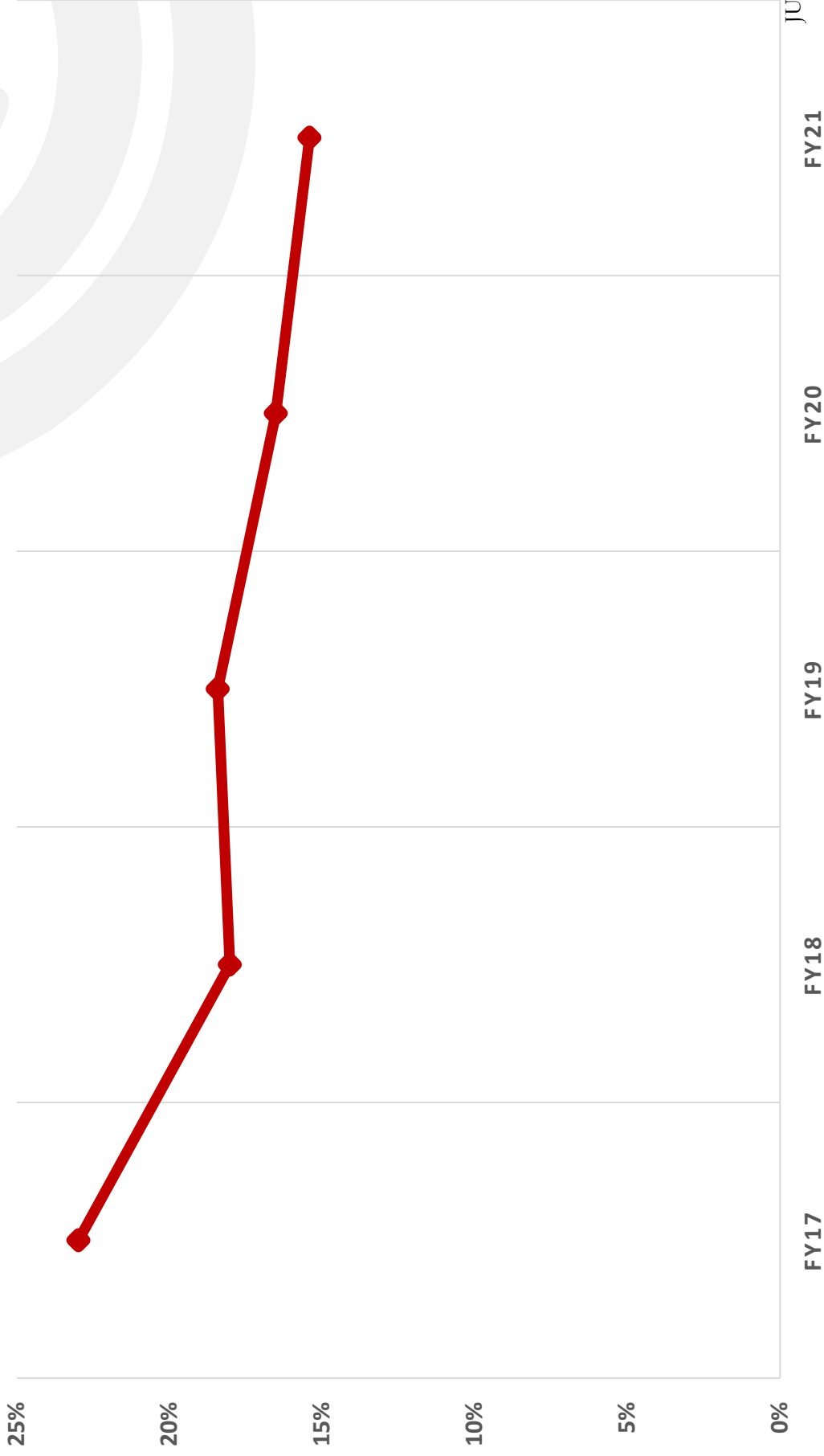
ORPC R-2: EQUITY, DIVERSITY, AND INCLUSION COORDINATOR

FAMILIES ARE SAFELY REUNIFYING AT HIGHER RATES

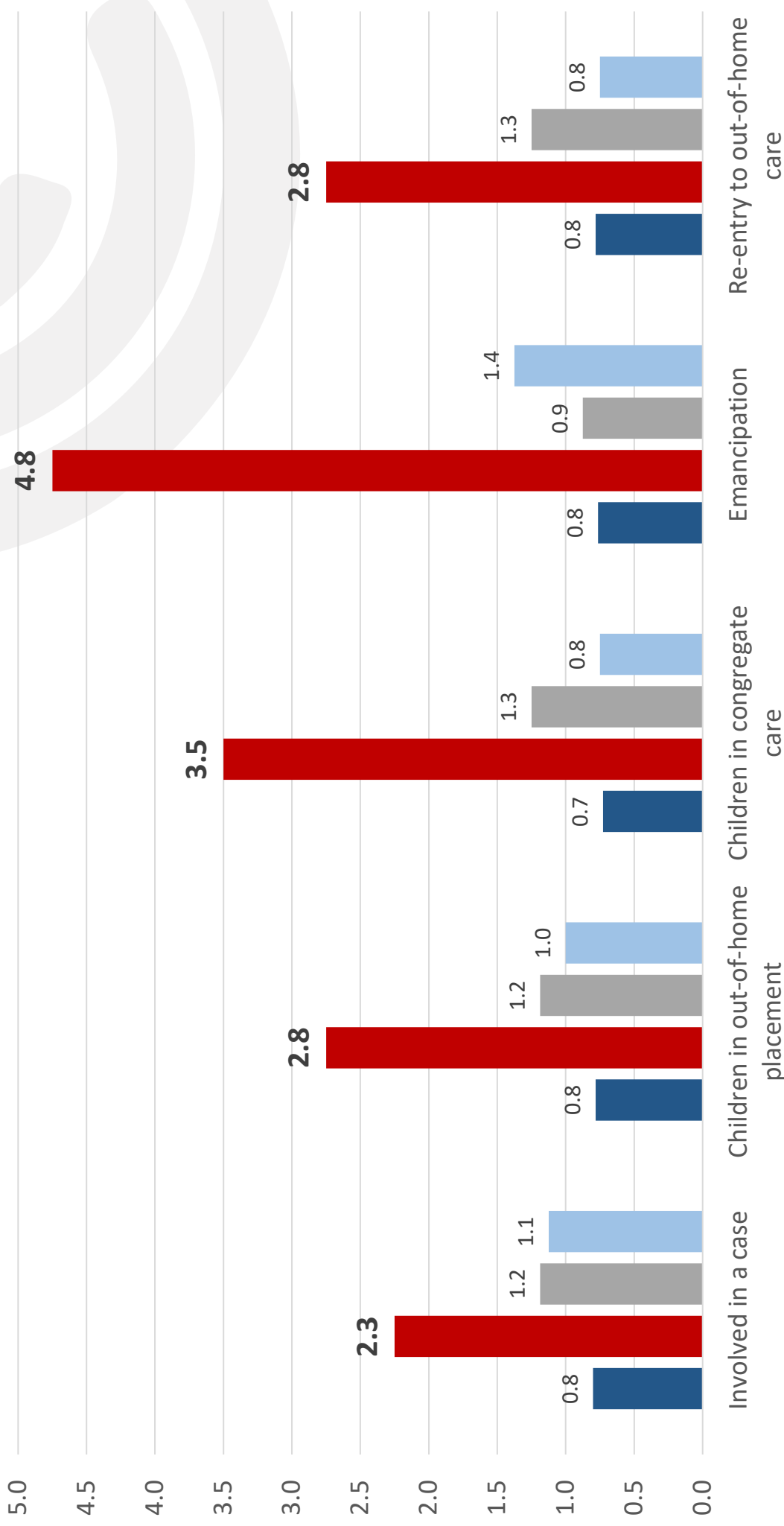


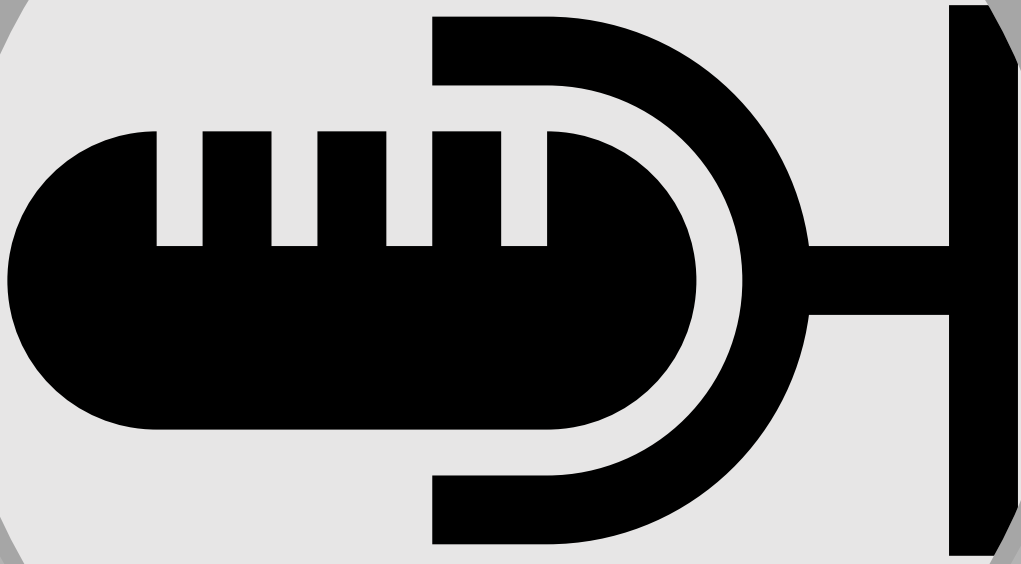
FEWER FAMILIES PERMANENTLY LOSING TIES

ORPC RATES OF TERMINATION OF PARENTAL RIGHTS



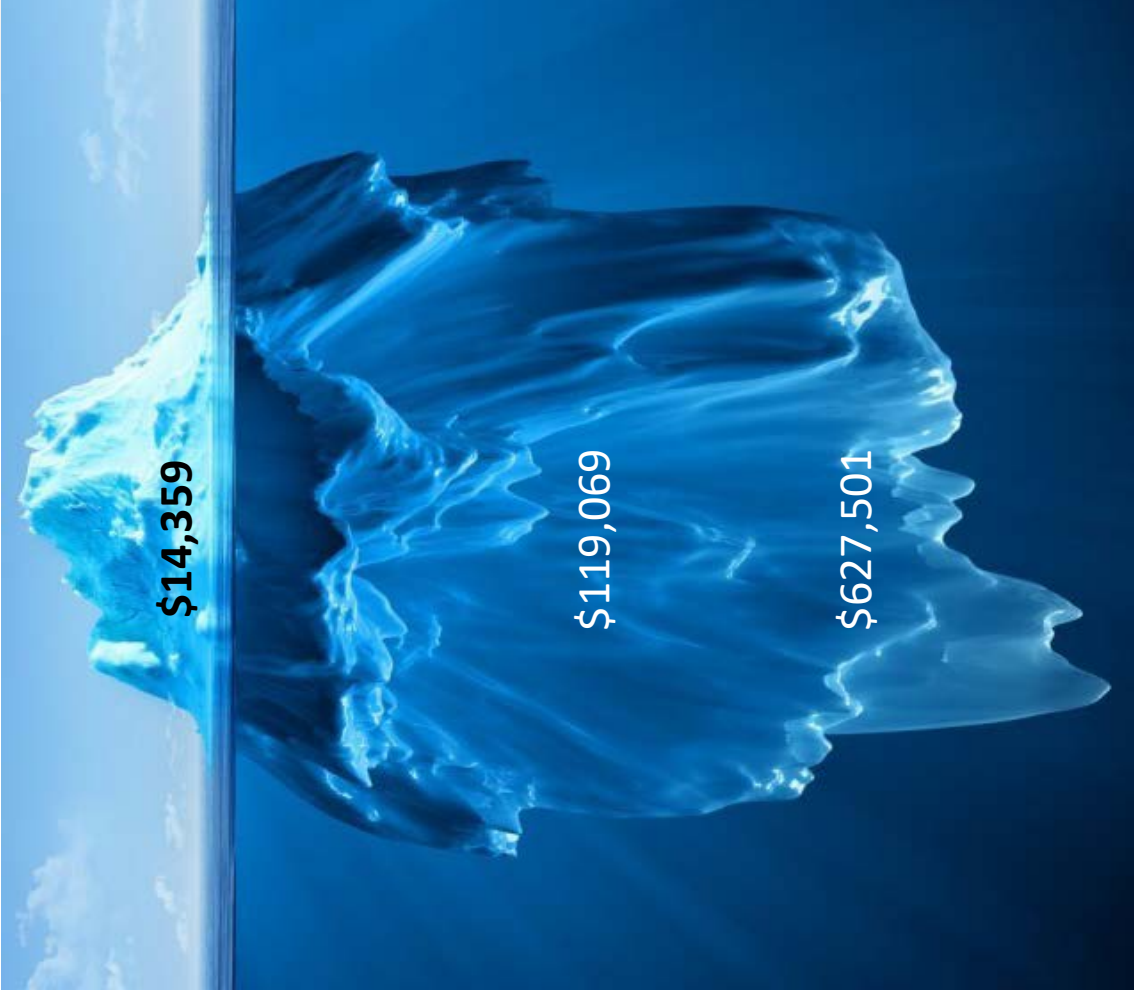
CHILDREN OF COLOR OVERREPRESENTED IN CHILD WELFARE





ORPC R-3: SOCIAL WORK OUTREACH COORDINATOR

CASH SPENT ON FOSTER CARE IS THE TIP OF THE ICEBERG



Cost of 1 year in foster care for 1 Colorado child

Societal cost of 1 child spending 1 year in foster care

Societal cost of 1 child having 4 foster care placements

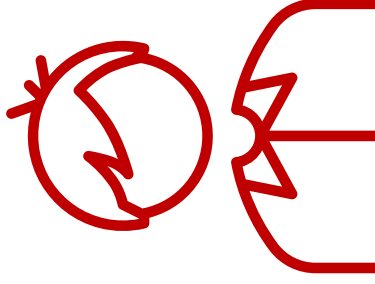
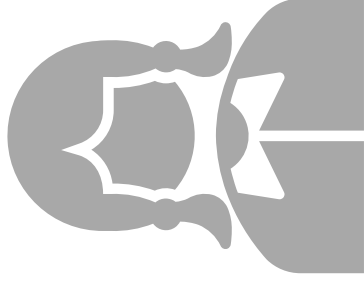
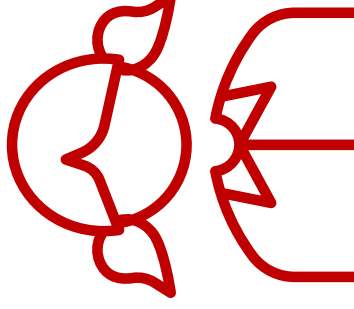
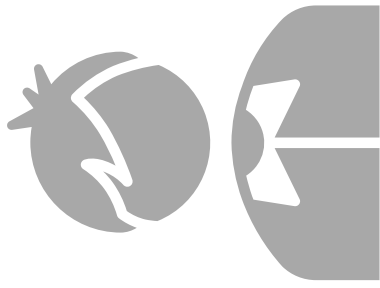
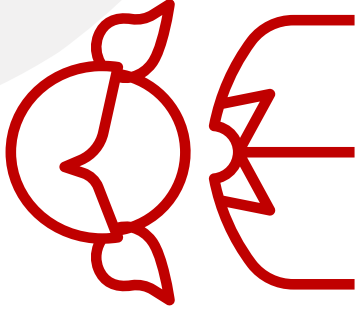
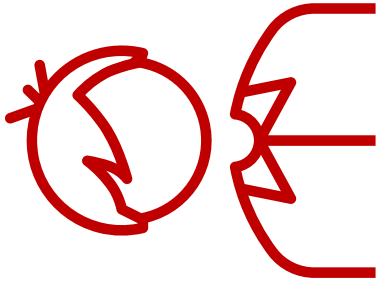
INTERDISCIPLINARY MODEL REDUCES TIME IN FOSTER CARE

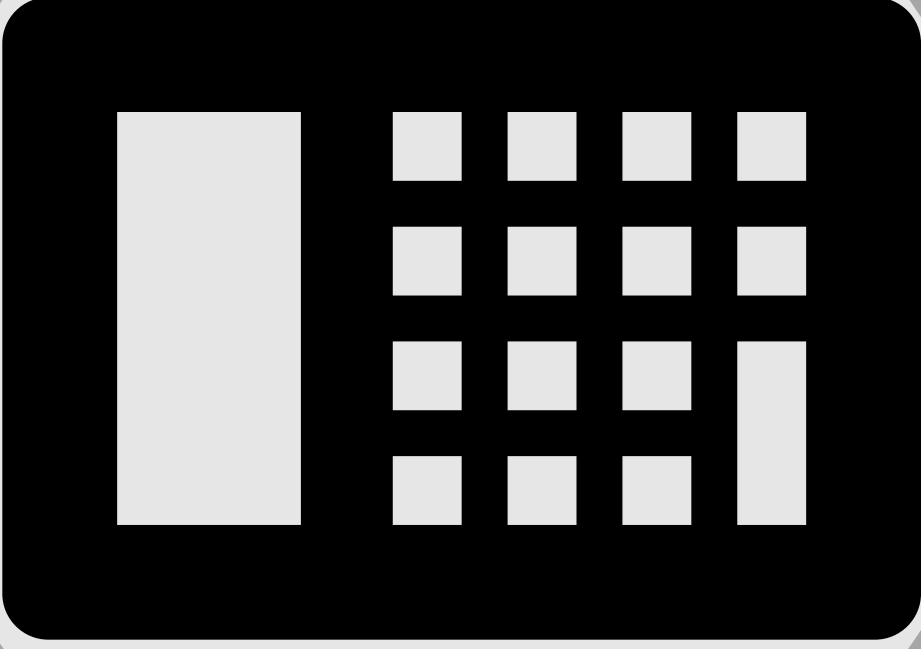
31 fewer days in out-of-home care

22% higher reunification rates



POSITION WILL PAY FOR ITSELF





ORPC R-4: ALIGN APPROPRIATIONS WITH THOSE OF OTHER INDEPENDENT AGENCIES

CONTACT THE ORPC

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JUDICIAL DEPARTMENT –
OFFICE OF THE CHILD PROTECTION OMBUDSMAN
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021

1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

CPO Response to Question 1: CPO services and operations have remained largely consistent since the onset of the pandemic. Staff were able to quickly adjust to working from home. The CPO has continued to offer timely services to citizens who contact the agency. During the summer months of 2021, CPO staff were asked to return to the office on Mondays and Tuesdays. Full team and department meetings were held on those days and staff had an opportunity to connect with co-workers. Staff were free to choose whether they worked from home or the office during the remaining three days of the week.

However, as the rate of hospitalizations and positives cases began to increase during the fall of 2021, agency leadership determined that staff would no longer be asked to work in the office. Currently, staff may choose if they would like to work in the office or work from home – or a combination of both. The majority of staff continue to work from home. Typically, 2 to 3 employees will work in the office on any given day. There is one employee selecting to work from the office full-time. As there have been no impacts to services since staff began working remotely, the CPO anticipates it will continue to give staff the option to work from home so long as positive case rates remain high. However, when permitted by public safety guidelines and case rates, the CPO does anticipate bringing staff back to the office for a portion of the work week.

The CPO is an independent agency housed Colorado State Judicial Department. The agency is allotted three parking spaces in an auxiliary garage near the Ralph Carr Judicial Center. Two staff currently have additional parking spots in the same garage. Staff who use these spots pay for the cost of parking directly. Use of any spot in the garage is voluntary and such costs do not impact the agency's budget.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

NOTE: Additional detail has been requested in a separate written-only response.

CPO Response to Question 2: Not Applicable.

GENERAL QUESTIONS

- 3 *[Sen. Moreno]* Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

CPO Response to Question 3: During Fiscal Year 2020-21, the CPO received an unprecedented number of calls from Colorado citizens. In total, the agency opened 852 cases. This was 127 more than our previous record of 725 cases and is a 17 percent increase from the previous fiscal year.

Most of the CPO's cases involved concerns regarding child welfare services, mental health treatment and issues impacting the juvenile justice system. The CPO continues to receive the majority of complaints from parents and family members of children, however, the agency also received a record number of calls from youth and an increased number of calls from providers and professionals within the child protection system. Each call may require the CPO to obtain and review records from multiple sources, such as child welfare records, law enforcement documents, court filings, behavioral health records and coroner reports. The CPO is experiencing a significant increase in the number of cases that involve concerns about multiple systems and how those systems interconnect. Additionally, more cases involve systemic concerns about an agency or system. Examples of each are provided below:

Increase in DYS Cases – During FY 2020-21, the CPO saw a significant increase in the number of cases and concerns involving youth residing in the Division of Youth Services (DYS). The CPO received a total of 22 youth-initiated cases, compared to the four cases received during the previous year. These cases represent just a subset of the overall increase the agency experienced in cases involving the DYS. In total, the agency received 62 cases involving the DYS – more than double the 26 cases received during the previous year. A single case concerning a youth residing in a DYS youth facility may require the CPO to address concerns regarding whether the youth is being provided adequate medical care and necessary medications. They may require the agency to determine if the youth has adequate access to education services. In the most severe cases, the CPO must review use of physical restraints.

Each of these concerns requires the CPO to review relevant documentation, consult relevant policies or laws, and requires the CPO to coordinate with the youth inside the facility, as well as facility staff, DYS leadership and the client who initiated the case.

Increase in Calls Regarding Residential Facilities – The CPO also experienced an increase in the number of calls concerning residential child care facilities. These cases require the CPO to access and review mental and behavioral health records, child welfare records and placement histories. The agency must also work to connect with professionals in all of these fields. For example, when the CPO was asked to review the closure of a facility this summer, staff reviewed more than 400 pages of licensing records and interviews to determine the historical performance of the facility leading up to its closure.

Increase in Cases Involving Systemic Concerns – Finally, the CPO is receiving more calls with systemic concerns about an agency. Meaning the client is not proving concerns about their individual case, but rather they are concerned about a certain practice permeating throughout the agency. For example, the CPO received a complaint that a local human services agency was not responding to reports of abuse or neglect in an appropriate manner. To thoroughly review this complaint, CPO staff had to review more than 100 child welfare cases. That review is coupled with continually consulting applicable law or regulation.

The increasing complexity of these cases not only requires additional time and resources to review, but they also require additional staff time and resources to parlay into briefs and reports. The CPO is required to educate the public regarding issues that impact the child protection system. Effectively synthesizing issues and drafting reports that accurately capture issues is a time-intensive effort. The drafting, finalization and publication of one report requires assistance from multiple staff and several hours of work.

- 4 *[Rep. McCluskie]* Provide an overview about specific positions that have been extraordinarily hard to fill.

CPO Response to Question 4: The CPO has struggled to recruit individuals for the client services analyst (CSA) positions. These positions are required to respond to citizens and stakeholders who have concerns or questions about Colorado's child protection system. (See **Attachment A** for a copy of a CPO CSA job description.) Concerns involve a variety of entities, including child welfare services, law enforcement, behavioral health and residential facilities. Most of the cases handled by the CSA involve the Colorado Department of Human Services (CDHS) and individual county human services departments. The position requires critical thinking skills, including the ability to research, analyze, synthesize and write. In fulfilling this role, the CSA must collect all relevant information from a client and review third-party resources that may provide context for the case. Typically, CSAs carry 20 to 25 cases each.

For the past four years, the CPO has set a base salary of \$65,000 for all CSA positions. To adequately serve the public, CSAs must have a minimum of 3 to 5 years' experience in the child protection system and significant analytical and writing skills. Each analyst is required to be certified to practice child welfare casework/supervise casework in Colorado. They are also required to participate in at least 40 hours of relevant training each year. Those analysts working with the DYS are required to have direct experience and knowledge of the youth centers. Additionally, all CPO staff are required to participate in ongoing training and education related to ombudsman principles and best practices. The CPO has struggled to hire individuals at the current salary level of \$65,000 – finding that while applicants have 3 to 5 years of social work experience in the child protection arena, they do not have the higher-level skill set required to investigate cases, analyze law and rule violations and write reports. During the past three years, this disconnect in applicants' skill sets has resulted in five vacancies within the CSA position category.

- 5 *[Sen. Rankin]* Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

CPO Response to Question 5: The CPO is an independent state agency housed in the Colorado State Judicial Department. The agency's operations are largely independent of State Judicial's IT systems, and the CPO's services are not reliant on State Judicial's IT systems. Additionally, the CPO's IT systems and services do not overlap with IT systems and services of other judicial agencies. The CPO procures independent contracts to provide it IT support and services. These services include IT support services, maintenance and licensing for the agency's web-based database and support and maintenance for the agency's website. Currently, the CPO pays approximately \$24,000 annually for IT support and services. The chart below details these costs.

Vendor	Services	Annual Cost
Computer Crews	IT Support Services	\$15,9000/year
State Internet Portal Authority	Maintenance and support for the CPO's web-based internal database.	\$5,8000/year
Peak Creative	Maintenance and support for the CPO's website, including domain renewal.	\$2,300/year

- 6 *[Sen. Moreno]* We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

CPO Response to Question 6: The CPO serves as an independent agency house in the Colorado Judicial Department. Through an MOU, the CPO works with Judicial to administer payroll and benefits for employees. The CPO has consistently adopted the policies of the Judicial Department and, given its current MOU with the department, does not have a significant opinion about such changes.

REQUESTS

- 7 *[Sen. Moreno]* Please provide information about the classifications used to benchmark the positions for your R1 through R7 requests, and the rationale for your request for structural salary increases.

CPO Response to Question 7: When the CPO opened its doors as an independent agency in 2016, it worked with the Supreme Court Administrator’s Office (SCAO) to set the salaries of the three employees employed by the agency. At the time, the CPO was receiving fewer than 500 calls a year, was not reviewing systemic concerns and was not consistently producing written reports and outreach materials. Today, the CPO is comprised of 10 FTE, is on track to open more than 1,000 calls in Fiscal Year 2021-22, is producing consistent in-depth reports articulating issues impacting the child protection system, consistently supports legislation to address gaps in the child protection and continues to provide high quality services to the citizens who call the agency.

As stated above, the CPO has experienced a consistent increase in the number of cases it opens each year, as well as a correlating increase in the complexity of its cases. An increasing number of cases require the CPO to not only thoroughly review the individual case and study relevant policies, regulations and law, they also require the CPO staff to accurately summarize and articulate the issue. As such, the responsibilities for the positions are no longer captured by the classifications that were assigned five years ago. Some of the positions the CPO is seeking to classify today, did not exist when the SCAO set the original classifications five years ago.

Position	Requested Increase	Salary Difference	Judicial Clarification
R1 Director of Client Services	\$15,114	\$77,713 → \$90,000	Probation Services Analyst III (Attachment B)
R2 Senior Analyst	\$8,002	\$68,495 → \$75,000	Probation Services Analyst II (Attachment C)

R3 Client Services Analyst (3 FTE)	\$14,208 (For 3 FTE)	\$198,450 → \$210,000	Probation Services Analyst I (Attachment D)
R4 Director of Administrative Services	\$14,194	\$68,461 → \$80,000	Executive Assistant to the State Court Administrator (Attachment E)
R5 Director of Legislative Services	\$5,922	\$75,186 → \$80,000	Legislative Liaison (Attachment F)
R6 Deputy Ombudsman	\$9,006	\$104,583 → \$111,904	Probation Services Analyst IV (Attachment G)
R7 Child Protection Ombudsman	\$11,669	\$135,524 → \$145,002	Not Applicable

R-01 Director of Client Services Salary Increase

The CPO would like to adjust the salary for this position to reflect the increased duties and responsibilities required of the position. The CPO has consulted with the SCAO to determine what the appropriate job description and salary range would be for this position. The CPO received the following information:

Probation Services Analyst III (R43487)
Salary range: \$80,376 – \$95,790 – \$111,204

When the CPO was first established in 2011, the size of the agency and the call volume was minimal. No supervisory structure was needed given the small size of the agency. Since this time, call volume and systemic investigations have increased more than six-fold, requiring additional analysts. Today the CPO has six full-time positions allocated for the client services analyst team.

Given the agency’s high volume of calls and the number of CSAs employed in this service area, the CPO modified one of the six CSA positions, to incorporate supervisory and program development responsibilities. This person is designated as the Director of Client Services and currently carries a full-time caseload and supervises the remaining five CSA staff members. In addition to completing the responsibilities of a general analyst. This position’s duties include:

- Develops case operating policies and procedures;
- Manages the CPO’s DYS caseload;
- Coordinates implementation of new programs with various stakeholder agencies;
- Serves as liaison between the CPO and CDHS, 58 county human service agencies and 12 DYS centers;
- Provides ongoing training, supervision and evaluation of CSA staff;
- Monitors, assigns and reviews work product of CSAs;
- Conducts quality assurance/improvement case audits;

- Contributes to systemic investigations through research and writing;
- Administers the CPO Case Management Database;
- Facilitates recurring meetings with stakeholder agencies; and
- Prepares quarterly and annual data reports regarding CPO work for internal use and for external stakeholders.

The CPO requests a total of \$15,114 (including Pera, Medicare, AED/SAED, and STD) which would raise the base salary of this position from \$77,713 to \$90,000. The CPO recommends this salary to fairly compensate for the supervisory and program development duties that are required of the position.

Impact if request is not granted: The CPO will be unable to sustain a supervisory position that is needed to provide adequate training and supervision to analysts which could negatively impact the overall quality of services provided to Colorado citizens. Additionally, a lack of supervisory support for CSAs could impact the CPO's ability to retain employees.

R-02 Senior Analyst Salary Increase

The CPO would like to adjust the salary for this position to reflect the position's increased responsibilities. Based upon research and conversations with the SCAO, this position would fall into the following category:

Probation Services Analyst II (R43486)
Salary range: \$68,316 – \$81,414 – \$94,512

As mentioned above, the CPO's growth has necessitated the need for increased support to the CSAs. In addition to creating a Director of Client Services, the CPO has also created a Senior Case Analyst position to support the Director and CSA team in day-to-day operations. This position will provide technical support to the CSA's and will allow the Director to dedicate time to strategic planning, program building and outreach to the myriad of agencies that comprise the Colorado child protection community. In addition to completing the responsibilities of a general analyst, the Senior Case Analyst's duties include:

- Serve as the proxy for the Director as necessary;
- Provide support for onboarding and ongoing training of CSAs;
- Provide CSAs advanced writing support by reviewing and editing their externally facing written product;
- Provide updates to the Director regarding case processes and new state policies and procedures so as to increase efficiency and effectiveness;
- Provide input into CSA performance evaluations;
- Assist with preparation for quarterly and annual data reports as required;
- Support CSAs by assisting with research and database utilization; and
- Co-facilitate stakeholder meetings with the Director.

The CPO requests a total of \$8,002 (including Pera, Medicare, AED/SAED, and STD) which would raise the base salary of this position from \$68,495 to \$75,000 – an approximate 9.4% increase. The CPO recommends this salary to reflect the increased responsibilities of this position.

Impact if request is not granted: The CPO will be unable to respond to the CSAs' needs in the most efficient manner. The program would lack sufficient oversight and consistency in practice which could negatively impact the overall quality of services provided to Colorado citizens. Additionally, a lack of support for CSAs could impact the CPO's ability to retain employees.

R-03 Client Services Analyst Salary Increase Analysts (3 FTE)

The CPO worked with the SCAO to secure an appropriate job description and salary range for the CSA position. The position was designated as follows:

Probation Services Analyst I (R43485)
Salary range: \$61,860 – \$73,740 – \$85,620

CSAs must have a minimum of 3 to 5 years' experience in the child protection system and significant analytical and writing skills. Each analyst is required to be certified to practice child welfare casework/supervise casework in Colorado. They are also required to participate in at least 40 hours of relevant training each year. Those analysts working with the DYS are required to have direct experience and knowledge of the youth centers. Additionally, all CPO staff are required to participate in ongoing training and education related to ombudsman principles and best practices

The CPO requests a total of \$14,208 (including Pera, Medicare, AED/SAED, and STD), increasing base salaries to \$70,000 for three existing CSA positions to improve recruitment of skilled employees and retention of existing employees. The CPO requests the following increases for these three positions:

CSA 1: Current salary \$66,950—increase to \$70,000
CSA 2: Current salary \$66,500—increase to \$70,000
CSA 3: Current salary \$65,000—increase to \$70,000

While these requested increases are still below the mid-point of the salary range for a Probation Services Analyst I the CPO believes these increases will significantly assist the CPO in securing and retaining qualified employees.

Impact if request is not granted: The CPO will be unable to recruit qualified applicants and will continue to experience high turnover in the CSA positions. This will reduce the quality and efficiency of services provided to Colorado citizens.

R-04 Director of Administrative Services Salary Increase

The CPO needs to reclassify the Director of Administrative Services into one which reflects these higher-level duties and increase the overall salary. Three years ago, the CPO worked with SCAO to determine a more appropriate position and salary range for the CPO's Director of Administrative Services. To that end, the CPO conducted a workload study in June and July of 2019 to monitor the duties of our current employee and the time spent on such duties. The study showed that the employee spends substantial time on activities that fall outside of standard administrative work. As a result of this study, the SCAO has suggested the following job classification and salary:

Executive Assistant to the State Court Administrator (R41051)
Salary Range: \$68,316 – \$81,414 – \$94,512

The CPO currently employs one FTE Director of Administrative Services whose responsibilities have evolved and greatly increased as the agency has grown in size and complexity. During the past six years, the CPO has grown in staff size from 3.0 FTE to 10 FTE. The volume of calls the agency receives has increased 47 percent since 2016 and the administrative services position continues to adapt to this increase while also providing input, participating in special projects and data tracking/reporting designed to provide support to the functions and operations of the office.

From 2016 to 2018, the administrative services position was responsible for basic administrative tasks including answering phones, sorting mail and preparing correspondence, photocopying, making files, ordering office supplies, and handling public inquiries. Since March 2018, this individual has taken on additional job duties that are aligned with the agency's core business functions – specifically, SCAO and building management coordination, human resource onboarding/benefit liaison, contract management and billing/financial matters. Furthermore, the individual also coordinates staff calendars, manages travel arrangements and provides IT/Tech support to the staff.

Compared to other state agencies, the CPO is relatively small and does not employ staff specifically designated to perform budgetary, accounting, purchasing, operations and human resource functions. While the CPO has an MOU with the SCAO to provide support in these areas, these services are provided at a very high level. This support does not include assistance on a day-to-day basis. For example, while the SCAO provides the CPO with human resource advice related to changes in employee benefit packages and discipline/termination matters, they do not handle the recruitment, interviewing, on-boarding of new employees or administration of leave policies.

Additionally, while the SCAO provides accounting services to the CPO, the CPO handles all business transactions leading up to that point including negotiating vendor contracts, ensuring vendor contracts comply with SCAO fiscal requirements, documenting and managing all expenses, ensuring payment and processing of all invoices, maintaining inventory lists and ensuring compliance with the CPO's document retention policies.

As these examples illustrate, the CPO is required to perform many business functions beyond that which is covered by our MOU with the SCAO. As the agency has continued to grow, staff, financial and human resource needs have also increased. Years ago, the CPO was able to manage these tasks by delegating them to various individuals. During the past four years, these business functions have been assigned to the CPO's administrative services person. Since this person is qualified to complete these higher-level duties and responsibilities the current job description and salary range are no longer appropriate.

The current salary for the position is \$68,461. To make these changes the CPO requests an additional \$14,194 (including Pera, Medicare, AED/SAED, and STD) annually to increase the base salary for this position to \$80,000 – an approximate 17% increase. This increase is necessary to make the salary for this position comparable to other director positions in the agency.

Impact if Request not granted: The CPO will be unable to reclassify the Director of Administrative Services to allow for that individual to support the CPO's growing core business functions. It will also make it difficult for the CPO to retain and secure future employees for this position.

R-05 Director of Legislative Services Salary Increase

The CPO would like to adjust the salary for this position to reflect the increased duties and year-round responsibilities required of the position. The CPO has consulted with the SCAO to determine the appropriate classification for this position. The CPO received the following information:

Legislative Liaison (R47000)

Salary Range: \$84,780 – \$101,040 – \$117,300

The CPO is charged with advising members of the Colorado General Assembly of any statutory, budgetary, regulatory and administrative changes – including systemic changes – that may improve the safety of and promote better outcomes for children and families in the child protection system.¹ To fulfill this duty, the CPO works to communicate regularly with legislators year-round regarding issues the agency has identified and recommendations to address those issues. This work is amplified during the legislative session when the agency is routinely asked to review legislation, provide neutral and objective feedback and, often, work with stakeholders and drafters to make necessary changes. During recent years, the CPO has supported several pieces of legislation to address gaps in the child protection system and improve how agencies – including the CPO – work to serve children and families.²

When the CPO created this position in January 2020, the goal was to create additional support for the Deputy Ombudsman and Child Protection Ombudsman, who handled the majority of the legislative responsibilities for the agency. However, demand for the CPO's input and assistance during the legislative session has increased substantially during the past two years. This has in turn created a greater workload for this position.

During the 2021 General Assembly, the CPO worked directly with legislators and drafters on two pieces of successful legislation and coordinated with legislators and stakeholders to analyze, revise and, in some cases, support nearly a dozen pieces of legislation. This work included studying bill language and applicable laws and regulations, collecting and analyzing comparable statutes from other states, drafting informational materials for legislators and the public and coordinating and preparing public testimony.

This legislative workload is comparable to that of other, larger, state agencies that have multiple positions providing legislative support. However, the majority of the responsibilities listed above fall to one full-time employee, the CPO's Director of Legislative Affairs and Policy. This position is also required to continually update the Child Protection Ombudsman and agency staff regarding new

¹ See C.R.S. §19-3.3-103(2)(e)

² See [Senate Bill 18-178](#); [House Bill 21-1272](#); and [House Bill 21-1313](#)

legislation and how bills are progressing. During the past legislative session, this single position monitored more than 50 pieces of legislation while also updating the CPO's online bill tracker.³ To ensure the CPO is fulfilling its charge, this position must alert the Child Protection Ombudsman to legislation that requires the agency's attention – in some cases support or opposition positions – and they must also develop strategies for how to achieve the agency's legislative goals.

In addition to providing direct legislative support during the legislative session, this position also includes year-round responsibilities, including oversight of the CPO's public policy initiatives. To ensure the CPO is continually and effectively educating legislators about issues impacting the child protection system, this position must:

- Coordinate stakeholder meetings with representatives from dozens of agencies and organizations;
- Complete necessary research regarding current laws and ongoing efforts by outside entities;
- Summarize CPO findings and studies;
- Complete outreach to legislators and stakeholders; and
- Prepare documents that capture the issue, research and possible solutions.

The CPO requests a total of \$5,922 (including Pera, Medicare, AED/SAED, and STD) annually to increase the base salary of this position from \$75,186 to \$80,000 – an approximate 6% increase. While this increase would not bring this position into the suggested salary range for this classification, it will provide appropriate compensation for the increase in workload. This increase is necessary to make the salary for this position comparable to other director positions in the agency.

Impact if request is not granted: The CPO's legislative workload will continue to grow. Without the requested classification and base salary increase the CPO will be unable to ensure the position is competitive with similar positions at other agencies. This may create issues in retaining staff and/or recruiting qualified applicants.

R-06 Deputy Ombudsman Salary Increase

The CPO would like to increase the base salary for this position to reflect the increased duties and responsibilities required of the position. The CPO has consulted with the SCAO to determine an appropriate comparable job description and salary range for the Deputy Ombudsman position. The CPO received the following information:

Probation Services Analyst IV (R43488)
Salary Range: \$92,748 – \$110,496 – \$128,244

The Deputy Ombudsman position was created shortly after the CPO opened its phone lines as an independent agency in 2016. Since that time, the agency has grown substantially, both in the number of employees and the level of programming administered by the agency. This growing workload and demand for the agency's services requires the Child Protection Ombudsman to appropriately focus

³ See CPO's bill tracker: <https://coloradocpo.org/advocacy/>

more of her time on external-facing responsibilities, including working with partner agencies and others to establish new programs and promote the role of the agency across the state. To ensure the Child Protection Ombudsman may effectively fulfill her responsibilities, and ensure the CPO continues to meet its statutory duties, the Deputy Ombudsman must ensure all internal operations are efficient and impactful.

Currently, the Deputy Ombudsman must coordinate and manage six general areas of operation to ensure the agency is able to meet citizens' needs and concerns, as well as continue to address systemic issues impacting the child protection system. Each of these six areas have expanded during the past two years, as the agency's caseload continues to increase, and the CPO's statutory duties have expanded. The Deputy Ombudsman is charged with ensuring these six areas operate in tandem with each other – instead of separately – to increase efficiencies and improve how the CPO serves citizens, legislators and stakeholders. The six areas of operation include the agency's public policy initiatives, supporting CSAs with resources on complex cases, external and internal communications, administration of the CPO Advisory Board,⁴ monitoring monthly spending and providing human resources support – such as hiring, discipline and dismissals – to the Child Protection Ombudsman and staff. This position must ensure the Child Protection Ombudsman is informed of agency operations and issues that may need to be addressed. The position is also tasked with proactively reviewing and adjusting agency policies, practices and resources. For example, the Deputy Ombudsman must provide the strategic direction regarding the agency's legislative initiatives by coordinating between the agency's public policy program and the CSAs to ensure their findings support recommendations for improvement.

The CPO requests a total of \$9,006 (including Pera, Medicare, AED/SAED, and STD) to raise the base salary of this position from \$104,583 to \$111,904 – an approximate 7% increase. This increase would bring the salary for this position to the midpoint of the recommended range.

Impact if request is not granted: Based on the consistent increase in cases and the needed programing to address ongoing issues in the child protection system, the CPO is likely to continue expanding during the coming years. The responsibilities of the Deputy Ombudsman position will parallel that growth. Without the base salary increase the CPO will be unable to ensure the position is competitive with similar positions at other agencies. This may create issues in retaining staff and/or recruiting qualified applicants.

R-07 Child Protection Ombudsman Salary Increase

The CPO would like to increase the salary for this position to reflect the increased duties and responsibilities required of the position. The CPO has previously consulted with the SCAO to determine a salary range for the Child Protection Ombudsman position. The SCAO researched comparable positions within state government and provided a memorandum to the CPO Advisory Board indicating that an appropriate salary range would be: \$120,966 – \$140,143 – \$159,320.

The salary for the Child Protection Ombudsman position has never been increased since it was first set in 2016. In January 2016, the CPO opened its doors as an independent state agency. The agency

⁴ See C.R.S. §19-3.3-102

began in a conference room housed in the state judicial department, with three and half employees and an annual budget of approximately \$400,000. Today, the agency has 10 full-time employees and our caseloads have increased from 350 calls to more than 800 calls per year. Additionally, the agency has produced more issue briefs and investigative reports than ever, creating awareness and systemic change within the child protection system. The Child Protection Ombudsman's role has expanded substantially and requires a salary adjustment to not only recognize the increased duties of the position but to also ensure that the salary is competitive to secure quality applicants in the future.

The Child Protection Ombudsman provides leadership and responsibility for:

- Development of the agency's short and long-term strategic plans (SMART Act);
- Fiscal oversight including development of the agency's annual budget, long-range financial plan and ensure fiscal responsibility and accountability for all funds;
- Board development including recruiting, training and providing opportunities for engagement;
- Legal oversight of the agency and to ensure the agency is in compliance with state government MOUs, laws and regulations;
- Oversight of management and line team members; and
- Promotion of the agency statewide so Colorado citizens are aware of the agency and can effectively utilize its services.

The CPO requests a total of \$11,669 (including Pera, Medicare, AED/SAED, and STD) to raise the base salary from \$135,524 to \$145,002, which equates to a 7% increase. This increase would bring the salary for this position to slightly above the midpoint of the recommended range.

Impact if request is not granted: The size of the CPO has continued to grow. As such the responsibilities of the Child Protection Ombudsman position have become far more complex and varied. Without the requested base salary increase the CPO will be unable to fairly compensate for the duties that are currently being performed. Additionally, the position will not be competitive with other state level executive director positions which may create issues in retaining staff and/or recruiting qualified applicants in the future.

8 *[Staff]* Please discuss the Office's additional request items

CPO Response to Question 8:

R-08 OCPO Public Information Coordinator – \$60,421 annually and .5 FTE

The CPO has a statutory mandate to establish an agency that serves as a statewide resource to citizens who are concerned for the safety and well-being of a child.

These requirements include:

- Ensuring citizens have a “well-publicized, easily accessible, and transparent grievance process for voicing their concerns about the child protection system as well as being responsible for responding to those concerns in a timely and appropriate manner.”⁵
- Educating “the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe.”⁶
- Promoting “best practices and effective programs relating to a publicly funded child protection system.”⁷

In its budget request for FY 2020-21, the CPO identified the need for additional resources to help fulfill these requirements.⁸ In that request, the CPO sought \$42,000 to secure a contract with a local communications firm to provide the following services:

- Administration of the CPO’s social media accounts
- Development and distribution of quarterly e-newsletters
- Intra-agency awareness campaigns to promote the CPO’s services among other child serving state agencies that intersect with the CPO’s mission including the CDHS’ Division of Child Welfare, DYS, Office of Behavioral Health and Office of Early Childhood, the Colorado Department of Healthcare Policy and Financing’s Medicaid unit and the Colorado Department of Public Health and Environment.
- Increase community outreach through development and distribution of agency materials of citizens across the state including schools, pediatricians and other child serving professionals.

At the time the request was submitted, the CPO believed that contracting with a communications firm would be more cost effective and efficient than creating an internal position to handle such tasks.

This request was originally granted by the Joint Budget Committee. However, with the onset of the Covid-19 pandemic, these funds were appropriately reverted to the General Fund to address economic shortfalls created by the pandemic. Since that time, the CPO has been able to address some of its communication needs through a limited contract with the communications firm. However, during that same period the growth experienced by this agency not only amplified the CPO’s need for communication support, but it also made those needs more complex.

As stated above, the CPO has experienced a dramatic increase in cases since the onset of the COVID-19 pandemic. This additional caseload, coupled with the CPO’s growing network, has resulted in an increase in the number of reports and briefs produced by the agency. During the past 18 months, the CPO started producing regular briefs and blogs that detail the issues identified by the agency. It has released four issue briefs detailing months of research and study regarding gaps and

⁵ See C.R.S. §19-3.3-101(1)(e)

⁶ See C.R.S. §19-3.3-103(2)(c)

⁷ See C.R.S. §19-3.3-103(2)(d)

⁸ See [Office of Colorado’s Child Protection Ombudsman’s Fiscal Year 2020-21 Agency Summary and Budget Request](#)

inefficiencies in the services delivered to children and families.⁹ In the past six months alone, the CPO experienced more media exposure than it did during its first three years as an independent agency.

During this time, the CPO has learned that to effectively and accurately promote the work of the CPO, the individual drafting promotional materials or completing networking duties, must have a strong understanding of the case or issue. In its limited contract with the communications firm, the CPO found it was often rewriting materials to accurately reflect the contents of the brief or the authority and jurisdiction of the agency. In short, it has proven to be more efficient to have a member of the CPO team handle communication needs.

Currently, the Deputy Ombudsman and Director of Legislative Affairs and Policy handle the majority of communications work for the agency. These responsibilities include, but are not limited to, the production of CPO newsletters, formatting and finalizing issue briefs and issue spotters, maintaining and updating the agency's website, developing content for the agency's social media accounts, completing outreach to local media outlets and handling all media inquiries and open records requests. These tasks are time intensive.

For example, on September 15, 2021, the CPO released an issue brief detailing its study of Colorado's mandatory reporting law. The brief outlined omissions in the law that could impact how and when reports of suspected child abuse are made to authorities and issued recommendations regarding how to strengthen the law.¹⁰ To effectively finalize the brief, prepare for publication and implement a successful outreach campaign, the Deputy Ombudsman dedicated more than 19 working hours to the project. The Director of Legislative Affairs and Policy committed approximately four working hours assisting the Deputy Ombudsman with these duties. Similarly, the agency released a brief in July detailing the inadequacies of the state's current processes for reviewing cases of child deaths caused by abuse and neglect. The release of that brief required the Deputy Ombudsman to dedicate approximately 16 hours to prepare, publish and promote the brief.¹¹ Both outreach campaigns were successful and have led to additional conversations with legislators and stakeholders to address both issues.

The CPO is requesting a .5 FTE and \$60,421 (includes Pera, Medicare, AED/SAED, STD and HLD) to hire a part-time public information coordinator for the agency. The CPO consulted with the SCAO to determine the appropriate classification and salary range for this new position. (See Attachment H for the Public Information Coordinator classification) The CPO has selected the classification below:

Public Information Coordinator (R43222)
Salary Range: \$68,316 – \$81,414 – \$94,512

⁹ See CPO issue briefs: (1) "[Prioritizing Child Protection Workers: To Ensure the Safety and Well-being of Colorado's Children, We Must take Steps to Protect Those Caring for Them](#)"; (2) "[Strengthening Colorado's Foster Youth Protection Laws](#)"; (3) "[Bridging the Gaps: How current law limits the effectiveness of Colorado's child fatality reviews](#)" and; (4) "[Mandatory Reporters: How Colorado's mandatory reporter law lacks the necessary infrastructure to support those charged with reporting suspected child abuse.](#)"

¹⁰ See CPO Issue Brief, "[Mandatory Reporters: How Colorado's mandatory reporter law lacks the necessary infrastructure to support those charged with reporting suspected child abuse.](#)"

¹¹ See CPO Issue Brief, "[Bridging the Gaps: How current law limits the effectiveness of Colorado's child fatality reviews.](#)"

Impact if request is not granted: Effectively distributing and promoting CPO products – including issue briefs, recommendations and other reports – is a key component of how the agency fulfills its statutory duty to educate the public and inform legislators and stakeholders of recommendations. However, the current workloads demonstrate that implementing successful outreach campaigns requires a substantial amount of time and the CPO’s current method for handling these demands is unsustainable. Without the requested .5 FTE and funds, the CPO will have to continue utilizing the Deputy Ombudsman to complete outreach and communication duties. Not only will this continue to slow the release of information from the CPO, but it will cause additional delays in other departments as the Deputy Ombudsman works to complete these tasks.

R-09 Office Infrastructure – \$9,300

The CPO has offices located in the Ralph Carr Colorado Judicial Center. The CPO has nine physical office spaces for 10 FTE. The CPO has no room in its suite to build additional offices. The CPO has explored several options to accommodate the agencies increased growth and has determined that it would be most cost effective to purchase four “benching workstations” to place in the center of its suite. This would be a convenient and affordable way to maximize space in the office while providing accommodations for up to three additional employees. The CPO has received a quote of \$9,300 for this project and would respectfully request this amount to complete the build out of this suite.

Impact if request is not granted: The CPO will not have anyplace to house employees. This will have a detrimental impact to the agency as employees are needed in the office for various intra-agency meetings, training, direct supervision and group project work. Additionally, employees need a workspace to make office related phone calls and conduct business. Without a place to house staff, it is likely to cause frustration and low morale as well as impact the agency’s ability to oversee employees and ensure that their various needs are being met.

Attachment A



CHILD PROTECTION OMBUDSMAN of COLORADO

Case Analyst

Position: Case Analyst

Status: Full Time

Salary: \$65,000 with benefits

FSLA Classification: Exempt

Program/Department: Office of Colorado's Child Protection Ombudsman

Location: Denver

Reports to: Supervisor

AGENCY STATEMENT:

The Office of Colorado's Child Protection Ombudsman (CPO) was established to improve the child protection system by serving as a resource to citizens, employing a complaint process for citizens to voice their concerns about child protective services and by making recommendations to the Governor's Office, Colorado State Legislature, and other stakeholders for system improvements.

POSITION PURPOSE AND OBJECTIVES:

Respond to citizens and stakeholders who have concerns or questions about Colorado's child protection system. Concerns involve a variety of entities, including child welfare services, law enforcement, behavioral health, and residential facilities. Most of the cases handled by the analyst involve the Colorado Department of Human Services (CDHS) and individual county human services departments. The position requires critical thinking skills, including the ability to research, analyze, synthesize, and write. In fulfilling this role, the analyst must collect all relevant information from a complainant and review third-party resources that may provide context for the case. These sources may include the CDHS' child welfare data base (Trails), law enforcement records and state court databases. The analyst must utilize the information gathered to determine the proper service to provide citizens. These services range from providing a resource referral, to identifying possible law or rule violations in how the agency or provider handled a case.

Conduct ongoing reviews of the safety and well-being of unaccompanied immigrant children who live in a state-licensed residential childcare facility and who are in the custody of the Office of Refugee Resettlement of the Federal Department of Health and Human Services. Candidates with ongoing case work experience is required.

Monitor cases for trends and identifying any possible systemic issues within the child protection system. The analyst is expected to analyze and track case data so they may provide education and guidance to other CPO staff members working on broader child protection policy. The analyst is also expected to contribute to broader policy initiatives through research and writing on issue and/or policy

briefs.

Produce various written products including summaries of cases, letters outlining possible violations of rule and law and reports detailing systemic public policy issues. The analyst is expected to write thoughtful and robust drafts and effectively incorporate feedback and edits from other CPO staff.

Represent the agency outside of the office at stakeholder meetings, legislative hearings, and other events.

This position requires the analyst to visit state-licensed and operated facilities as needed. As such, all CPO staff must be *fully vaccinated against COVID-19*. *All persons offered a position will be required to provide valid proof of vaccination prior to starting employment.*

QUALIFICATIONS:

Applicant should have a minimum of three years professional experience in the child protection system. Child protection experience may include providing services directly to children and families and/or working to analyze and improve policy, laws, or rules within the child protection system. Applicant should have knowledge of the delivery of Colorado’s child welfare services, Division of Youth Services, and behavioral health systems. The qualified applicant will have knowledge of Volume 7 regulations and the Colorado Children’s Code. Applicant must have excellent verbal communications skills, adhere to deadlines, work collaboratively with CPO staff, and maintain an appropriate level of professionalism.

Advanced writing skills are essential for this position. The qualified applicant will be required to demonstrate proficiency in all aspects of writing, including proper organization, appropriate sentence structure, spelling, punctuation, proof reading and editing.

*Final applicants will be required to submit a writing sample that demonstrates research and analytical abilities on a substantive topic. Applicants will also be required to engage in a “real-time” writing exercise that illustrates the applicant’s ability to issue spot and write appropriate summations of issues.

MINIMUM REQUIREMENTS:

1. Bachelor’s Degree (minimum requirement)
2. Current Child Welfare Training Academy Certification
3. Three years’ experience in the child protection system.
4. Knowledge of Volume 7 regulations and the Colorado Children’s Code.
5. Proficiency with Outlook and Microsoft Office Suite programs, including Word, Excel and PowerPoint.

HOW TO APPLY:

To be considered for this position, please email a resume and cover letter to knelsen@coloradocpo.org. Please include “Case Analyst” in the subject line. Applications will not be accepted through any other state or government website or application process.

DEADLINE TO APPLY:

All applications must be received by 5:00 p.m. on Friday, December 31, 2021.

Attachment B

Classification: Probation Services Analyst III

Job Title: Probation Services Analyst III
Job Code: R43487
Full Time Salary Range: \$6,698.00 - \$9,267.00
Job Series: Probation Services Analyst
FLSA Status: Exempt
OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: Manages specific programs and / or serves as project leader in the Division of Probation Services to develop improved managerial procedures and practices in the Colorado Judicial Department's probation business.

Distinguishing Factors: In addition to managing programs and/or projects which must consume 50% of the employee's time (managing programs or projects includes assigning tasks, monitoring progress and work flow checking, scheduling work, and establishing work standards), the Probation Services Analyst III position is distinguished from other classifications due to the supervisory responsibility for 3.0 or more full-time employees. If an employee does not meet the supervision requirement a Division may, in consultation with the Director of Human Resources and with the approval of the State Court Administrator, utilize this classification if the employee has responsibility for independently managing a highly specialized complex program or project. The complexity is reflected in a need for more sophisticated analytical methods and problem solving techniques. Work typically involves coordination with Director level positions within and external to the Judicial Department. The program or project schedule must exceed 12 months. A maximum of 30% of all Probation Services Analysts may be classified as a Probation Services Analyst III in a Division. This position will receive supervision from a Probation Services Analyst IV, Administrator or Division Director.

Essential Functions Of the Position: Manages and administers state wide probation programs and projects in the Division of Probation Services; leads or supervises other analysts and team members on projects.

Identifies areas to implement new probation policies and procedures; coordinates implementation with various probation departments and other state agencies.

Reviews and evaluates organizational policies, practices, structure, functions, programs, work methods, resources, relationships between various probation departments, and management and program performance; increases efficiency and effectiveness of state probation systems.

Compiles and analyzes information collected; verifies accuracy of information; identifies issues and problems; formulates recommendations that will encourage change within the Division.

Identifies problems within various departments of the probation system; offers recommendations and implements solutions; compares estimates and trend projections through the application of mathematical or statistical methods.

Drafts rules, administrative recommendations, Chief Justice Directives.

Prepares reports, schedules, forms, procedures and directives based upon research and evaluation of issues and problems.

Analyzes proposed legislation, judicial processes, and procedures for possible impact on the probation business.

Prepares budget requests and monitors budgets for small projects; prepares and monitors grant requests.

May be responsible for recruitment and selection of unit employees.

May establishes expectations and provides employee performance feedback on an on-going and annual basis.

May assist subordinates in establishing goals.

May evaluate subordinates' goal achievement through conferences or informal meetings.

May provide recommendations regarding subordinate's employment probationary/trial period.

Provides orientation and on-going training, mentoring and coaching to existing subordinates.

Makes provisions for subordinates to attend outside training.

May provide cross-training and interdepartmental training.

May assign duties and responsibilities to staff; develops and establishes procedures for operating and maintaining required administrative systems.

Establishes response procedures designed to address internal and external requests for information.

Some positions may prepare grant proposals, monitor grant funds, and prepare grant completion reports.

Attends meetings and training as required.

Performs other duties as assigned.

**Supervisor
Responsibilities:**

May have supervisory accountability for other employees, volunteers, or interns. May plans, directs and coordinates activities for a unit. Duties include scheduling and assigning of work, training in all facets of work, quality control, and decisions impacting the pay, status and tenure of others. May conduct performance appraisals, and provides input into and participates in discipline, dismissal, and hiring processes.

Minimum Education:

Graduation from an accredited college or university with a bachelor's degree and five years of management analysis experience in statistical analysis, research-supported methods and procedures for implementation, work measurement, fidelity support, program development, organizational development or other related fields. A master's degree in a related field is preferred. Additional work experience in these or other related fields may be substituted on year for year basis for the required formal education.

OR

Two years as a Probation Services Analyst II in the Colorado Judicial Department required.

Physical Demands:

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands and fingers and reach with hands and arms. The employee is occasionally required to stand and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

Work Environment:

The noise level in the work environment is usually quiet. This position is subject to varying and unpredictable situations; may handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously; and may occasionally handle absentee replacement on short notice

Attachment C

Classification: Probation Services Analyst II

Job Title: Probation Services Analyst II
Job Code: R43486
Full Time Salary Range: \$5,693.00 - \$7,876.00
Job Series: Probation Services Analyst
FLSA Status: Exempt
OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: Manages specific programs or serves as project leader in the Division of Probation Services to develop improved managerial procedures and practices in the Colorado Judicial Department's probation business.

Distinguishing Factors: The Probation Services Analyst II position is distinguished from other classifications due to the responsibility of leading an ongoing program or project which must consume 50% or more of the employee's time. Leading programs or projects includes assigning tasks, monitoring progress and work flow, checking the product, scheduling work, and establishing work standards. Provides indirect supervision of field staff and may directly supervise up to 2.99 staff. Supervision is received from a Probation Services Analyst III, a Probation Services Analyst IV, Division Director or an Administrator.

Essential Functions Of the Position: Plans, administers, and implements state wide probation programs and projects. Serves as project leader for the development, implementation and maintenance of new policies and procedures within the state probation system; develops training for new policies and procedures.

Reviews and evaluates organizational policies, practices, structure, functions, programs, work methods, resources, relationships between various probation departments and management, and program performance; increases efficiency and effectiveness of state probation systems.

Identifies problems within various probation departments of the state system; offers recommendations and implements solutions; compares estimates and trend projections through the application of mathematical or statistical methods.

Compiles and analyzes information collected; verifies accuracy of information; identifies issues and problems; formulates recommendations that will encourage change within the state probation system.

Drafts rules, administrative recommendations, Chief Justice Directives.

Prepares reports, schedules, forms, procedures and directives based upon research and evaluation of issues and problems.

Analyzes proposed legislation, judicial processes, and procedures for possible impact on the probation business.

Establishes response procedures designed to address internal and external requests for information.

Some positions may prepare grant proposals, monitor grant funds, and prepare grant completion reports.

Attends meetings and training as required.

Performs other duties as assigned.

Supervisor Responsibilities:

Responsible for one's own work product and may provide guidance, assistance, or mentorship to less knowledgeable or experienced coworkers, volunteers, or interns. This may include scheduling of work, instructing in work methods, and reviewing work products. May provide input into the hiring and discipline/termination processes. May have input into performance evaluation process.

Minimum Education:

Graduation from an accredited college or university with a bachelor's degree and four years of management analysis experience in statistical or economic analysis, office systems, methods and procedures, work measurement, forms design, program planning or other related fields. Additional work experience in these or other related fields may be substituted on a year for year basis for the required formal education.

OR

One year of experience as a Probation Services Analyst I in the Colorado Judicial Department.

Physical Demands:

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands and fingers and reach with hands and arms. The employee is occasionally required to stand and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

Work Environment:

The noise level in the work environment is usually quiet. This position is subject to varying and unpredictable situations; may handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously; and may occasionally handle absentee replacement on short notice.

Attachment D

Classification: Probation Services Analyst I

Job Title: Probation Services Analyst I
Job Code: R43485
Full Time Salary Range: \$5,155.00 - \$7,135.00
Job Series: Probation Services Analyst
FLSA Status: Exempt
OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: Participates in program or project management in the Division of Probation Services to improve managerial procedures and practices in the Colorado Judicial Department's probation business.

Distinguishing Factors: The Probation Services Analyst I classification is distinguished from other classifications due to the focus on research, compiling and analyzing data, and providing recommendations based on findings which may influence local or state wide probation policies and procedures. Positions in this classification will participate in, but do not spend more than 50% of their time on ongoing program or project management responsibility. Supervision is received from a Probation Services Analyst II, III, IV or Division Director.

Essential Functions Of the Position: Reviews and evaluates organizational policies, practices, structure, functions, programs, work methods, resources, relationships within various probation departments, management and program performance; interprets data; prepares reports and provides recommendations.

Identifies problems within various probation departments; offers recommendations and implements solutions; compares estimates and trend projections through the application of mathematical or statistical methods.

Drafts rules, administrative recommendations, and Chief Justice Directives; revises forms; develops and assists in implementing program policies and procedures for various probation departments.

Compiles and analyzes information collected; verifies accuracy of information; identifies issues and problems; formulates recommendations that will encourage local or state wide change.

Establishes response procedures designed to address internal and external requests for information.

Attends meetings and training as required.

Performs other duties as assigned.

Supervisor Responsibilities: No formal supervisory responsibility. Responsibility for one's own work product and work within a unit performing similar functions. Rarely provides lead function, advice, or explains work instructions to other employees or volunteers.

Minimum Education: Graduation from an accredited college or university with a bachelor's degree and three years of management analysis experience in statistical or economic analysis, office systems, methods and procedures, work measurement, forms design, program planning or other related fields. Additional work experience in these or other related fields may be substituted on a year for year basis for the required formal education.

Physical Demands: While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands and fingers and reach with hands and arms. The employee is occasionally required to stand and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

Work Environment: The noise level in the work environment is usually quiet. This position is subject to varying and unpredictable situations; may handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously; and may occasionally handle absentee replacement on short notice.

Attachment E

Classification: Executive Assistant to the SCA

Job Title: Executive Assistant to the SCA

Job Code: R41051

Full Time Salary Range: \$5,693.00 - \$7,876.00

Job Series: Executive Assistant

FLSA Status: Exempt

OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: Provides specialized professional services and high level administrative and analytical support to the State Court Administrator in the State Court Administrators Office.

Distinguishing Factors: The Executive Assistant to the State Court Administrator (SCA) is distinguished from the Staff Assistant classification by the performance of advanced levels of administrative work and analysis needed for various projects. This position works directly with the State Court Administrator and is responsible for performing executive administrative duties that are complex, confidential and sensitive in nature.

Essential Functions Of the Position: Assist the State Court Administrator in management of tasks for the organization.

- Communicates administrative policies, directives, rules and regulations.
- Enters, compiles, manages or analyzes statistical data as needed. Writes and edits reports on data as needed.
- Provides input and participates in projects designed to provide support to the functions of the State Court Administrator's Office.
- Composes and types correspondence and other materials for the SCA.
- Conducts or participates in special projects and committees.
- Coordinates events, meetings and travel services such as conference rooms, hotel reservations, transportation, food services, presentations, technology needs, and materials for participants.
- Coordinate communications including taking calls, drafting and responding to emails, and interfacing with divisions of the State Court Administrator's Office, Judicial districts and the public effectively and in a timely manner.

Takes meeting minutes.

Prepares internal and external business contracts and budgets for the SCA review as requested.

Coordinates calendar and schedule for SCA. Schedule meetings and appointments and manage travel arrangements within scheduling processes.

Tracks budget and submits budget documentation, invoices, and reimbursement requests on behalf of SCA.

Maintains organized filing systems of paper and electronic documents.

Attends meetings and training as required.

Performs other duties as assigned.

**Supervisor
Responsibilities:**

No formal supervisory responsibility. Responsibility for one's own work product and work within a unit performing similar functions. Occasionally provides lead function, advice or explains work instructions to other employees, interns, or volunteers.

Minimum Education:

Graduation from an accredited college or university with a bachelor's degree preferably in business, public or court administration and minimum two years of experience supporting leaders at the executive level of an organization.

Physical Demands:

While performing the duties of this job, the employee is regularly required to sit; use hands to perform repetitive motions, talk and hear. The employee is frequently required to walk/move about. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, color vision, depth perception and ability to adjust focus.

Work Environment:

The noise level in the work environment is usually moderate. May handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously and may occasionally handle absentee replacement on short notice.

Attachment F

CLASSIFICATION: LEGISLATIVE LIAISON

Job Title: Legislative Liaison
Job Code: R47000
Full Time Salary Range: \$7,065.00 - \$9,775.00
Job Series: Legislative Liaison
FLSA Status: Excluded
OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: This position coordinates, plans, and manages legislative activities impacting the Colorado Judicial Department.

Distinguishing Factors: Positions in this classification are responsible for representing the agency before the Legislature. Responsibilities include analyzing, monitoring and reporting on legislative, budgetary or program initiatives which affect the Judicial Department's programs or policies. This position reports to the Chief of Staff. The Legislative Liaison serves in a classified, non-certified position that is considered at-will and may be terminated at any time with or without cause.

Essential Functions Of the Position:

- Plans, develops, and coordinates legislative activities.
- Provides effective consultation to Judicial staff in defining and implementing year-round legislative strategies.
- Demonstrates an understanding of Judicial Department programs, trends and priorities, target audiences, appropriate goals, and success indicators
- Develops strategies to achieve legislative goals; develops and defends legislative position; and coordinates legislative testimony.
- Attends and actively participates in legislative committee meetings for the department as assigned by the Director of Court Services.
- Assists agency staff in translating legislative needs into appropriate bill formats
- May testify before the legislature on important issues.

During the legislative session, prepares for and meets regularly with the Court Services Division to discuss and support division and department initiatives.

Establishes an effective process for monitoring legislation proposed during the legislative session.

Reports on legislative progress of bills of note to internal department constituencies, such as judges, clerks and probation.

Tracks legislation and analyzes progress. Provides legislative updates to appropriate staff as needed.

Reviews/develops pertinent legislative proposals and works with designated staff to determine impact on the department.

Works with state court administrative staff in developing implementation plans for new legislation.

During the off session, this position reports to the Division of Court Services and performs court analyst tasks as assigned.

Attends meetings and training as required.

Some travel is required.

Performs other duties as assigned.

Supervisor Responsibilities:

May have supervisory accountability for other employees, volunteers, or interns. May plans, directs and coordinates activities for a unit. Duties include scheduling and assigning of work, training in all facets of work, quality control, and decisions impacting the pay, status and tenure of others. May conduct performance appraisals, and provides input into and participates in discipline, dismissal, and hiring processes.

Minimum Education:

Graduation from an accredited college or university with a bachelor's degree and three year's experience with legislative relations, legislative analysis or related experience.

Physical Demands:

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands and fingers and reach with hands and arms. The employee is occasionally required to stand and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

Work Environment: This position is subject to many interruptions and may be required to handle multiple calls and inquiries at once. The noise level in the work environment is usually moderate.

Attachment G

CLASSIFICATION: PROBATION SERVICES ANALYST IV

Job Title: Probation Services Analyst IV

Job Code: R43488

Full Time Salary Range: \$7,729.00 - \$10,687.00

Job Series: Probation Services Analyst

FLSA Status: Exempt

OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: Manages specific programs and / or serves as project leader in the Division of Probation Services to develop improved managerial procedures and practices in the Colorado Judicial Department's probation business.

Distinguishing Factors: The Probation Services Analyst IV position is distinguished from other classifications due to the supervisory responsibility for one or more units, two or more programs or projects, and supervision of 5 or more employees. This position receives supervision from a Division Director.

Essential Functions Of the Position: Manages and administers two or more statewide probation programs or projects; supervises at least 5 other analysts.

Identifies areas to implement new policies and procedures; coordinates implementation with various probation departments and other state agencies.

Reviews and evaluates organizational policies, practices, structure, functions, programs, work methods, resources, relationships between various probation departments, and management and program performance; increases efficiency and effectiveness of state probation systems.

Compiles and analyzes information collected; verifies accuracy of information; identifies issues and problems; formulates recommendations that will encourage change within the Division.

Identifies problems within various departments of the state probation system; offers recommendations and implements solutions; compares

estimates and trend projections through the application of mathematical or statistical methods.

Drafts rules, administrative recommendations, and Chief Justice Directives.

Prepares reports, schedules, forms, procedures and directives based upon research and evaluation of issues and problems.

Analyzes proposed legislation, judicial processes, and procedures for possible impact on the probation business.

Prepares budget requests and monitors budgets for more than one unit; monitors grant requests.

Responsible for recruitment and selection of unit employees.

Establishes expectations and provides employee performance feedback on an on-going and annual basis.

Assists subordinates in establishing goals.

Evaluates subordinates' goal achievement through conferences or informal meetings.

Provides recommendations regarding subordinate's employment probationary/trial period.

Provides orientation and on-going training, mentoring and coaching to existing subordinates.

Makes provisions for subordinates to attend outside training.

May provide cross-training and interdepartmental training.

Assigns duties and responsibilities to staff; develops and establishes procedures for operating and maintaining required administrative systems.

Establishes response procedures designed to address internal and external requests for information.

Some positions may prepare grant proposals, monitor grant funds, and prepare grant completion reports.

Attends meetings and training as required.

Performs other duties as assigned.

Supervisor Responsibilities:

Has supervisory accountability for other employees, volunteers, or interns. Plans, directs and coordinates activities for a unit. Duties include scheduling and assigning of work, training in all facets of work, quality control, and decisions impacting the pay, status and tenure of others. Conducts performance appraisals, and provides input into and participates in discipline, dismissal, and hiring processes.

Minimum Education:

Graduation from an accredited college or university with a bachelor's degree and six years of management analysis experience in statistical or economic analysis, office systems, methods and procedures, work measurement, forms design, program planning or other related fields, which must have included one year of supervisory experience. Additional work experience in these or other related fields may be substituted on year for year basis for the required formal education.

OR

Three years as a Probation Services Analyst II or III in the Colorado Judicial Department required.

Physical Demands:

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands and fingers and reach with hands and arms. The employee is occasionally required to stand and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

Work Environment:

The noise level in the work environment is usually quiet. This position is subject to varying and unpredictable situations; may handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously; and may occasionally handle absentee replacement on short notice.

Attachment H

CLASSIFICATION: PUBLIC INFORMATION COORDINATOR

Job Title: Public Information Coordinator

Job Code: R43222

Full Time Salary Range: \$5,693.00 - \$7,876.00

Job Series: Public Information Coordinator

FLSA Status: Exempt

OCC Group: Professional Services (PS)

Signature of the State Court Administrator approval available on file in the Human Resources Division.

General Statement Of Duties: Assists in development and implementation the Colorado Judicial Department's communications, public education and information programs. Primary responsibilities will include content analysis and development, publications, and public education.

Distinguishing Factors: Positions in this classification are distinguished from other classifications by the focus on Colorado Judicial Department communications, public education and information programs. This position reports to the Public Information Manager.

Essential Functions Of the Position: Assists in responding to media inquiries by gathering information and referring the media to appropriate resources.

Works with public information officer to provide workshops and round table discussions for the media about the courts statewide.

Updates, edits, and distributes the "Media Guide to Colorado Courts".

Develops, designs branch publications including annual report narratives, self-help brochures, and executive summaries of reports.

Assists in the development and implementation of statewide public education project initiatives, including coordination of Supreme Court and Court of Appeals "Courts in the Community Program".

Manages logistics with Supreme Court and Court of Appeals regarding requests to visit the court; attends court visits and provides event support to court staff and PIO.

Assists in developing press releases, media alerts and Branch announcements.

Works with PIO to develop and implement strategies for dealing with difficult issues publicly and for garnering positive press attention.

Serves as an advisor for programs and individuals within the Judicial Department on communications matters.

Assists in providing advice to judges in matters related to the media and in media relations training for judges.

Works with PIO and Web Administrator to develop and enhance the Colorado Judicial Branch's internet and intranet websites.

Seeks and secures approvals for internet postings and works with the Webmaster to post information to the internet in a timely manner.

Assists in managing social media outlets for the Colorado Judicial Branch.

Provides staff support to Supreme Court and Court of Appeals committees as appropriate.

Supervisor Responsibilities:

No formal responsibility. Responsible for one's own work product and work within a unit performing similar functions.

Minimum Education:

A bachelor's degree from an accredited college or university in communications, journalism, judicial or public administration or a related field. Master's degree preferred. Minimum three years experience in news media, emphasis on court-related reporting highly desired; experience in education, communications, court management or like field may be substituted. Institutional knowledge of the courts is highly preferred. Working knowledge of web-based communications preferred. Additional related work experience may be substituted on a year for year basis for the required formal education.

Physical Demands:

While performing the duties of this job, the employee is regularly required to talk or hear. The employee frequently is required to use hands and fingers and reach with hands and arms. The employee is occasionally required to stand and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific

vision abilities required by this job include close vision, distance vision, peripheral vision, and ability to adjust focus.

**Work
Environment:**

The noise level in the work environment is usually quiet. This position is subject to varying and unpredictable situations; may handle emergency or crisis situations; is subject to many interruptions; may handle multiple calls and inquiries simultaneously; and may occasionally handle absentee replacement on short notice.



Office of Colorado's Child Protection Ombudsman

Fiscal Year 2022-23 Agency Summary and Budget Request

December 15, 2021

**Stephanie Villafuerte, Colorado Child Protection Ombudsman
Jordan Steffen, Deputy Ombudsman**

How We Serve Colorado Citizens

INDEPENDENT & NEUTRAL PROBLEM SOLVER

The CPO is charged with helping citizens navigate a complex child protection system and educating stakeholders and the community.






DUTIES

- Free and confidential services
- Objectively researches and investigates concerns
- Illuminates issues with the system
- Educates the public, legislators and stakeholders
- Makes recommendations for child protection system improvement

How We Work for Colorado

Colorado's Child Protection Ombudsman was created to ensure the state's complex child protection system consistently provides **high quality services** to every child, family and community in Colorado.

[OUR WORK](#) [FAQS](#)

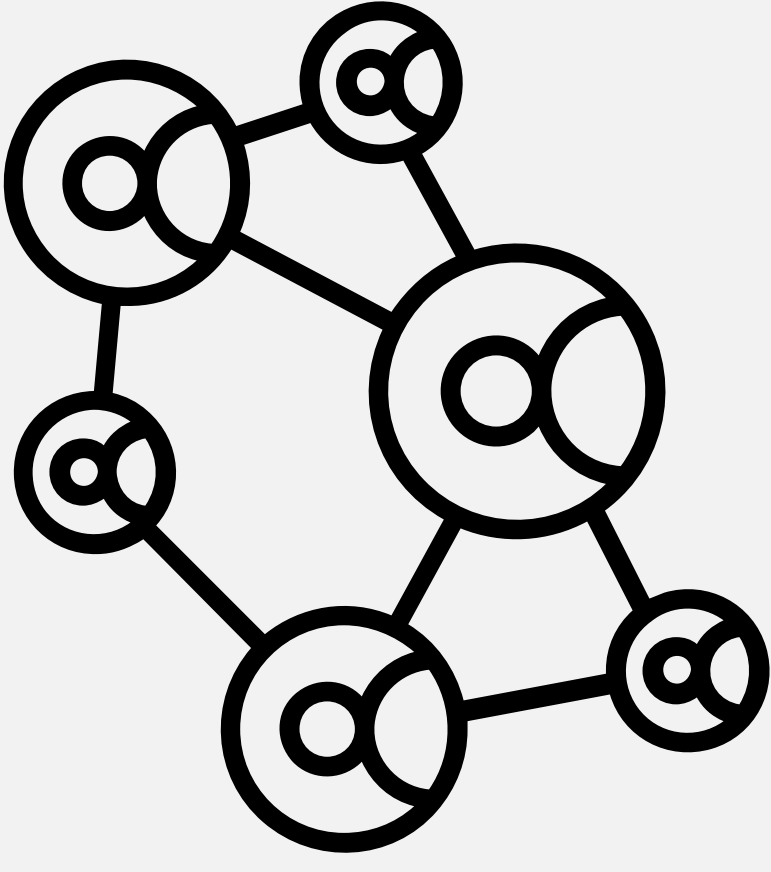
 <h4>Listen</h4> <p>We listen to people about their experience with and concerns about child protection.</p>	 <h4>Investigate</h4> <p>We research and investigate concerns reported by any Coloradan about service delivery within the child protection system.</p>	 <h4>Resolve</h4> <p>We determine the best way to resolve concerns – that might mean bridging communication barriers or resolving conflicts based on misunderstanding.</p>
 <h4>Identify Trends</h4> <p>We identify trends where the community's needs have changed and the system hasn't had the funding, resources or practices to keep up with it. As a result, we make public recommendations for system improvement.</p>	 <h4>Lasting Change</h4> <p>We convene lawmakers, professionals and other stakeholders to advance legislation and policies that have a lasting, positive impact on children and families.</p>	



Educate and Inform

At a minimum, the CPO shall:

- “[H]elp educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe.” *See C.R.S. 19-3.3-103(2)(c)*
- “[R]ecommend to the general assembly, the executive director, and any appropriate agency or entity the statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.” *See C.R.S. 19-3.3-103(2)(e)*



How We Work for Change

- Complaint Resolution
- Issue Briefs
- Committee Engagement
- Program Development
 - Unaccompanied Immigrant Children (HB 21-1313)
 - Critical Incident Reviews (HB 21-1272)
- Public Policy
 - Mandatory Reporting
 - Foster Youth Bill of Rights
- System Review and Monitoring
 - Residential Child Care Facilities
 - Adoption Assistance



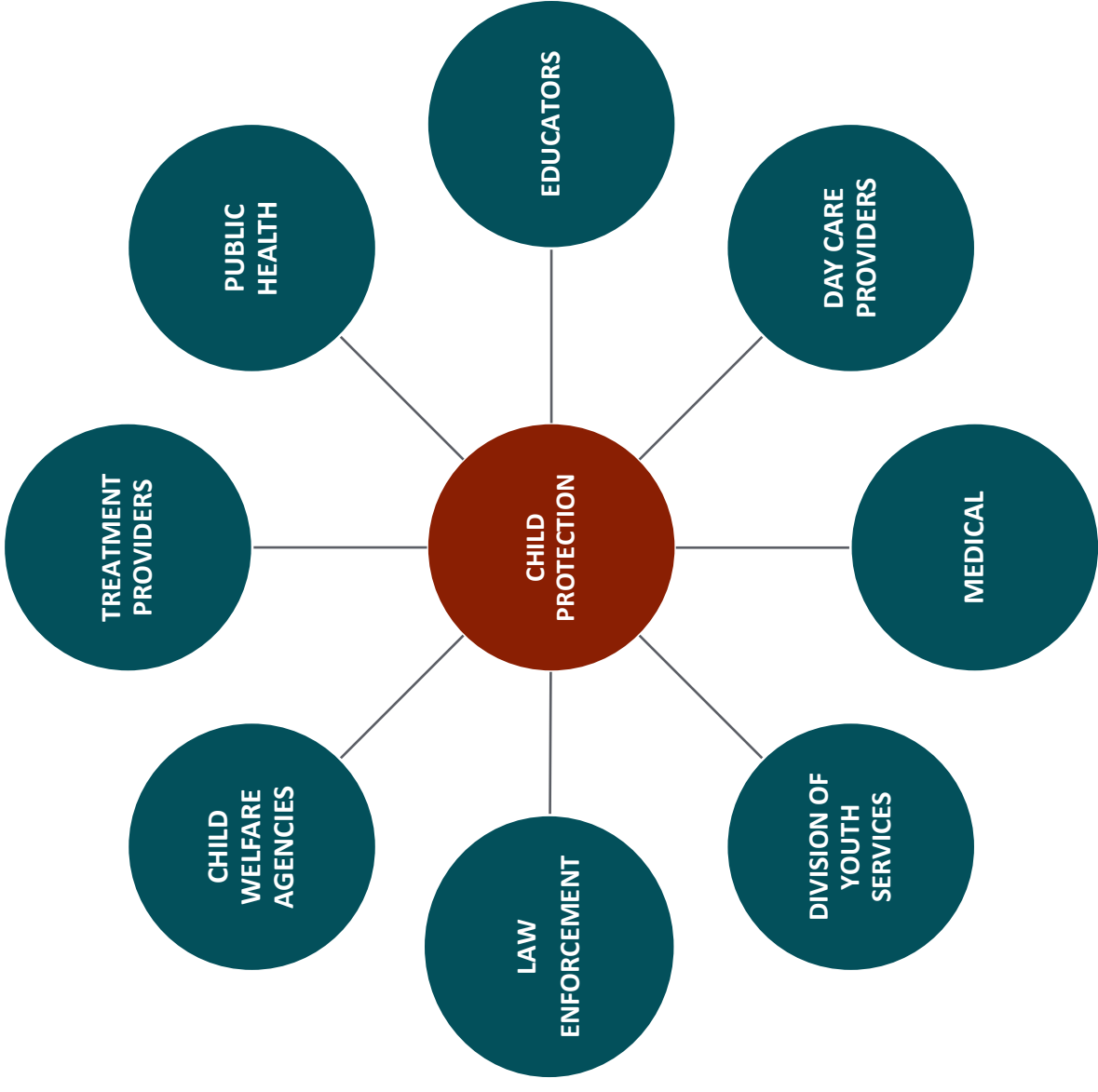
Increasing Caseloads

- The CPO received a record number of calls in Fiscal Year 2021-22, resulting in a total of 852 cases.
- Significant increase in the number of cases involving youth residing at Division of Youth Services' youth centers.
- Growing number of calls concerning state-licensed residential child care facilities.
- Currently, the CPO anticipates opening more than **1,000** cases in FY 2022-23.

CPO CASE HISTORY	TOTAL # OF CASES
Fiscal Year 2020-21	852
Fiscal Year 2019-20	725
Fiscal Year 2018-19	575
Fiscal Year 2017-18	611
Fiscal Year 2016-17	577



The Child Protection System



Complex Cases

Medical provider at a local hospital called about a 3-month-old infant who was being released that day. The infant was admitted with 29 bone fractures and the client was concerned there was no safety plan in place.

The CPO received a complaint that a metro human services agency was not responding to reports of abuse or neglect in an appropriate manner. To thoroughly review this complaint, CPO staff had to review more than 100 child welfare cases.

The agency also received a call concerning a rural human services agency. The client was concerned caseworkers were not seeing families.

Following the closure of a residential child care facility this summer, the CPO was asked to review the circumstances surrounding the closure. Staff reviewed more than 400 pages of licensing records and interviews to determine the historical performance of the facility leading up to its closure.

A mother whose child had been removed and placed in foster care called with concerns that her child was being beaten and intestinally burned in his foster home. No one was responding to her calls.

**Salary Increases
and Position
Classifications for
CPO Staff**

**Office
Infrastructure**

**Part-time Public
Information
Coordinator**

CPO FY 2022-23 Budget Request



Salary Increases and Position Classifications

(Request Items R-01 through R-07)

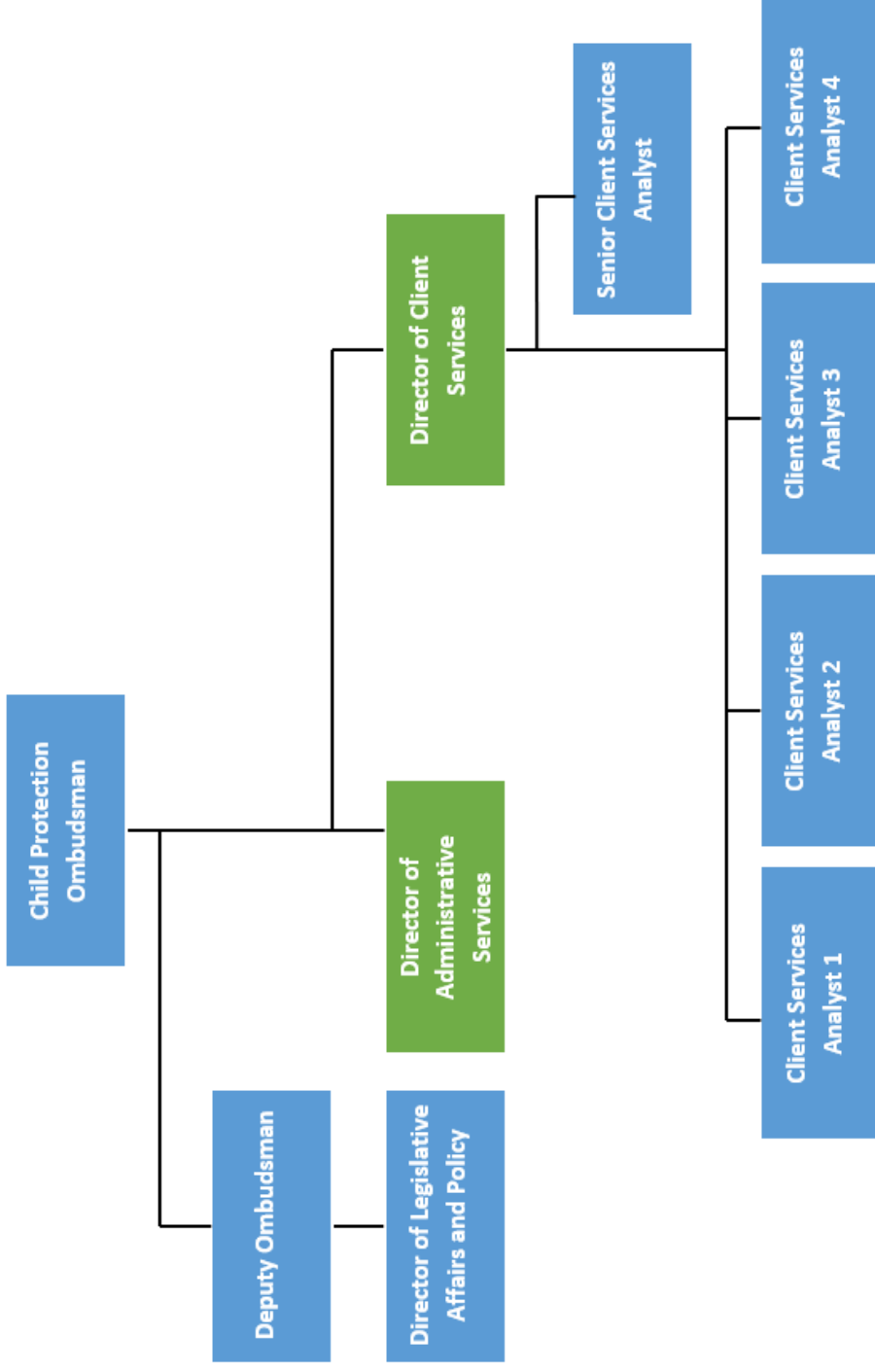
- Classifications and salaries set in 2016, when the CPO had 3 FTE and received approximately 300 calls annually.
- CPO initiated this process in its original FY 2020-21 budget request. The CPO's FY 20-21 request was approved by the JBC.
- Onset of COVID-19 reverted funds approved for salary increases back to the General Fund.
- CPO is initiating similar efforts today to address increased workloads and responsibilities, as well as establish a long-term salary structure the agency.
- CPO worked with the Supreme Court Administrator's Office to identify comparable positions and salary ranges.



CHILD PROTECTION
OMBUDSMAN
of COLORADO

The Office of Colorado's Child Protection Ombudsman

Organization and Chart (Effective September 1, 2021)



R-01 Director of Client Services

Justification:

- To accommodate high caseloads, CPO modified a CSA position to incorporate supervisory and program development responsibilities.
- Responsible for the supervision of five CSAs.
- Currently carries a full caseload, approximately 20 to 25 cases.
- Monitors and develops several program areas, including managing the CPO's DYS caseload and training new staff.

Impact if Not Granted:

- CPO will be unable to sustain a supervisor position that is needed, which could negatively impact quality of services.
- Impact CPO's ability to retain and recruit for the position.

Total Request for R-01

- \$15,114 annually
- Base salary increase of 15.8%
 - \$77,713 → \$90,000

Position Classification and Range:

- Probation Services Analyst III
- \$80,376 – \$95,790 – \$111,204

R-02 Senior Client Services Analyst

Justification:

- Agency growth necessitated additional support for CSAs and the Director of Client Services.
- Provides support in day-to-day operations and allows the Client Services Director time to work on strategic planning.
- Provides writing support for all CSAs.
- Assists with complicated research and program development and monitoring.

Impact if Not Granted:

- CPO's client services program will lack sufficient oversight and consistency, which could negatively impact the quality of service provided to citizens.
- Impact CPO's ability to retain and recruit for the position.

Total Request for R-02

- \$8,002 annually
- Base salary increase of 9.4%
 - \$68,495 → \$75,000

Position Classification and Range:

- Probation Services Analyst II
- \$68,316 – \$81,414 – \$94,512



R-03 Client Services Analysts (3 FTE)

Justification:

- CPO has struggled to recruit and retain individuals for the CSA positions.
- To adequately serve the public, CSA must have 3 to 5 years experience in the child protection field and significant analytical and writing skills.
- CSAs must be knowledgeable regarding child welfare, DYS, behavioral health services and relevant law/regulation.
- At the current salary, the CPO has struggled to find applicants who meet the needs of the position.

Impact if Not Granted:

- CPO will be unable to recruit qualified applicants and will continue to experience high turnover in the CSA positions.
- Such turnover will reduce the quality and efficiency of the services provided to citizens.

Total Request for R-03

- \$14,208 annually (includes 3 FTE)
- Base salary increase of 5.8 % for each CSA
 - \$65,000/66,950 → \$70,000

Position Classification and Range:

- Probation Services Analyst I
- \$61,860 – \$73,740 – \$85,620

R-04 Director of Administrative Services

Justification:

- Responsibilities of 1 FTE have grown significantly since the original salary was set.
- Provides administrative support to 9 FTE, coordinates with building management, provides human resources guidance, manages agency contracts as well as billing and financial matters.
- CPO employs no outside staff to assist with accounting, purchasing, operations and human resource functions – all of which extend beyond the current CPO/Judicial MOU.
- The position has expanded well beyond the duties articulated in the original job classification of Staff Assistant.

Impact if Not Granted:

- CPO's will be unable to support growing core business functions.
- Impact CPO's ability to retain and recruit for the position.

Total Request for R-04

- \$14,194 annually
- Base salary increase of 17%
 - \$68,461 → \$80,000

Position Classification and Range:

- Executive Assistant to the State Court Administrator
- \$68,316 – \$81,414 – \$94,512

R-05 Director of Legislative Affairs and Policy

Justification:

- To ensure the CPO is communicating with legislators year-round regarding issues and recommendations, the CPO created this position in 2020.
- Workload is comparable to that of other, larger state agencies that have multiple positions providing legislative support.
- Responsibilities also include oversight of the CPO's public policy initiatives.
- Position requires advanced research and writing skills, in-depth knowledge of the legislative process and the ability to find and synthesize applicable law and regulation.

Impact if Not Granted:

- Without a base salary increase and reclassification, the position will not remain competitive.
- Impact CPO's ability to retain and recruit for the position.

Total Request for R-05

- \$5,922 annually
- Base salary increase of 6%
 - \$75,186 → \$80,000

Position Classification and Range:

- Legislative Liaison
- \$84,780 – \$101,040 – \$117,300

R-06 Deputy Ombudsman

Justification:

- Significant growth in agency programing and services. Position oversees all internal operations to ensure they are efficient and impactful in meeting the agency's statutory duties.
- Coordinates and manages six general areas of operation: (1) Public policy initiatives; (2) Supports to CSAs; (3) External and internal communications; (4) Administration of the CPO advisory board; (5) monitoring monthly spending; and (6) providing human resources support.
- Position must ensure all six areas of operate in tandem, instead of separately, and must keep staff and the Child Protection Ombudsman informed of updates.

Impact if Not Granted:

- Responsibilities will continue to parallel agency growth. Without a base salary increase the position will not remain competitive.
- Impact CPO's ability to retain and recruit for the position.

Total Request for R-06

- \$9,006 annually
- Base salary increase of 7%
 - \$104,583 → \$111,904

Position Classification and Range:

- Probation Services Analyst IV
- \$92,748 – \$110,496 – \$128,244



R-07 Child Protection Ombudsman

Justification:

- Since the creation of the independent office in 2016, the salary of the Child Protection Ombudsman has not received a base increase.
- Since 2016, the agency has grown by 7 FTE, caseloads have nearly tripled and the agency is producing consistent reports and briefings regarding the child protection system.
- Role has expanded significantly and requires the position to develop the agency's strategic plans, provide fiscal oversight, develop the advisory board, provide legal oversight of the agency, oversee management and the line team and promote the agency statewide.

Impact if Not Granted:

- Responsibilities have become far more complex and without a salary increase the position will be unfairly compensate and will fail to be competitive with other executive director positions.

Total Request for R-07

- \$11,669 annually
- Base salary increase of 7%
 - \$135,524 → \$145,002

Position Classification and Range:

- Range provide by the SCAO following a review of the duties and role.
- \$120,996 – \$140,143 – \$159,320

Part-time (.5 FTE) Public Informator Coordinator (Request Item R-08)

- CPO has a statutory mandate to promote the services of the agency, inform citizens of what the agency is learning and promote findings and recommendations for improvement.
- In previous years, the CPO has contracted with a local communications firm to assist with its education and outreach needs, including:
 - Management of social media accounts
 - Development of agency newsletters
 - Distribution of agency materials.
- Today, the CPO recognizes that an in-house individual would more effectively help the CPO meet its communication requirements, while also providing some cost savings.



R-08 Public Information Coordinator

Justification:

- Growing number of cases have resulted in the publication of more briefs and reports.
- During the past 18 months, the CPO has started producing regular briefs and other publications detailing its work.
- The production of these materials – separate from research and drafting – may take as many as 20 hours per project to complete. This work includes formatting and finalizing the documents, developing website chatter, developing media campaigns and updating the website.
- Currently, most of these duties are handled by the Deputy Ombudsman and Director of Legislative Affairs and Policy.

Impact if Not Granted:

- Without the requested .5 FTE, the release of information may be slowed, and delays may occur in other departments.

Total Request for R-08

- \$60,421 annually
- .5 FTE

Position Classification and Range:

- Public Information Coordinator.
- \$68,316 – \$81,414 – \$94,512

Office Infrastructure

(Request Item R-09)

- CPO is located at the Ralph Carr Judicial Center
- Currently, there is not enough space in the CPO's office to provide each employee an appropriate workspace.
- CPO employs 10 FTE.
- Office space currently accommodates 9 FTE.

R-09 Office Infrastructure

Justification:

- No additional room in the office to build additional offices.
- Reviewed several buildout and expansion options.
- The most cost-effective option is to purchase four “benching workstations” to place in the center of the CPO’s office space.
- Building benching workstations is a convenient and affordable way to maximize available space and develop appropriate workspaces for an additional 3 FTE.

Impact if Not Granted:

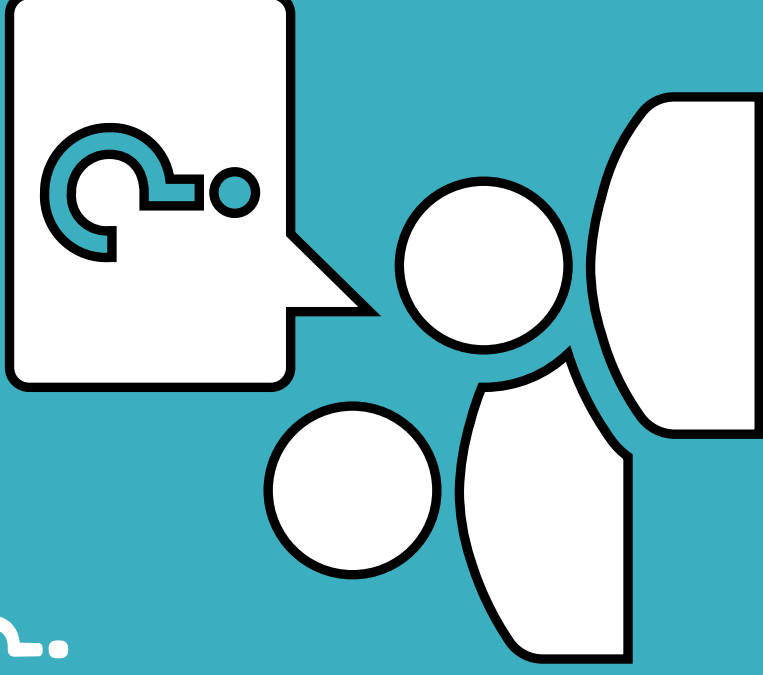
- There is not enough space to house all CPO employees. Without adequate workspaces, the CPO will not be able to hold needed trainings or meetings with the entire staff.
- A lack of workspace is likely to cause frustration and low morale among staff.

Total Request for R-09

- \$9,300 one-time cost



QUESTIONS?



JUDICIAL DEPARTMENT – INDEPENDENT ETHICS COMMISSION
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

The Independent Ethics Commission (“IEC”) has implemented three significant changes in response to the pandemic: (1) staff works nearly entirely outside the office; (2) IEC hearings and meetings are held by online WebEx conferencing; and (3) the IEC has postponed technology expenses related to keeping computer hardware current. Because office space—one office plus storage—continues to be maintained at the Ralph Carr Judicial Center, there are no savings related to working from home. There are no significant savings related to vehicles because, when vehicular travel has been necessary, only personal vehicles have been used with appropriate reimbursement. Online meetings save approximately \$1,800.00/yr. over in-person meeting expenses. Postponing technology expenses has delayed the expenditure of approximately \$8,000.00.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

The IEC has not received, nor does it expect to receive, any federal stimulus funds.

NOTE: Additional detail has been requested in a separate written-only response.

GENERAL QUESTIONS

- 3 *[Sen. Moreno]* We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

The IEC is a small commission, both in terms of budget and staffing. It is currently allocated only one FTE and, if its decision item request is approved, it will be allocated only 1.5 FTE. In an environment where the IEC could be competing for employees with much larger state agencies, the IEC would not want to be at a competitive disadvantage. On the one hand, providing the same compensation and benefits to all state employees would theoretically put the IEC on the same competitive level with much larger state agencies. On the other hand, however, providing the same compensation and benefits could conceivably come with certain mandatory restrictions that limit the IEC's hiring flexibility and place the IEC in a competitive disadvantage. Without knowing more about how such a plan would be implemented, it is too early to take a position on this question.

- 4 *[Sen. Rankin]* Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

The IEC's IT systems and services are provided under an MOU with the Judicial Department. Pursuant to the MOU, the Judicial Department's IT staff provides desktop, laptop, mobile device, internet, and software support under specific conditions. The IEC pays for its own devices. The IEC develops and maintains its own website. There is no overlap with IT systems and services from other Judicial agencies. Over the last three fiscal years (FYs 19, 20, and 21), the Judicial Department has assessed the IEC less than \$40.00 annually for IT maintenance and repair. During that same time, the IEC has made no expenditures for new computer hardware.

- 5 *[Sen. Moreno]* Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

The complexity of the IEC's cases has not changed significantly over time. The IEC was created in 2006 by Amendment 41 to the Colorado Constitution, which is now codified at Article XXIX. The constitutional amendment has not changed since its adoption. The statutory provisions covering ethics in government have also not changed significantly in many years. Certainly, each complaint received by the IEC presents facts distinctive to that complaint; some complaints are more complex than others. But, on the whole, the overall complexities have not changed.

What has changed for the IEC is the increasing number of complaints received annually. This dynamic is detailed in the IEC's Strategic Plan and Budget Request, as well as the IEC's submitted Decision Item Request.

REQUESTS

6 *[Staff]* Please discuss the Commission's request item.

The IEC is requesting the allocation of an additional 0.5 FTE. The purpose of this request, as more specifically explained in the IEC's decision item request, is to: manage an increasing ethics complaint caseload; improve the quality and comprehensiveness of complaint investigations; provide investigative resources for the IEC's advisory opinion and letter ruling functions; qualitatively and quantitatively improve the IEC's outreach and training programs, with a goal of ultimately reducing the number of complaints filed; provide adequate staff coverage for an independent constitutional commission that currently has only one allocated FTE (as opposed to the situation in other states); and ensure the prompt completion of the IEC's daily workload.

The IEC anticipates that, if the request for an additional 0.5 FTE is not approved, the IEC will continue to encounter heavy complaint workloads that will adversely affect the quality of investigations, the time to adjudicate complaint cases, and the ability of the IEC to timely process advisory opinions, letter rulings, and other work. Moreover, without additional resources to increase the IEC's outreach and training capacity, the volume of complaints is anticipated to increase without the mitigation that outreach and training would otherwise provide.

JUDICIAL DEPARTMENT – INDEPENDENT ETHICS COMMISSION
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

There is no legislation with a fiscal impact that the Independent Ethics Commission (“IEC”) has not implemented, partially implemented, or for which the IEC has missed statutory deadlines.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor’s "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department’s budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

The IEC has no high priority outstanding recommendations with a fiscal impact identified in audit recommendations.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Although the Independent Ethics Commission conducts outreach and training, these efforts are almost exclusively aimed at covered individuals within state or local government, not at members of the public, as such. Therefore, the Commission spends no money on public awareness campaigns of the type that are contemplated by this question (*i.e.*, broadcast media).

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The IEC did not promulgate any rules in FY 2020-21.

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

The IEC's major cost drivers are salaries and benefits. Price inflation has not been a major factor affecting the IEC. During the COVID pandemic, the IEC experienced cost savings related primarily to the hosting of remote monthly meetings. The IEC has not encountered any supply chain interruptions.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

As explained at length in the IEC's decision item request, the IEC's running average caseload has been on an upward trend since 2008. The IEC's budget has not kept pace with this increase. Population changes, demographic changes, or service needs may have little to do with the increase. Rather, the increase is more likely due to the IEC's public visibility after processing recent high-profile complaints and the polarization in the national political environment.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

Not applicable. The IEC has only one employee; no new positions have been created.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;

Because the IEC has only one employee, existing staff is already trained to fulfill all the roles and duties required of IEC staff.

b. Specify why additional FTE are necessary; and

From 2015 through June 2021, the IEC has consistently seen a greater number of complaints filed than its annual average. In 2020, the IEC received three times its annual average complaint volume. The IEC's running average for complaint volume has been on an upward trend since 2008, hitting an all-time high in 2020. The IEC expects to see complaint volume continue to increase, causing delays and possible cost increases for complainants and respondents. With only one FTE currently available to handle the IEC's workload, the increase in complaint volume will also adversely affect the timeliness of other IEC work, such as advisory opinions, letter rulings, outreach, and training.

In addition to the growing number of complaints, the IEC's one staff member has no other staff coverage available in the event of annual or sick leave absences. That same staff member has forgone taking the full measure of accrued leave to ensure the public has access to the IEC without significant gaps in office coverage. The inability to timely respond to open records requests represents one example of how even a modest absence by the IEC's one staff member adversely affects both the IEC and the public.

Lastly, without additional FTE resources, the increasing complaint workload will also aggravate the ability of the IEC to run its ethics outreach and training program. With additional FTE resources, a fully developed, active, and effective outreach and training program is expected to have the added benefit of stemming the growth in the number of ethics complaints.

c. Describe the evaluation process you used to determine the number of FTE requested.

The IEC is requesting 0.5 FTE. The analysis to determine this number included a review of:

- The additional time required for an increasing caseload of complaint investigations, as represented by the difference between the current and proposed time requirements for:
 - the estimated hours to complete preliminary and full complaint investigations; and
 - the estimated hours necessary to improve the quality and comprehensiveness of complaint investigations.
- The additional time required to improve the quality and comprehensiveness of investigations for advisory opinions and letter rulings.
- An annual investment in investigative training.
- The additional annual investment in outreach to and, ultimately, annual training sessions conducted for various municipal, county, and state governments, as well as professional or governmental associations.
- Staff coverage for unused accrued leave and other office absences.

In addition, the IEC compared Colorado's allocation of FTE resources to the FTE resources available in other states' ethics boards and commissions. The IEC believes that, when compared to other states, the IEC's request for an additional 0.5 FTE is relatively modest and narrowly tailored to accomplishing specific goals.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

Not applicable. The IEC has no cash funds. It is entirely funded through the general fund.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

Not applicable. The IEC has only one FTE, with no vacancy savings.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.

The IEC is funded through the general fund only. It has no non-tax revenue sources.

- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

Not applicable.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

The decision item request submitted by the IEC will not increase revenues.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

Not applicable. The IEC has not received, nor does it expect to receive, and federal stimulus funds.

NOTE: A template for providing data for this question will be provided by the JBC Staff.

INDEPENDENT ETHICS COMMISSION

JOINT BUDGET COMMITTEE HEARING DECEMBER 15, 2021

Elizabeth Espinosa
Krupa
Chair

Dino Ioannides
Executive Director

BACKGROUND

- **Creation of the Independent Ethics Commission (“IEC”):**
 - Amendment 41 was a voter-initiated constitutional amendment, passing with more than 62% of the vote. The amendment became effective on December 31, 2006, and is now codified as Article XXIX of the Colorado Constitution.

BACKGROUND

- **The IEC Enforces the Provisions of Article XXIX, Including:**
 - **The Various Gift Bans**
 - **Revolving Door Prohibitions**
 - **Other Standards of Conduct and Reporting Requirements**
(such as the statutory code of ethics in Article 18 of Title 24, C.R.S.)
- **The IEC Provides Formal Ethics Advice:**
 - **Advisory Opinions and Letter Rulings**
- **The IEC Publishes Position Statements:**
 - **General Ethics Guidance to Covered Individuals**
- **The IEC Adjudicates Ethics Complaints**

BACKGROUND

- **Commissioners**
 - Five Commissioners
 - Diverse Appointment Process
 - Diverse Political Affiliation
 - Four Year Terms
- **Staff**
 - Executive Director

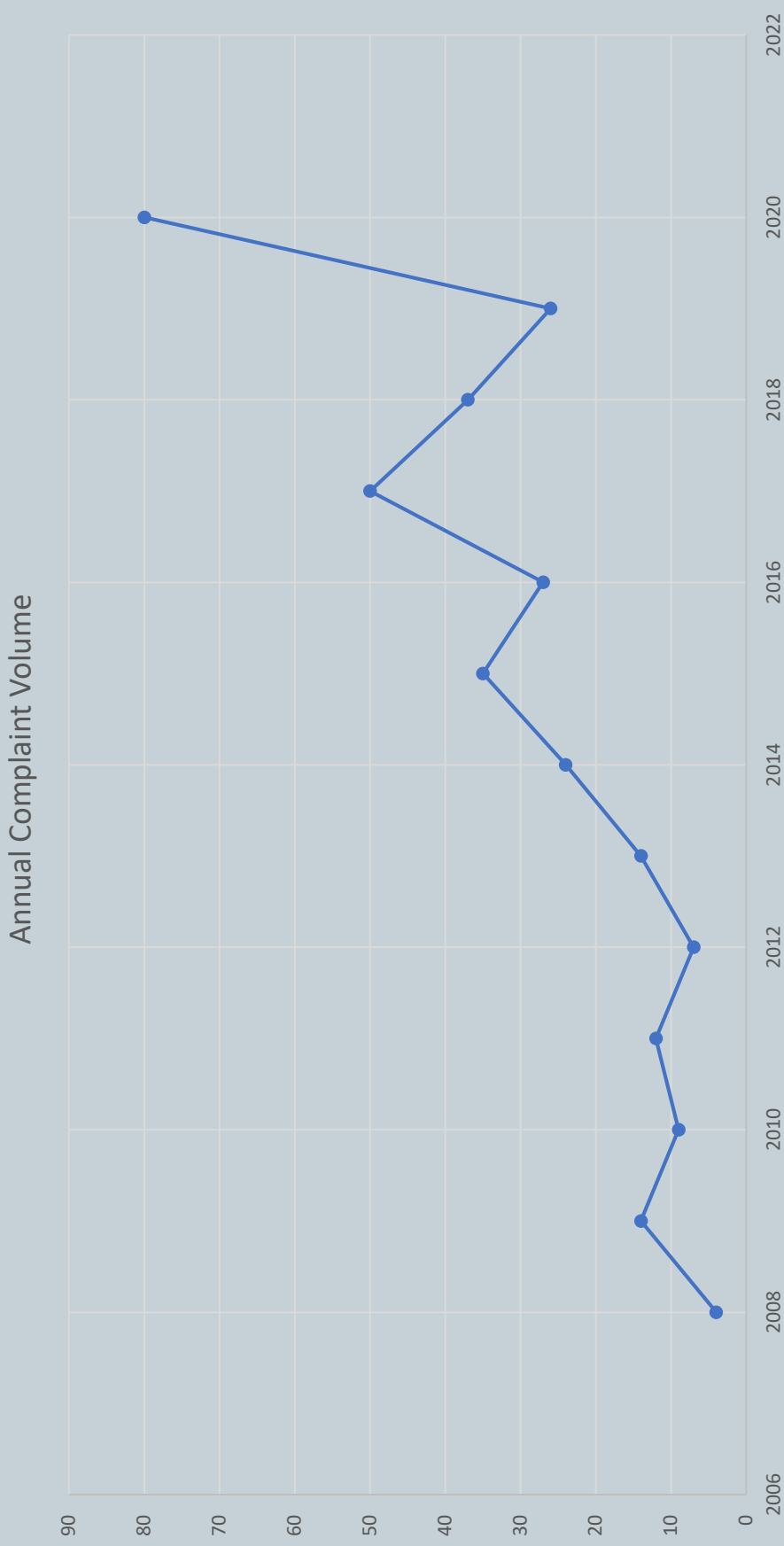
BACKGROUND

- **Jurisdiction: Covered Individuals**
 - Members of the General Assembly
 - Government Employees
 - Public Officers
 - Local Government Officials
 - (Lobbyists—Limited)

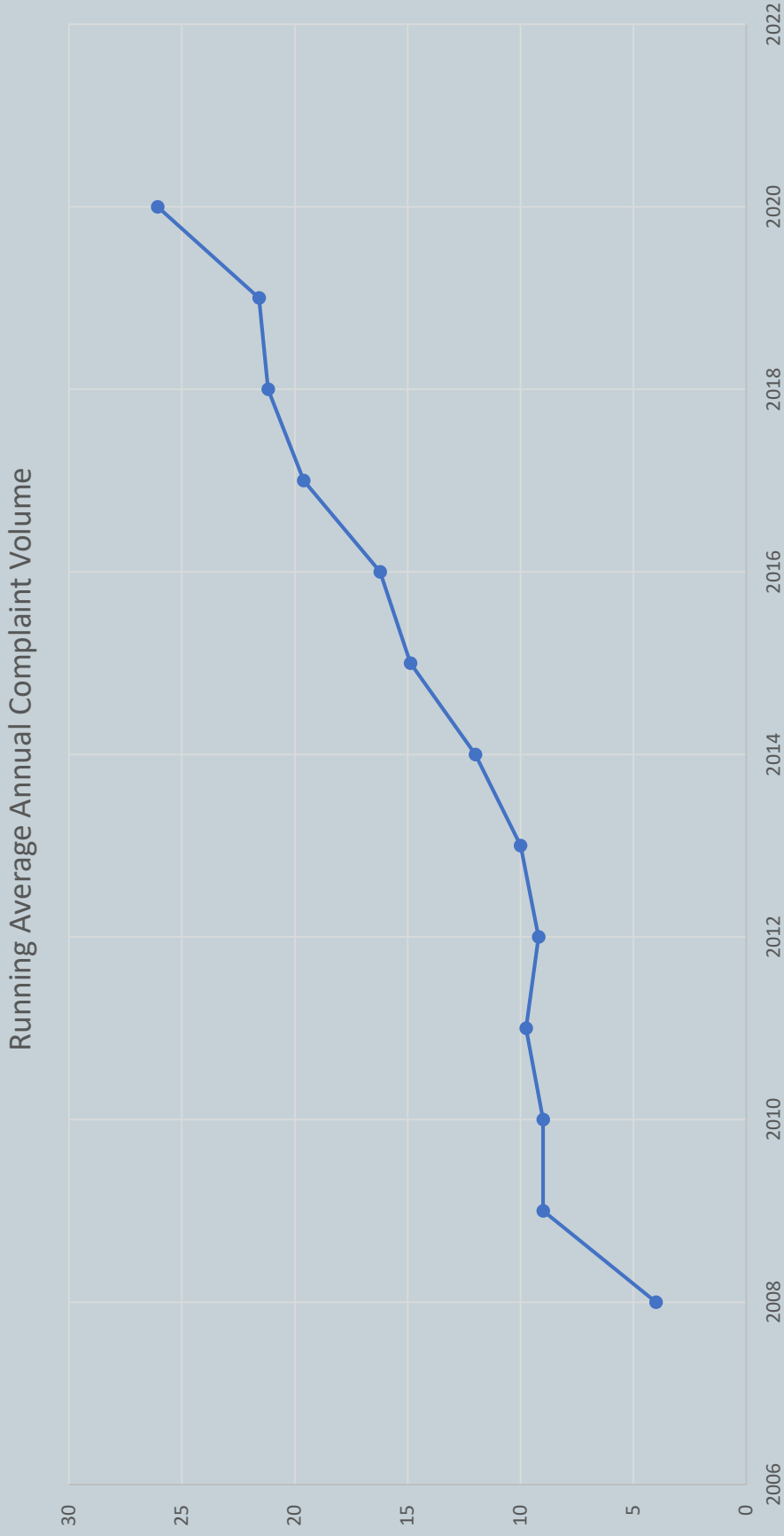
DECISION ITEM REQUEST AND JBC DISCUSSION QUESTIONS

- IEC Decision Item Request
- JBC Common Questions
- JBC General Questions
- JBC Requests

ANNUAL COMPLAINT VOLUME



RUNNING AVERAGE ANNUAL COMPLAINT VOLUME



PURPOSE OF DECISION ITEM REQUEST

- Requesting Additional 0.5 FTE.
- Manage Increasing Complaint Caseload
- Improve the Quality and Comprehensiveness of Complaint Investigations
- Provide Investigative Resources for the IEC's Advisory Opinion and Letter Ruling Functions
- Improve the IEC's Outreach and Training Programs to Reduce the Number of Complaints Filed
- Provide Adequate Staff Coverage (see Decision Item Request, Table of States' Ethics Boards and Commissions)
- Ensure the Prompt Completion of the IEC's Daily Workload.

JUDICIAL DEPARTMENT – OFFICE OF PUBLIC GUARDIANSHIP
FY 2022-23 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 15, 2021
1:30 pm – 5:00 pm

COMMON QUESTIONS FOR DISCUSSION AT DEPARTMENT HEARINGS

- 1 Please provide an update on how remote work policies implemented in response to the COVID-19 pandemic have changed the Department's long-term planning for vehicle and leased space needs. Please describe any challenges or efficiencies the Department has realized, as well as to what extent the Department expects remote work to continue.

As the Colorado Office of Public Guardianship (OPG) is a newly established agency it was set up as a remote office. Therefore, the office has not seen a change in its need for leased space or leased vehicles. Should the office expand, remote work will continue, but consideration will be given to leasing space and vehicles.

- 2 Please describe the most significant one-time federal funds from stimulus bills (e.g., CARES Act and ARPA) and other major new federal legislation (e.g., Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. For amounts in new federal legislation that have not yet been distributed, please discuss how much flexibility the State is expected to have in use of the funds.

Not applicable

NOTE: Additional detail has been requested in a separate written-only response.

GENERAL QUESTIONS

[Sen. Moreno] Comment on the increasing complexities of your agency's cases, and the related impacts on your agency's resource needs.

Given the nature of the OPG clientele, the caseload is complex. As outlined in the Interim Report provided in the materials, our clients are incapacitated with complex diagnoses. In speaking with various stakeholders, a trend is that younger adults are being diagnosed with serious mental illnesses, which could result in more individuals needing guardians at a younger age. Individuals with serious mental illness are lacking community services and placements. In fact, the OPG was able to partner with the Office of Behavioral Health (OBH) to receive direct funding from OBH to fund a Public Guardian to serve clients transitioning from the Colorado Mental Health Institutes at Ft. Logan and Pueblo to the community. Due to the complexity and intensiveness of this caseload, we need one Public Guardian dedicated to this clientele.

[Sen. Moreno] We have a budget request related to the Colorado WINS Partnership Agreement with the State that is proposing compensation and benefit changes other than salary increases (e.g., tuition reimbursement). As an independent agency, what is your perspective on the provision of the same

compensation and benefits for all state employees, regardless of whether they are included within collective bargaining agreements?

My expectation is that OPG employees can have the same opportunities and benefits as that of all of state employees.

[Sen. Rankin] Describe how your agency's IT systems and services are provided. Is there overlap with IT systems and services from other Judicial agencies? Does your agency receive assistance from the Courts for IT systems and services? Generally, what is the annual, total cost and staff required for the provision of IT systems and services for your agency?

The OPG maintains its own IT systems and services through independent contractors. The OPG does not receive assistance from the Courts.

Annual cost of \$62,661,83 includes IT systems, case management system hosting, maintenance, updates, hardware, and software for 7 staff, and website maintenance. IT needs and expenses are expected to increase as the office expands.

One FTE Staff Assistant primarily serves as the point of contact for IT issues and IT training for staff.

[Rep. McCluskie] Provide an overview about specific positions that have been extraordinarily hard to fill.

Not applicable

REQUESTS

[Staff] Please discuss the Office's request item.

Given the success of the Denver Pilot Program and having adequate cash funds, OPG would now like to expand the program to the 7th and 16th Judicial Districts as envisioned by the original legislation. Expanding services to these two districts will also enable the Office to gather data from a more diverse client population and thereby augment and enrich the information collected for the program evaluation required by Section 13-94-105(4), C.R.S., which is due to the General Assembly in January 2023.

Please the following Interim Report that highlights the successes of the OPG Pilot Program. Included with the Interim Report is Attachment 1 with some preliminary findings of an August 2021 statewide survey to assess Colorado's unmet need for public guardianship services.

In total, the OPG has served 84 clients in its first 18 months of operation. Thirty-three referrals are in a pending status. The OPG has handled at least 35 general inquiries about services, guardianship procedures, and interstate guardianship requests.

An additional 103 referrals have been denied or withdrawn for various reasons related to eligibility. El Paso County (4th Judicial District) is the most referred residence outside of the 2nd Judicial District. In fact, results from a statewide survey of unmet guardianship needs in August 2021 reveals an ongoing high demand for services. The 2022 – 2023 OPG Budget Request and Expansion allows the Office to meet the original statutory intent of serving the 2nd, 7th and 16th Judicial Districts and will allow for pilot data that reflects the needs of non-metro and rural areas of the state.

The primary stakeholder feedback we receive is when will the OPG be able to serve residents of other counties.

To make this expansion possible, the Office is requesting 4.0 FTE including a deputy director who will assist the executive director in fulfilling all statutory requirements and supervise program expansion into the two additional districts. The remaining three positions are for additional guardian FTE.

The additional FTE will also allow the OPG to create a Pilot Guardianship Academy. This collaborative program will educate volunteers in several key areas including guardianship standards, best practices, least restrictive options, advance planning, successor guardianship planning, and supported decision-making options. A central goal of the Guardianship Academy is to establish a cadre of volunteer guardians/powers of attorney/representative payees/supports to serve as additional community-based resources for indigent and incapacitated adults.

The Office of Public Guardianship Cash Fund, which is created by Section 13-94-108, C.R.S., had a balance of \$1,269,229 at the end of Fiscal Year 2021. Fiscal Year 2021 revenues were \$1.17 million while expenses were about \$700,000. As such, the Office is confident the cash fund can support the additional expenses associated with this request in Fiscal Year 2023 and thereafter.

Colorado Office of Public Guardianship Interim Report December 2021

Mission Statement

The Mission of the Colorado Office of Public Guardianship (OPG) is to provide guardianship services for indigent and incapacitated adults, within the targeted judicial district, when other guardianship possibilities are exhausted. If Colorado adults lack willing and appropriate family or friends, resources to compensate a private guardian, and access to public service organizations that offer guardianship, the Colorado OPG Pilot Program provides guardianship services to secure the health and safety of these individuals while safeguarding their individual rights and preserving their independence wherever possible.

Executive Summary

Although HB17-1087, the original OPG pilot project statute, was signed into law in 2017, funding was not secured until an amendment in 2019, which limited the pilot project to the 2nd Judicial District/Denver County. The Executive Director was hired effective November of 2019 and the basic infrastructure for the Office, including initial staff hires was completed in less than six months. Despite the barriers presented by the COVID-19 pandemic, the OPG began accepting referrals in April of 2020 and was serving a caseload of 20 clients by the end of the year. As of the end of November 2021, the caseload has grown to 73 clients and expanded services with the addition of a public guardian, funded by and dedicated to the Office of Behavioral Health, to serve transitioning clients in the Momentum program. In total, the OPG has served 84 clients in its first 18 months of operation. Thirty-three referrals are in a pending status. The OPG has handled at least 35 general inquiries about services, guardianship procedures, and interstate guardianship requests.

An additional 103 referrals have been denied or withdrawn for various reasons related to eligibility. El Paso County (4th Judicial District) is the most referred residence outside of the 2nd Judicial District. In fact, results from a statewide survey of unmet guardianship needs in August 2021 reveals an ongoing high demand for services. The 2022 – 2023 OPG Budget Request and Expansion allows the Office to meet the original statutory intent of serving the 2nd, 7th and 16th Judicial Districts and will allow for pilot data that reflects the needs of non-metro and rural areas of the state.

2020

- January 2020: 1 Staff Assistant and 4 Public Guardians were hired
- April 2020: Began accepting referrals
 - Case Management System
 - Website and on-line referral system
 - Contracted with Colorado Fund for People with Disabilities to provide SSA Representative Payee and Veterans Benefits Administration Fiduciary services to OPG clients
- August 2020: First guardianship appointment
- Challenges in offering services
 - March 2020: COVID 19 Pandemic declared

- Supreme Court and Denver Probate Court Administrative Orders limiting Denver Probate court only hearing emergency guardianship petitions
- Facilities not accepting new patients due to the COVID-19 pandemic
- Hospitals not seeking guardianships due to COVID-19 pandemic delays
- Referring parties’ need for legal counsel to file petitions
- Referring parties’ expense of legal counsel to file petitions

Despite these challenges, by December 2020, the OPG was appointed guardian for 20 clients. Populations served:

Dementia related diagnoses	Intellectual/Developmental disability	Cognitive/Traumatic Brain Injury or Neurological disorder	Severe Mental Health Illness (schizophrenia and/or bipolar diagnosis)
5	3	10	2

2021

- Denver Probate Court and Chief Justice Order to create **OPG Statement of Indigency** to waive court costs and filing fees
- Ability to **contract with attorneys and legal agencies** to file petitions to nominate the OPG as guardian
- OPG provided **Letter of Support** to assist Colorado Fund for People with Disabilities to receive NextFifty Initiative grant to provide free SSA Representative Payee services to OPG clients age 50 and older
- Seeking statewide Stakeholder Advisory Panel applications
- July 2021: **Office of Behavioral Health (OBH) funding** for **1 additional Public Guardian** to serve Momentum clients transitioning from CMHI - Ft. Logan and CMHI – Pueblo to the community
- August 2021: Statewide Survey to assess **Colorado’s unmet need to public guardianship services** - see Attachment 1.

OPG Caseload as of November 1, 2021

- a. OPG capacity is 80 clients. The OPG is appointed guardian for **73 clients** with 6 referrals pending in court proceedings
- b. OBH Public Guardian capacity is for 10 clients; 5 referrals pending

73 clients: Male 45: Female 28

8 Veterans

Dementia related diagnoses	Intellectual/Developmental disability	Cognitive/Traumatic Brain Injury or Neurological disorder	Severe Mental Health Illness (schizophrenia and/or bipolar diagnosis)
24	9	22	18

Ages served: 21 – 30	30-45	45-60	60-75	75-90
5	5	24	25	14

Indigency: Social Security Administration benefits (SSI, Survivors, and SSDI) are the primary income source for clients.

Some clients had no income.

1 client receives Veteran Affairs Benefits and only 2 clients receive a monthly pension from previous employment.

Initial Number of **Homeless** Clients: 47

2022 – 2023 OPG Budget Request and Expansion

- The request meets the original statutory intent of serving the **2nd Judicial District** and
 - **1 Public Guardian: 7th Judicial District** Counties: Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel
 - **1 Public Guardian: 16th Judicial District** Counties: Bent, Crowley, Otero
 - **1 Deputy Director:** Assist the Executive Director with expansion, supervision, Director Report data collection

Attachment 1 - Statewide Survey to Assess Colorado’s Unmet Need for Public Guardianship Services

An online survey was generated with the assistance of a graduate research assistant from the University of Colorado. The survey was published via email and on the OPG website to various stakeholders across the state in August 2021 – September 2021. Stakeholders included direct service providers and their administrators, such as the Department of Health and Human Services – Adult Protective Services, the Department of Corrections, private guardians, guardian agencies, hospitals, departments of public safety, etc. A total of 342 surveys were emailed, 338 individuals started the survey, and 254 individuals ultimately provided data. Survey results represented ALL judicial districts.

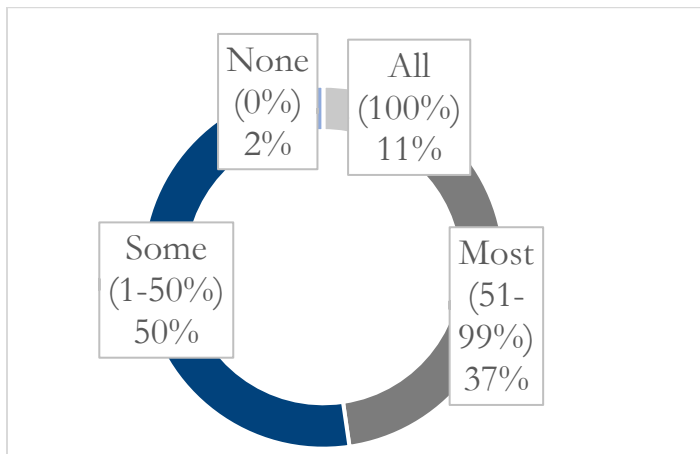
The next is completing statewide interviews of various stakeholders to highlight the challenges faced in areas where the OPG is unavailable and to highlight the positive impact of OPG services.

Preliminary Findings

Primary Obstacles in Establishing Guardianships

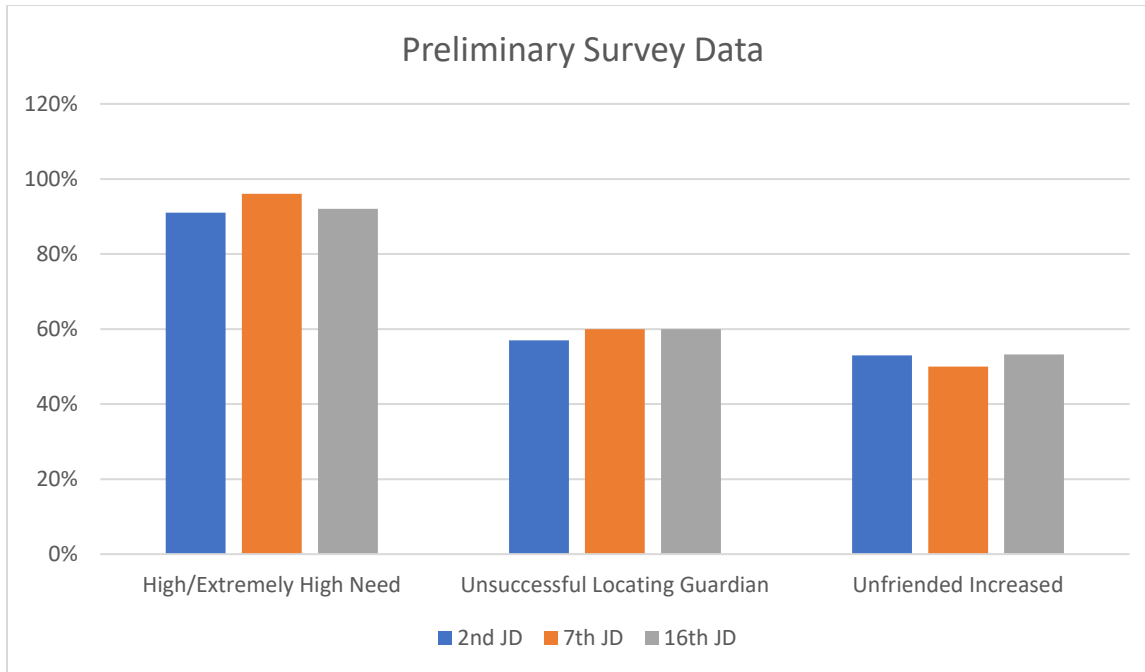
- Lack of available family and friends to serve as guardians
- Lack of available guardians/services

98% of direct service providers indicated that at least **SOME** (50%) of their clients would benefit from guardianship services



Of those who lack decisional capacity how many would benefit from guardianship services?
(Direct Service, n=130)

88% of all participants indicated there was a **HIGH** or **EXTREMELY HIGH** need for Public Guardianship services in their community



On average, **93%** of participants indicated there was a *HIGH* or *EXTREMELY HIGH* need for Public Guardianship services in the 2nd, 7th and 16th Judicial Districts

On average, **59%** of participants indicated they were unsuccessful in locating a guardian in their service area within the 2nd, 7th and 16th Judicial Districts

On average, **52%** of participants indicated that the population of clients without available friends or family to serve as guardian increased in their service area within the 2nd, 7th and 16th Judicial Districts

WRITTEN ONLY RESPONSES - Office of the State Public Defender (OSPD)

- 1. Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

The Office of the State Public Defender (OSPD) has implemented legislation in accordance with statutory timeframes.

- 2. Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.**
 - a. The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.**

OSPD does not have any outstanding audit recommendations.

- 3. Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?**

OSPD does not spend any money of public awareness campaigns

- 4. Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.**

OSPD does not promulgate rules.

- 5. What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.**

The OSPD is a service-oriented agency with approximately 85 percent of our budget devoted to personal services. Accordingly, any changes within our personal services

appropriations will have a tremendous effect on our overall appropriation. The largest part of the Office's increase in our FY 2022-23 budget request over the prior year is primarily due to our information technology request. IT costs are typically a greater percent higher than general CPI percent change.

6. How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

The impact of the COVID-19 pandemic was both immediate and significant. Court closures have led to outstanding caseloads that will continue to rise and will have a direct effect on our workload and ultimately our budget in the coming years. Adapting to a virtual world for both our offices and clients has been challenging. Communication with clients, witnesses, and district attorneys, delays in in the courts, and helping people through the application process has proven difficult.

Another factor that impacts our services is economic. During economic downturns, more people qualify for our services which increases our budgetary needs.

7. In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item. For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

The OSPD has not changed the roles or duties of existing FTE and have not created any positions that were not the result of legislation or a decision item.

8. Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

OSPD does not have any impacts from these cash fund transfers.

9. Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

The OSPD has utilized any vacancy savings for necessary personnel overtime costs if applicable, leave payouts, or hired temporary personnel. The FY2020-21 vacancy rate was

3.5%. As of the first four months of FY 2021-22, the vacancy rate has dropped to 2.5 percent.

10. State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.**
- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.**
- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.**
- d. NOTE: An example template for providing data for this question will be provided by the JBC Staff.**

A. OSPD does not have any cash funds that exceed \$100,000 annually.

B. Cash fees collected in FY2020-21 = \$0. Projected fee collections in FY2021-22 and FY2022-23 = \$14,000.

C. No decision item submitted will increase revenue to the state.

11. Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive. NOTE: A template for providing data for this question will be provided by the JBC Staff.

OSPD has not received any federal stimulus funding.

JUDICIAL DEPARTMENT –
OFFICE OF THE ALTERNATE DEFENSE COUNSEL
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The OADC does not have any outstanding legislation to be implemented.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

The OADC has no outstanding recommendations identified in the Annual Report of Audit Recommendations.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The OADC is not spending money on public awareness campaigns.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have

you conducted a cost-benefit analysis of the Department’s rules as a whole? If so, please provide an overview of each analysis.

The OADC has not promulgated any new rules in the past year.

5 What are the major cost drivers impacting the Department?

The major cost driver impacting the OADC is the number of cases handled by the Agency’s contractors. Approximately 95% of the Agency’s total appropriation goes toward representing clients on cases.

Is there a difference between the price inflation the Department is experiencing compared to the general CPI?

N/A

Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

The OADC did see a negative cost/caseload impact driven by COVID-19. That impact was primarily due to courtroom closures and jail and prison lockdown requirements as a result of the pandemic. However, as the vaccination rate is increasing, the cost/caseload numbers for the OADC are slowly rising again.

6 How is the Department’s caseload changing and how does it impact the Department’s budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

Pre-pandemic the Agency experienced caseload increases each fiscal year since FY15 as demonstrated by the following chart:

	FY15* Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19** Actual	FY20 Actual	FY21 Actual
Caseload	16,680	18,244	20,103	22,638	25,022	24,085	23,746
Caseload % change	10.57%	9.38%	10.19%	12.61%	10.53%	-3.74%	-1.41%
Expenditures	\$ 29,694,094	\$ 30,037,642	\$ 32,932,573	\$ 35,367,129	\$ 39,698,549	\$ 39,471,286	\$ 37,704,784
Expenditures % change	16.66%	1.16%	9.64%	7.39%	12.25%	-0.57%	-4.48%

*In FY15, there was an 8% rate increase for attorney contractors, a 14% increase for Investigators, and a 20% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

**In FY19, there was an 6.7% rate increase for attorney contractors, a 7% increase for Investigators, and a 10% increase for Paralegals, resulting in a disproportionate increase in expenditures for that year.

As previously stated the OADC is anticipating caseload and expenditure increases to slowly return as the courts get back to more of a pre-pandemic pace.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;

Uncertain. The OADC will post the FY23 requested positions statewide. If staff choose to apply, and if they qualify, they will go through the interview process. If hired they would assume the role of the new position.

- b. Specify why additional FTE are necessary; and

The complexity and scope of work required by the positions requested cannot be absorbed by current OADC staff.

- c. Describe the evaluation process you used to determine the number of FTE requested.

As detailed within the FY23 Budget Request, the OADC identified several processes and tasks that require additional staff. The Agency also reviewed the Office of the State Court Administrators' Compensation Plan and job descriptions to identify the type of FTE needed to achieve the Agency's mission and meet the performance measures.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

N/A

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

The OADC only has 16 FTE. The Agency experiences very little turn-over, so vacancy savings is rarely seen. The OADC is not projecting vacancy savings for FY22 or FY23. In FY21 the OADC saw limited savings totaling \$47,590. That

amount, combined with mandatory staff furloughs, was used to accommodate the mandatory 5.0% statewide HLD decreases.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds.

Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.

N/A

- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

N/A

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

N/A

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

The OADC has not received any one-time federal funds from stimulus bills.

NOTE: A template for providing data for this question will be provided by the JBC Staff.

JUDICIAL DEPARTMENT – OFFICE OF THE CHILD'S REPRESENTATIVE
FY 2022-23 JOINT BUDGET COMMITTEE HEARING

WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

OCR Response: The OCR is not aware of any legislation that is either not implemented or partially implemented. Additionally, the OCR is not aware of any missed deadlines for legislation.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link:
<http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

OCR Response: The OCR does not have any outstanding audit recommendations.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

OCR Response: The OCR is not spending money on public awareness campaigns.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

OCR Response: The OCR does not promulgate any rules (i.e., regulations).

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

OCR Response: Contract attorney caseload and workload are the primary cost drivers impacting the OCR. However, caseload and workload projections indicate OCR's base budget for Court-appointed Counsel is sufficient in FY 2022-23. The OCR, along with the Office of Alternate Defense Counsel and Office of Respondent Parents' Counsel, is requesting a rate increase for their contract attorneys, paralegals and case consultants for FY 2022-23.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

OCR Response: Case filings, judicial appointment decisions and case length determine OCR's caseload. These factors do not necessarily correlate with population growth but instead are driven by reports of child abuse and neglect, county departments of social services, school district and district attorney office decisions to file cases, and judicial assessment of the need to appoint GALs on discretionary case types (e.g., truancy and delinquency). While the OCR has experienced a decline in its caseload the last two years, the OCR attributes the decline in part to public health isolation measures as opposed to a decrease in child abuse and neglect (D&N cases). The OCR expects caseload to return to pre-pandemic patterns at some point, but at this time "flat" funding is projected to be sufficient in FY 2022-23.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

OCR Response: The OCR's only new positions since FY 2019-20 have been the result of approved decision items.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;

OCR Response: The OCR's one request for FTE is for a staff attorney position at its Denver Central Office. This position would bring the Denver Office's Attorney FTE count to six full-time attorneys, including the OCR's Executive and Deputy Directors. The increasing specialization of all the OCR's case types and many initiatives require the OCR to structure its attorney assignments to support specialized work in one or more areas, though all of the OCR's staff attorneys have consistent oversight and support responsibilities as well as the knowledge, skills, and experience to provide basic support to contract attorneys and to support and cover for each other in their work as needed. The new attorney, if funded, will bring and develop specialized expertise in juvenile justice matters.

- b. Specify why additional FTE are necessary; and

OCR Response: The OCR does not have sufficient staff to address ongoing juvenile delinquency issues. The OCR actively participates in many committees relating to juvenile justice, monitors all juvenile justice legislation, actively participates in select bills, and trains GALs. This work is primarily handled by an attorney staff member with several other substantive, support, and management responsibilities. Through this work, the OCR has identified many practice supports for delinquency and young adult criminal GALs that it has not had the time and resources to develop. These include but are not limited to: GAL-specific investigation and advocacy sheets for each hearing throughout the life of a delinquency and direct file case (a condensed version of Colorado's Guided Reference in Dependency, www.coloradogrid.org); sample pleadings for GALs to file in delinquency and direct file cases; a litigation support list of GALs specialized in direct file and transfer to adult court cases; accessible information about state and jurisdiction-specific services and placement continuums, the various assessment tools used in juvenile justice proceedings, and facilities and programs. Developing such materials will promote efficiencies and consistency in GAL practice and support GALs in ensuring that the many Colorado efforts to improve outcomes for justice-system involved youth become a reality for individual youth in individual cases. Additionally, the OCR is acutely aware of disproportionality and equity issues prevalent in juvenile justice cases and would like to develop more concrete strategies for GALs to use to address these issues in their representation.

- c. Describe the evaluation process you used to determine the number of FTE requested.

OCR Response: Through the OCR's existing efforts, it has identified several resources and strategies that could better support GALs appointed in delinquency and criminal direct file cases and that could enhance the representation they provide to children and youth on these matters. The OCR's response to the previous question

(7.b) details some of these resources and strategies. After having to postpone the development of these resources and strategies over multiple years and analyzing existing Staff Attorney workloads, the OCR has determined that an FTE is necessary to realize these goals.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

OCR Response: The OCR began using reappropriated funds (Title IV-E administrative reimbursement) in FY 2020-21. These funds were approved for a Staff Attorney position, portions of two other positions (0.2 FTE each) and an expansion of the use of case consultants by GALs. These programs will continue as long as the reappropriated funds are available. The OCR continues its strategic planning to ensure thoughtful and beneficial expenditure of these reappropriated funds to enhance attorney services.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

OCR Response: The OCR's Personal Services appropriation (including AED, SAED, HLD and Disability Insurance) was underspent by approximately \$420,000 in FY 2020-21. The OCR has struggled to fill vacant attorney positions in its El Paso County office as described in the response to Senator McCluskie's questions regarding positions that have been extraordinarily difficult to fill (Question 6, OCR Discussion Questions). A significant portion of the vacancy savings was the result of a delay in filling a new staff attorney position funded with newly appropriated IV-E funds. Reappropriated funds were a new funding source for the OCR, and the OCR worked diligently to finalize its interagency agreement with the Colorado Department of Human Services before posting this position. The OCR utilized a relatively small portion of its vacancy savings (approx. \$43,000) to purchase Microsoft Surface Pros to support remote work.

The OCR anticipates vacancy savings of more than \$200,000 in the current fiscal year primarily due to the two vacant case-carrying attorney positions and one case consultant position in its El Paso office. Interviews for the attorney positions will be scheduled over the next few weeks with the hope of filling the positions shortly after the new year. The OCR will continue its efforts over the next several months to achieve full staffing for FY 2022-23.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.

OCR Response: The OCR does not receive non-tax revenues such as fees, fines, parking revenues, etc.

- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

OCR Response: Not applicable.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

OCR Response: All decision items requested in the OCR's FY 2022-23 budget request are funded with General or Reappropriated Funds.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

NOTE: A template for providing data for this question will be provided by the JBC Staff.

OCR Response: The OCR has not received, nor does it expect to receive any one-time federal stimulus funds.

JUDICIAL DEPARTMENT –
OFFICE OF THE RESPONDENT PARENTS' COUNSEL
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

The ORPC is not subject to any legislation with a fiscal impact that has not been implemented, nor has the ORPC missed any statutory deadlines.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor's "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department's budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

The ORPC does not have any high priority outstanding recommendations with a fiscal impact as identified by the Office of the State Auditor's report.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

The ORPC does not spend money on public awareness campaigns.

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The ORPC does not promulgate rules.

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

The Court-appointed Counsel, Mandated Costs, and IV-E Legal Representations appropriations account for over 90% of the ORPC's total budget. The major cost drivers impacting these appropriations is the number of appointments and the cost per appointment. These factors are largely unaffected by the costs used in calculating the CPI and therefore do not move in tandem with the CPI.

The number of ORPC appointments, not the number of dependency and neglect cases filed, is a major factor in child welfare cases because Respondent Parent Counsel (RPC) attorneys are appointed for each indigent respondent parent named by the county department of social services in a petition in dependency and neglect. In practice, this means there are cases where no RPC are appointed because the respondents are not indigent, cases where one RPC is appointed because only one indigent parent was named in the petition, and cases where five or six RPC attorneys are appointed because multiple children with different parents are named as respondents to the petition.

From July 1, 2021, through October 31, 2021, there were 813 case filings and 2,015 RPC appointments on those cases, a ratio of 2.48 RPC appointments per D&N case filed. Measuring ORPC costs must take these cases with multiple appointments into account, and ORPC data measures are therefore appointment-driven instead of caseload-driven.

In the first 4 months of FY 2021-22, the number of appointments was 11.3% smaller than in the same period of FY 2020-21. However, FY 2020-21 appointments for the same period were 3.9% *greater* than in the same period of FY 2019-20. This extreme volatility during the pandemic has made predicting costs even more difficult than normal. The month-by-month comparisons of Fiscal Year 2019-20, Fiscal Year 2020-21, and Fiscal Year 2021-22 to date are shown in the table below.

Office of Respondent Parents' Counsel
Appointments by Month and Fiscal Year
Fiscal Years 2019-20, 2020-21, and FY 2021-22 through November, 2021

	Appointments		Incr/(Decr) over PY		Appointments	Incr/(Decr) over PY	
	FY 2019-20	FY 2020-21	Count	Percentage		FY 2021-22	Count
Jul	643	550	(93)	-14.5%	480	(70)	-12.7%
Aug	535	553	18	3.4%	556	3	0.5%
Sep	490	615	125	25.5%	531	(84)	-13.7%
Oct	519	554	35	6.7%	448	(106)	-19.1%
Nov	406	515	109	26.8%			
Dec	561	478	(83)	-14.8%			
Jan	480	545	65	13.5%			
Feb	473	449	(24)	-5.1%			
Mar	485	489	4	0.8%			
Apr	467	468	1	0.2%			
May	495	434	(61)	-12.3%			
Jun	546	469	(77)	-14.1%			
YTD	6,100	6,119	19	0.3%	2,015	(257)	-4.2%

In addition to the number of appointments, the cost per appointment is a major cost driver for the ORPC. The average cost per closed attorney appointment increased by 6.4% in FY 2020-21 as compared to FY 2019-20, but we are unable to determine if this increase is attributable to increased representation needs due to pandemic-related issues. The ORPC expects that the problems of many families will be more severe and longer lasting, as many parents may have lost their jobs or homes or both as the pandemic has continued. In addition, many children who had already endured the trauma of being removed from their home were further traumatized when their parents were unable to have meaningful visits with them for three to four months as counties implemented shutdown orders. As a result of these factors, the ORPC expects that families will need more representation as parents work through the fallout of what the pandemic has done to them and their children. In addition, the loss of experienced RPC attorneys due to burnout or taking higher-paying positions with benefits in private firms may increase the cost per appointment because inexperienced and/or newly qualified attorneys may require more time per appointment than attorneys who are familiar with D&N representation.

For all these reasons, and despite decreased travel costs during the pandemic, the ORPC has seen a significant increase in the cost of closed appointments, as attorneys must provide even more representation to families who have been profoundly affected by the pandemic.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

Both the number of dependency and neglect case filings and the number of indigent parents named in a dependency and neglect position impact the ORPC's caseload and budget. Even if case filings go down slightly, if there are more indigent parents named on each petition, the agency's caseload will increase. As explained more fully in the agency's budget request, there continues to be a slight increase in the number of RPC appointments per case, with cases now averaging 2.48 RPC appointments per case up from 1.8 appointments per case just five years ago. This means that many cases include more than two parents who are eligible for court-appointed counsel, and this number continues to increase.

Nationwide, there has been a downward trend in the availability of babies to adopt for multiple reasons, including declining teen birth rates and rates of relinquishment of children, societal shifts in attitudes towards single parents, and a decrease in availability of international adoption. This demographic trend, which the ORPC has no reason to believe is different in Colorado, also impacts the agency's budget because it means that there are more foster parents seeking to adopt babies from the child welfare system. While certainly not all foster parents become foster parents in order to adopt babies, some do. And, in cases where foster parents intervene and hire counsel to represent them, the cases cost the ORPC double the amount of cases without foster parent intervenors and become more akin to private custody battles than cases designed to reunify parents with children.

Finally, though this trend is not new, the ORPC would be remiss not to highlight the continued overrepresentation of children of color, particularly Black children, in the child welfare system. Children of color are represented at far higher rates in foster care than in the overall population of Colorado, and parental rights of Black parents are terminated at a much higher rate. In addition, parents with disabilities are represented at much higher rate in dependency and neglect cases than in the overall population in Colorado, with RPC reporting that nearly half the parents they represent having at least one disability. One out of four parents who has a disability and has an open dependency and neglect case in Colorado will end up having their rights terminated.

The ORPC provides training, technical assistance, social workers, and experts to RPC who seek assistance when they are representing a parent of color or a parent with a disability who is experiencing discrimination. In 2020, the ORPC hired the Carrie Ann Lucas Disability Advocacy Director, who leads the agency's efforts to assist interdisciplinary teams representing parents with disabilities. Over the last year, the ORPC has seen a marked increase in contractors requesting resources to help parents who are experiencing discrimination or bias based on the color of their skin or disability. The agency provides expertise and assistance to contractors battling discrimination and bias on behalf of their clients, particularly for parents who have disabilities,

thanks to the hiring of the Disability Advocacy Director. The ORPC seeks funding for an Equity, Diversity, and Inclusion Specialist to further strengthen the agency's ability to assist parents and families of color in navigating a system that is biased against them.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

No positions have been created in the Office of Respondent Parents' Counsel that were not the result of legislation or a decision item.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;
- b. Specify why additional FTE are necessary; and
- c. Describe the evaluation process you used to determine the number of FTE requested.

ORPC R-2, EDI Specialist:

- a. The ORPC does not currently have a staff member with the special experience and expertise to fill this position, so we will not be able to fill the position with existing staff.
- b. An additional FTE is necessary because current staff do not have the expertise needed to fill the position. Even if they did, existing staff are fully utilized in essential roles and must dedicate all their effort to meet existing requirements.
- c. As the ORPC learned more about the nationwide overrepresentation of people of color and those with disabilities in the child welfare system and as we saw that disproportionality clearly reflected in our own data in Colorado, we realized that piecemeal efforts to address the problem would be inadequate and that we need a staff person who is trained in and dedicated to these issues and impacts, and who can create awareness and implement change to address disproportionality and its effects in child welfare. As the work develops, the ORPC will evaluate whether the workload related to these efforts can be managed by one person or whether additional assistance and FTE will be needed.

ORPC R-3, Social Work Outreach Coordinator:

- a. This position requires experience and training in the Social Work field. Only one current ORPC staff member has that experience and that person manages the entire Social Work program, which includes interviewing, training, selecting, and overseeing contract social workers, family advocates, and parent advocates. The Social Work Outreach Coordinator will assist with those duties to ensure adequate oversight of the growing number of contractors, to consult with attorneys to maximize the impact of social worker contractors on interdisciplinary teams, to recruit new non-attorney contractors across the

state, and assist with the creation and management of new programs such as the ORPC's Prevention Legal Services Program and second class of Parent Advocates, both of which are scheduled to launch in calendar year 2022.

- b. An additional FTE is necessary because the current staff person must dedicate all their effort to meet existing requirements and does not have the capacity to support needed expansion of interdisciplinary programs.
 - c. As the interdisciplinary program developed, it has become increasingly difficult for the single staff person to fulfill existing requirements and to support the needed expansion of the programming. The requirements of existing programs and services and the implementation of needed new programs and services will require a full-time staff person dedicated to the Social Work programs.
- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

The Office of Respondent Parents' Counsel did not have any impacts from cash fund transfers implemented as part of the balancing process in the past two fiscal years.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

The Office of Respondent Parents' Counsel has only 14 FTE and does not ordinarily have significant vacancy savings. In FY 2020-21, however, the agency did not use 2.1 FTE. This resulted from not filling 2 positions when they became vacant; instead, we utilized part-time outside contractors to perform the essential functions of those positions. This allowed the ORPC to manage the 5% Personal Services cut without impacting essential services, though it did require significant dedication and extra work from remaining staff. The ORPC filled those positions after the budget restoration and does not expect to have more than minimal vacancy savings for FY 2021-22 and FY 2022-23.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:
- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.
 - b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

The ORPC does not receive any non-tax revenue that is subject to TABOR.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

NOTE: A template for providing data for this question will be provided by the JBC Staff.

The ORPC has not received and does not expect to receive any one-time federal stimulus funds.

JUDICIAL DEPARTMENT – INDEPENDENT ETHICS COMMISSION
FY 2022-23 JOINT BUDGET COMMITTEE HEARING
WRITTEN RESPONSES ONLY

COMMON QUESTIONS: PLEASE RETAIN THE NUMBERING IN ORDER TO MAINTAIN CONSISTENT LABELING FOR COMMON QUESTIONS ACROSS DEPARTMENTS.

- 1 Provide a list of any legislation with a fiscal impact that the Department has: (a) not implemented, (b) partially implemented, or (c) missed statutory deadlines. Explain why the Department has not implemented, has only partially implemented, or has missed deadlines for the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.

There is no legislation with a fiscal impact that the Independent Ethics Commission (“IEC”) has not implemented, partially implemented, or for which the IEC has missed statutory deadlines.

- 2 Does the Department have any HIGH PRIORITY OUTSTANDING recommendations with a fiscal impact identified in the Office of the State Auditor’s "Annual Report: Status of Outstanding Audit Recommendations"? What is the Department doing to resolve these HIGH PRIORITY OUTSTANDING recommendations? Please indicate where in the Department’s budget request actions taken towards resolving HIGH PRIORITY OUTSTANDING recommendations can be found.

The 2021 report will be published on December 6, 2021 and can be found at this link: <http://leg.colorado.gov/content/audits>. JBC staff will send out an updated link once the report is published.

The IEC has no high priority outstanding recommendations with a fiscal impact identified in audit recommendations.

- 3 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Although the Independent Ethics Commission conducts outreach and training, these efforts are almost exclusively aimed at covered individuals within state or local government, not at members of the public, as such. Therefore, the Commission spends no money on public awareness campaigns of the type that are contemplated by this question (*i.e.*, broadcast media).

- 4 Please identify how many rules you have promulgated in the past year (FY 2020-21). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.

The IEC did not promulgate any rules in FY 2020-21.

- 5 What are the major cost drivers impacting the Department? Is there a difference between the price inflation the Department is experiencing compared to the general CPI? Please describe any specific cost escalations, as well as cost impacts driven by COVID-19 and supply chain interruptions.

The IEC's major cost drivers are salaries and benefits. Price inflation has not been a major factor affecting the IEC. During the COVID pandemic, the IEC experienced cost savings related primarily to the hosting of remote monthly meetings. The IEC has not encountered any supply chain interruptions.

- 6 How is the Department's caseload changing and how does it impact the Department's budget? Are there specific population changes, demographic changes, or service needs (e.g. aging population) that are different from general population growth?

As explained at length in the IEC's decision item request, the IEC's running average caseload has been on an upward trend since 2008. The IEC's budget has not kept pace with this increase. Population changes, demographic changes, or service needs may have little to do with the increase. Rather, the increase is more likely due to the IEC's public visibility after processing recent high-profile complaints and the polarization in the national political environment.

- 7 In some cases, the roles and duties of existing FTE may have changed over time. Please list any positions that have been created in the Department since FY 2019-20 that were not the result of legislation or a decision item.

Not applicable. The IEC has only one employee; no new positions have been created.

For all FY 2022-23 budget requests that include an increase in FTE:

- a. Specify whether existing staff will be trained to assume these roles or these duties, and if not, why;

Because the IEC has only one employee, existing staff is already trained to fulfill all the roles and duties required of IEC staff.

b. Specify why additional FTE are necessary; and

From 2015 through June 2021, the IEC has consistently seen a greater number of complaints filed than its annual average. In 2020, the IEC received three times its annual average complaint volume. The IEC's running average for complaint volume has been on an upward trend since 2008, hitting an all-time high in 2020. The IEC expects to see complaint volume continue to increase, causing delays and possible cost increases for complainants and respondents. With only one FTE currently available to handle the IEC's workload, the increase in complaint volume will also adversely affect the timeliness of other IEC work, such as advisory opinions, letter rulings, outreach, and training.

In addition to the growing number of complaints, the IEC's one staff member has no other staff coverage available in the event of annual or sick leave absences. That same staff member has forgone taking the full measure of accrued leave to ensure the public has access to the IEC without significant gaps in office coverage. The inability to timely respond to open records requests represents one example of how even a modest absence by the IEC's one staff member adversely affects both the IEC and the public.

Lastly, without additional FTE resources, the increasing complaint workload will also aggravate the ability of the IEC to run its ethics outreach and training program. With additional FTE resources, a fully developed, active, and effective outreach and training program is expected to have the added benefit of stemming the growth in the number of ethics complaints.

c. Describe the evaluation process you used to determine the number of FTE requested.

The IEC is requesting 0.5 FTE. The analysis to determine this number included a review of:

- The additional time required for an increasing caseload of complaint investigations, as represented by the difference between the current and proposed time requirements for:
 - the estimated hours to complete preliminary and full complaint investigations; and
 - the estimated hours necessary to improve the quality and comprehensiveness of complaint investigations.
- The additional time required to improve the quality and comprehensiveness of investigations for advisory opinions and letter rulings.
- An annual investment in investigative training.
- The additional annual investment in outreach to and, ultimately, annual training sessions conducted for various municipal, county, and state governments, as well as professional or governmental associations.
- Staff coverage for unused accrued leave and other office absences.

In addition, the IEC compared Colorado's allocation of FTE resources to the FTE resources available in other states' ethics boards and commissions. The IEC believes that, when compared to other states, the IEC's request for an additional 0.5 FTE is relatively modest and narrowly tailored to accomplishing specific goals.

- 8 Please describe any ongoing or newly identified programmatic impacts for the Department resulting from cash fund transfers as part of the FY 2019-20 and FY 2020-21 balancing process.

Not applicable. The IEC has no cash funds. It is entirely funded through the general fund.

- 9 Please describe the Department's FY 2020-21 vacancy savings, as well as projected vacancy savings for FY 2021-22 and FY 2022-23. How has the Department utilized vacancy savings in recent years?

Not applicable. The IEC has only one FTE, with no vacancy savings.

- 10 State revenues are projected to exceed the TABOR limit in each of the next two fiscal years. Thus, increases in cash fund revenues that are subject to TABOR will require an equivalent amount of General Fund for taxpayer refunds. Please:

- a. List each source of non-tax revenue (e.g., fees, fines, parking revenue, etc.) collected by your department that is subject to TABOR and that exceeds \$100,000 annually. Describe the nature of the revenue, what drives the amount collected each year, and the associated fund where these revenues are deposited.

The IEC is funded through the general fund only. It has no non-tax revenue sources.

- b. For each source, list actual revenues collected in FY 2020-21, and projected revenue collections for FY 2021-22 and FY 2022-23.

Not applicable.

- c. List each decision item that your department has submitted that, if approved, would increase revenues subject to TABOR collected in FY 2022-23.

The decision item request submitted by the IEC will not increase revenues.

NOTE: An example template for providing data for this question will be provided by the JBC Staff.

- 11 Please describe one-time federal stimulus funds (such as the CARES Act, ARPA, and the Federal Infrastructure Investment and Jobs Act) that the Department has received or expects to receive.

Not applicable. The IEC has not received, nor does it expect to receive, and federal stimulus funds.

NOTE: A template for providing data for this question will be provided by the JBC Staff.