

JOINT BUDGET COMMITTEE



STAFF FIGURE SETTING FY 2024-25

JUDICIAL DEPARTMENT

Independent Agencies – Part 2 of 2

Including Office of Alternate Defense Counsel, Office of the Child's Representative, and Office of the Respondent Parents' Counsel

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

PREPARED BY:
ALFREDO KEMM, JBC STAFF
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JOINT BUDGET COMMITTEE STAFF
200 E. 14TH AVENUE, 3RD FLOOR • DENVER • COLORADO • 80203
TELEPHONE: (303) 866-2061 • TDD: (303) 866-3472

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HOW TO USE THIS DOCUMENT

The Department Overview contains a table summarizing the staff recommended incremental changes followed by brief explanations of each incremental change. A similar overview table is provided for each division, but the description of incremental changes is not repeated, since it is available under the Department Overview. More details about the incremental changes are provided in the sections following the Department Overview and the division summary tables.

Decision items, both department-requested items and staff-initiated items, are discussed either in the Decision Items Affecting Multiple Divisions or at the beginning of the most relevant division. Within a section, decision items are listed in the requested priority order, if applicable.

In some of the analysis of decision items in this document, you may see language denoting certain 'levels of evidence', e.g. theory-informed, evidence-informed, or proven. For a detailed explanation of what is meant by 'levels of evidence', and how those levels of evidence are categorized, please refer to Section 2-3-210 (2), C.R.S.

JUDICIAL – INDEPENDENT AGENCIES OVERVIEW

This document addresses the Judicial Independent Agencies – Part 2 of 2, including the Office of Alternate Defense Counsel, the Office of the Child's Representative, and the Office of the Respondent Parents' Counsel. The Judicial Independent Agencies – Part 1 of 2, including all other independent agencies, and the Courts and Probation are addressed in separate documents.

In addition to the Courts and Probation – understood as the traditional *Judicial Branch* and state court system – the Judicial Department also includes the following independent agencies addressed in this document:

- The *Office of Alternate Defense Counsel* (OADC) oversees the provision of legal representation to indigent defendants in criminal and juvenile delinquency cases when the OSPD has an ethical conflict of interest. This office provides legal representation by contracting with licensed attorneys across the state.
- The *Office of the Child's Representative* (OCR) oversees the provision of legal services for children, including legal representation of children involved in the court system due to abuse or neglect.
- The *Office of the Respondent Parents' Counsel* (ORPC) oversees the provision of legal representation for indigent parents or guardians who are involved in dependency and neglect proceedings.

DECISION ITEMS AFFECTING MULTIPLE DIVISIONS OR HAVING DEPARTMENT-LEVEL IMPACTS

❶ COMPENSATION PLAN – OADC R4/BA1, OCR R3/BA1, ORPC R2/BA1

REQUEST: This item was withdrawn.

➔ NON-ATTORNEY CONTRACTOR RATE INCREASE (OADC R1, OCR R4, ORPC R4)

REQUEST: The OADC, OCR, and ORPC request net appropriations totaling \$898,871, including \$882,368 General Fund and \$16,503 reappropriated funds for a five percent hourly rate increase for non-attorney contractors as outlined in the following table.

CONTRACTOR RATE INCREASES				
	TOTAL FUNDS	GENERAL FUND	REAPPROPRIATED FUNDS	FTE
OADC R1 Non-attorney contractor rate increase	549,708	549,708	0	0.0
OCR R4 Non-attorney contractor rate increase	134,370	121,626	12,744	0.0
ORPC R4 Non-attorney contractor rate increase	214,793	211,034	3,759	0.0
TOTAL	\$898,871	\$882,368	\$16,503	0.0

RECOMMENDATION: Staff recommends that the Committee deny the request

ANALYSIS

For FY 2023-24, the agencies requested an 18 percent increase for attorney contractors and non-attorney contractors. Staff recommended approval of the increase for attorney contractors based on the substantial variance from the standard federal rate for attorney contractors. Staff also recommended and the Committee pursued legislation in S.B. 23-227 (State Agency Attorney Hourly Rate) that establishes a statutory standard and budget mechanism that anchors the state rate to the federal rate at no more than 75 percent of the federal rate and annual increases of no more than \$5 per hour per year. For FY 2024-25, each agency submitted a technical base adjustment related to that statutory mechanism.

For FY 2023-24, staff recommended denial of the increase for non-attorney contractors on the basis that none of the agencies provided adequate justification for the broad, across-the-board 18 percent increase for the various non-attorney contractor professions.

In a figure setting comeback, the OADC in particular pointed to its analysis of federal rates for non-attorney contractors. The OADC provided a comparison table showing current rate relative to federal rates. They did so again in the comeback. And they have done so again in this request. However, as staff communicated in the figure setting write-up for FY 2023-24, there is no single federal rate to point to for non-attorney contractors. And the OADC has never provided its sources for those rates and figures it includes in its comparison table. There is still no adequate source data justification provided.

Nevertheless, the Committee approved the 18 percent increase for non-attorney contractors for FY 2023-24.

The agencies now point to S.B. 23-227 automatic adjustment in rates for attorneys as the justification for providing an additional, equivalent five percent increase to non-attorney contractors.

The following table outlines rates over the last two years and the requested rates for the budget year.

NON-ATTORNEY CONTRACTOR RATES					
	FY 2022-23	FY 2023-24		FY 2024-25	
		18% INCREASE	ACTUAL %	5% INCREASE	ACTUAL %
OADC					
Paralegal	\$35	\$42	20.0%	\$45	7.1%
Investigator	47	55	17.0%	58	5.5%
LCSW	56	66	17.9%	70	6.1%
MSW	47	55	17.0%	58	5.5%
OCR					
Paralegal	\$38	\$42	10.5%	\$45	7.1%
Case Consultant	49	55	12.2%	58	5.5%
Licensed Case Consultant	59	66	11.9%	70	6.1%
ORPC					
Paralegal	\$35	\$42	20.0%	\$45	7.1%
Investigator	47	55	17.0%	58	5.5%
LCSW	56	66	17.9%	70	6.1%
Licensed Social Worker	47	55	17.0%	58	5.5%
Family Advocate	47	55	17.0%	58	5.5%
Parent Advocate	35	42	20.0%	45	7.1%

Staff recommends that the Committee deny this request.

FEDERAL TITLE IV-E REIMBURSEMENTS – OCR AND ORPC

Staff will address several request items for the OCR and the ORPC that are funded with reappropriated funds from federal Title IV-E reimbursements transferred from the Department of Human Services.

In particular, the ORPC requests 6.0 FTE and appropriations of \$1.8 million from this fund source for FY 2024-25. **Staff recommendation and Committee action on these items is contingent on understanding the source and use of these funds.** This informational item serves as background for staff recommendations for this fund source for these agencies.

Title IV-E Funding: Title IV-E of the Social Security Act is the source of funding for foster care. A 2019 policy change made Title IV-E funding available for independent legal representation for parents of children at risk of entering foster care to reduce entry into foster care. Federally approved reimbursement funds are placed in a DHS cash fund, the Title IV-E Administrative Cash Fund, created in Section 26-2-102.5 (3)(b)(I), C.R.S., as codified in S.B. 19-258 (Child Welfare Prevention and Intervention Funding). Section 26-2-102.5 (3)(b)(V), C.R.S., states that "Federal reimbursements related to administrative costs of independent legal representation incurred by" OCR and ORPC

"must be disbursed from the fund to the agencies as incurred and pursuant to" the memorandum of understanding between DHS and the agencies.

Staff requested information from the ORPC regarding Title IV-E funding. The ORPC provided a funding overview document that is attached as an appendix for Committee and reader reference. The following segments illustrate the ORPC perspective on Title IV-E funding and include staff commentary.

ON FUNDING MECHANISMS (emphasis added):

Although the funds that the ORPC uses are reimbursed through a cash fund, the amounts in the fund originally came from a federal source to meet a specific purpose. Accordingly, the agency ensures that the funds are used in a manner following the federal intent of the program.

Additionally, the agency remains cognizant of federal cost principles such as ensuring costs are measurable, ensuring sufficient transaction backup, and following clear accounting trails to demonstrate costs or revenues are not duplicated. These are important concepts especially because, for Colorado, this funding stream is earned as federal revenue at CDHS and passed through as a transfer to the ORPC, making it subject to federal regulations.

... Thus, it is important that the state does not use the transfer revenue in the same appropriations for which the ORPC originally earned the revenue to avoid the perception of earning revenue against funds that were already reimbursed from the federal government. Simply put, federal funds should not be used as a match for federal funds. Otherwise, the transfer would look like a duplication of benefit. The state must also consider the federal prohibition of supplanting, which occurs when a state or unit of local government reduces state or local funds for an activity, specifically because federal funds are available (or expected to be available) to fund that same activity. The risk of not following these guidelines is that the Federal government could require payback of funds they felt were not used in compliance with their regulations.

Thus, the ORPC spends reappropriated IV-E funds outside of the appropriations that originally earned the federal revenue. For the ORPC, this means that the agency claims federal funds based on eligible general fund expenditures and uses the federal reimbursements for reappropriated funds expenditures. This makes it clear that the federal match component is clearly general fund as required by federal funding rules.

If staff understands correctly, the ORPC does not wish to spend Title IV-E reimbursements in line items that earn those reimbursements. The primary, and largest, appropriation for the ORPC is the Court-appointed Counsel line item, representing almost three-fourths of ORPC appropriations. Staff assumes that this line item necessarily generates the greatest Title IV-E reimbursements for the ORPC. But it appears that ORPC does not believe it is legal or appropriate to spend Title IV-E reimbursements for this line item, or the ORPC risks future reimbursements and possibly may even require a payback of current reimbursements spent for that purpose.

If staff's understanding is accurate, in staff's opinion, this is a fundamental misunderstanding of the nature of the reimbursement.

The ORPC states: "Simply put, federal funds should not be used as a match for federal funds." However, to accomplish this – using reimbursements as a federal match – would require a

supplemental budget action that would go back to a prior fiscal year and replace previously identified General Fund with the reimbursed Title IV-E funds generated from the original appropriation.

However, it is reasonable that if additional Title IV-E reimbursement funds (received from a prior fiscal year's General Fund appropriation) are spent in place of General Fund in a future fiscal year, that particular fiscal year's Title IV-E reimbursement would necessarily be less than the prior year's because of that General Fund offset. Nevertheless, at some point there would be a balancing in which annual reimbursements generally continue at a sustained and anticipated rate and those reimbursements also get used annually to offset General Fund. This would not generate an endless diminishment, but rather a gradual move to balance; and in the process achieve appropriate use of reimbursements in place of General Fund.

ORPC PHILOSOPHY IN ACCESSING IV-E FUNDING (emphasis added):

*The ORPC is committed to claiming and spending IV-E funds in compliance with the Children's Bureau Child Welfare Policy Manual and Information Memorandum objectives. **The funds claimed by ORPC are based on the costs incurred by the agency to pay contract attorneys, interdisciplinary teams, and mandated cost expenses. The agency is engaged in ensuring the costs in these lines continue to meet federal objectives.***

*ORPC strives to increase positive programmatic outcomes **by creating enhancements to existing programs and exploring new initiatives.** ...*

*ORPC's plan to spend IV-E funds is fully developed and the office has been taking steps to follow the plan over the last couple of years. However, capacity issues have made it hard to fully implement all the steps needed to make these plans successful. **ORPC has submitted decision items to address these capacity issues with hopes of building the infrastructure required to meet these goals and thus spend more IV-E reimbursement funds.***

This appears to further confirm staff's initial understanding. Further, it suggests that the ORPC believes it needs to generally build out its program and find new, creative uses for program-adjacent purposes in order to properly use its available Title IV-E reimbursements.

Staff is concerned that this approach or "philosophy" simply represents program buildout. Staff is not convinced that these funds were intended to fund creative new program uses and purposes. Staff is fine considering new ideas from an agency regarding its core purpose and potential improvements to program on the basis that it better or more efficiently serves that primary purpose and program. However, to take an approach that an agency must find uses or generally "use up" an available fund source earned because of its primary purpose and apply it to buildup and buildout is concerning.

FUND BALANCE IN TITLE IV-E ADMINISTRATIVE COST CASH FUND (emphasis added):

*When IV-E funding became available, the ORPC was already providing high-quality interdisciplinary legal representation for which IV-E funds could be claimed. As a result, the agency has received federal revenue which has been deposited in the Title IV-E Administrative Costs Cash Fund. **However, the ORPC has not been able to spend the reimbursement funds as quickly as the agency has earned them. This has led to revenues growing in the Title IV-E Administrative Costs Cash Fund faster than they are spent resulting in a larger-than-desired fund balance.***

*The fund balance exists for a variety of reasons. As mentioned above, IV-E funding became available just four years ago, and the agency has existed for less than eight years. **Given that these funds were brand new, the ORPC wanted to proceed cautiously and thoughtfully in developing programming consistent with federal priorities.** The agency started drawing down these funds and waited to develop and roll out programs until it could be confident the funding stream materialized. Then COVID occurred, which resulted in program development delays.*

...

*Programming has been further delayed because the ORPC needs additional internal capacity to thoughtfully roll out programming with the level of data collection necessary to show program impact (A Children's Bureau Memo cited to a prior ORPC study showing the impact of interdisciplinary teams). Lastly, the ORPC started a preventative legal representation program consistent with federal guidance which grew slower than internal projections. The program then had to be paused **when the agency realized that more staff and infrastructure were required** to execute the program to the agency's standards. **Although the agency does utilize reappropriated IV-E funds currently, without more staff the agency cannot increase the level of expenditure sustainably.** The ORPC's FY 24-25 budget seeks nearly \$2 million in additional decision items funded with IV-E to increase internal capacity needed to grow programming and is anticipating strategic planning to further develop and expand the use of IV-E funds to support families in Colorado.*

This appears to make it clear that the ORPC believes it can only sustainably spend down Title IV-E reimbursements with more staff and infrastructure.

ORPC PLAN FOR IV-E SUSTAINABILITY (emphasis added):

*The largest setback ORPC has had is the capacity to grow IV-E programs while maintaining current statutorily required programs. To ensure that these new programs are developed and executed the agency needs to build additional infrastructure. **Without additional staffing and infrastructure, the agency risks not being able to spend the IV-E reimbursement funds properly and the IV-E cash fund balance will continue to grow.***

***However, if the agency receives the program resources needed to build infrastructure and continue with strategic planning, the agency will be able to spend the IV-E reimbursement funds at a rate closer to what is received in revenue.** Once programs are developed and fully functional, the agency anticipates having an increased level of spending from IV-E reimbursement funds that matches the revenue earned every year. This will ensure that the fund balance does not keep growing and that the agency uses reappropriated federal funds instead of general fund to achieve this program growth.*

***The most sustainable way to utilize IV-E reimbursement funds is to use them to enhance and grow current programs while developing new ones to enhance legal representation.** Doing so will help these programs grow without the use of general fund or a traditional cash fund that has TABOR implications. Growing these programs will lead to better outcomes and more families staying safely together. Over time, this leads to fewer individuals and, therefore less cost, in the system, which has a positive impact on the general fund and on society. Additionally, spending IV-E reimbursements in line with Federal program intent that is nationally recognized and federally supported is the conservative approach to spending these funds, which translates into less risk for the state having to pay back federal funds. In contrast, if IV-E reimbursement funds are diverted elsewhere to fund unrelated activities or as a funding source for the lines*

they were originally earned on, there are other risks. First, diverting funds would lower the ability to fully fund IV-E approved programs because there would be less funds available. This would divert funding away from a mechanism that could lower general fund spending over time.

*Further complicating matters, if IV-E reimbursement funds were used to fund the lines currently earned on, the agency would have to establish a way to not count the expenses or related child count from the IV-E funded related portion of the line. This is because from the perspective of the federal government this could be seen as a duplication of benefits, meaning the agency used prior expenses and counts as the basis to be reimbursed by the federal government, and then used these same reimbursement funds to put back into the line as part of a nonfederal match in a subsequent period. If IV-E reimbursement funds were used to fund these lines, the agency would need to prevent the duplication from occurring by only counting the expenses and the child count related to the general fund portion of the line. This presents two problems. First, the agency does not have a mechanism to segregate the child count in this manner. Second, **this would create a lower basis to claim and thus a lower amount of revenue that could be drawn from the federal government. Doing this over time would lower the amount of federal revenue received and thus require the State to utilize more general fund and not leverage the IV-E funding source to its full potential. ...***

This appears to be a summation of staff's understanding of the ORPC approach and philosophy. Staff agrees that actively using reimbursements to offset current General Fund spending will necessarily reduce future reimbursements. That should not prevent the state and the ORPC from taking such an approach. Internal tracking would simply need to be figured out.

The ORPC suggests that the State will lose out on reimbursements otherwise available through additional General Fund spending for reimbursable purposes that might be offset with reimbursement dollars. However, staff believes the ORPC's approach would have the State maximize the reimbursement and have the funds sit and collect unused until the ORPC would internally and independently decide on how to spend them. That appears to be their plan for sustainability.

In either the case, "the State" generally loses out. The State continues to pay full General Fund for this program purpose and the State never claims decision making access to those reimbursement dollars except as the ORPC would decide for the State's benefit.

SCHEDULE 9 FOR THE TITLE IV-E ADMINISTRATIVE COST CASH FUND

The budget schedule 9 for the Title IV-E Cash Fund is also attached as an appendix. The schedule 9 identifies a balance at the end of FY 2022-23/beginning of FY 2023-24 of just under \$14.0 million. The two years of actual expenditures from the fund total \$1,120,580 and \$1,690,495 for FY 2021-22 and FY 2022-23, respectively. Revenue from reimbursements for those years total \$5,452,421 and \$4,783,343, respectively. Revenue from reimbursements for FY 2023-24 is estimated to be \$5.1 million.

ACTUAL EXPENDITURES FROM TITLE IV-E REIMBURSEMENTS – OCR AND ORPC

The following table outlines actual expenditures from Title IV-E reimbursements reported in budget schedules for the two agencies.

ACTUAL EXPENDITURES FROM TITLE IV-E REIMBURSEMENTS - OCR AND ORPC			
	OCR	ORPC	TOTAL
FY 2020-21	\$185,601	\$1,039,587	\$1,225,188
FY 2021-22	310,365	911,816	1,222,181
FY 2022-23	1,016,849	795,816	1,812,665
3-year total	1,512,815	2,747,219	4,260,034

MOU-INTERAGENCY AGREEMENTS WITH DHS

The November 2023 interagency agreements between OCR and DHS and ORPC and DHS identify a maximum amount for FY 2023-24 of \$1,455,020 and \$4,398,446.67, respectively. Staff assumes that this is the maximum amount anticipated to be claimed for reimbursement for the fiscal year by these agencies, and does not represent a limit on access to the existing cash fund balance.

CASH FUND OR GENERAL FUND

Also, in staff's opinion, it appears that federal Title IV-E reimbursements would otherwise simply be returned to the General Fund without the provisions of Section 26-2-102.5 (3), C.R.S. That provision channels those reimbursements into a "cash fund" that would otherwise be channeled into General Fund. Therefore, staff is not convinced that these funds are somehow expressly tied to federal purposes except as the state has defined them in the creation of this cash fund.

STAFF RECOMMENDATIONS INCLUDED IN DECISION ITEMS

1. For the ORPC additional staff requests, JBC staff will recommend that they be considered as General Fund requests. In staff's opinion, staff and program buildout is simply an increase in resources and should be justified as such regardless of the fund source. Staff believes that addressing these items as General Fund requests is a more appropriate budget approach from which to consider the validity and need for the requests. After consideration of the need for positions, staff may additionally recommend the use of Title IV-E funds instead of General Fund.

and

2. Staff will also recommend a dollar-for-dollar offset of General Fund for the Court-appointed Counsel line item that fully absorbs and anticipates the annual distribution of these reimbursement cash funds from a transfer from the current Title IV-E legal representation line item and elimination of that line item.

or

3. Alternately, if the Committee prefers, staff recommends legislation to repeal Section 26-2-102.5 (3), C.R.S., and simply have reimbursements returned to General Fund. This may create a disincentive among the agencies that collect the information that generates reimbursements. Nevertheless, if the agencies are unwilling to spend these dollars as a General Fund offset to current operations, it would be reasonable to have reimbursement dollars available for statewide General Fund needs. Those expenditures originated as General Fund; reimbursements can properly be returned to the General Fund.

and

4. For the OCR, staff is not recommending any adjustments at this time in addition to those included in the OCR request items. It appears that while the OCR is also underspending its Title IV-E reimbursement funds it is showing a pattern of increasing expenditures each year. Staff recommends no additional action for this budget cycle for OCR Title IV-E reimbursement funds.

(6) OFFICE OF ALTERNATE DEFENSE COUNSEL

The Office of Alternate Defense Counsel (OADC) is an independent agency within the Judicial Department that provides legal representation for indigent defendants in criminal and juvenile delinquency cases in which the Office of the State Public Defender (OSPD) is precluded from doing so because of an ethical conflict of interest. Common types of conflicts include cases in which the OSPD represents co-defendants or represents both a witness and a defendant in the same case. The OADC provides legal representation by contracting with licensed attorneys and investigators. The OADC is governed by the uncompensated, nine-member Alternate Defense Counsel Commission, appointed by the Supreme Court. Its office is located in the Ralph L. Carr Colorado Judicial Center. Except for a small amount of cash funds from training registration fees, the OADC is funded by General Fund.

OFFICE OF ALTERNATE DEFENSE COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$57,440,232	\$57,360,232	\$80,000	\$0	\$0	36.3
Other legislation	19,200	19,200	0	0	0	0.0
HB24-1188 (Supplemental)	0	0	0	0	0	0.0
TOTAL	\$57,459,432	\$57,379,432	\$80,000	\$0	\$0	36.3
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$57,459,432	\$57,379,432	\$80,000	\$0	\$0	36.3
OADC R1 Non-attorney Contractor Rate Increase	0	0	0	0	0	0.0
OADC R2 Contractor Process Coordinator	120,490	120,490	0	0	0	0.9
OADC R3 Operating and Training Increases	0	0	0	0	0	0.0
OADC R4/BA1 Compensation Plan	0	0	0	0	0	0.0
OADC R5 Fellowship Salary Range Alignments	0	0	0	0	0	0.0
OADC R6 Attorney Fellows	0	0	0	0	0	1.8
Centrally appropriated line items	458,595	458,595	0	0	0	0.0
Annualize prior year actions	1,692,868	1,692,868	0	0	0	1.7
TOTAL	\$59,731,385	\$59,651,385	\$80,000	\$0	\$0	40.7
INCREASE/(DECREASE)	\$2,271,953	\$2,271,953	\$0	\$0	\$0	4.4
Percentage Change	4.0%	4.0%	0.0%	0.0%	0.0%	12.1%
FY 2024-25 EXECUTIVE REQUEST	\$60,309,082	\$60,229,082	\$80,000	\$0	\$0	40.7
Request Above/(Below) Recommendation	\$577,697	\$577,697	\$0	\$0	\$0	(0.0)

DESCRIPTION OF INCREMENTAL CHANGES

OADC R1 NON-ATTORNEY CONTRACTOR RATE INCREASE: The recommendation includes denial of an increase of \$549,708 General Fund for a five percent increase for non-attorney contractors. Staff recommendation is \$549,708 General Fund less than requested.

OADC R2 CONTRACTOR PROCESS COORDINATOR: The recommendation includes \$120,490 General Fund and 0.9 FTE for a Contractor Process Coordinator position. Staff recommendation is \$21,496 General Fund less than requested.

OADC R3 OPERATING AND TRAINING INCREASES: The recommendation includes a net-neutral adjustment from the Conflict-of-interest Contracts line item totaling \$96,400 General Fund. This item funds \$400 per staff member for staff training, for a total of \$16,400 and provides \$80,000 General Fund for contractor training to reduce or eliminate contractor-paid training provided by the OADC. Staff recommendation is \$162,000 General Fund less than requested with the use of the General Fund offset; and also provides \$65,600 less for staff training than requested (at \$2,000 per staff member).

OADC R4/BA1 COMPENSATION PLAN: This request item was withdrawn.

OADC R5 FELLOWSHIP SALARY RANGE ALIGNMENTS: The recommendation includes a net-neutral adjustment from the Conflict-of-interest Contracts line item totaling \$167,600 General Fund to true-up appropriations made for two additional attorney fellowships for FY 2023-24. Staff recommendation is consistent with the request.

OADC R6 ATTORNEY FELLOWS: The recommendation includes a net-neutral adjustment from the Conflict-of-interest Contracts line item totaling \$267,922 General Fund and adding 1.8 FTE for two additional attorney fellows to serve rural areas of the State. Staff recommendation is consistent with the request.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$458,595 General Fund for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Step Plan	\$153,575	\$153,575	\$0	\$0	\$0	0.0
Salary survey	136,635	136,635	0	0	0	0.0
Health, life, and dental	120,630	120,630	0	0	0	0.0
AED/SAED	28,022	28,022	0	0	0	0.0
Paid Family & Medical Leave Insurance	19,369	19,369	0	0	0	0.0
Short-term disability	364	364	0	0	0	0.0
TOTAL	\$458,595	\$458,595	\$0	\$0	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net increase of \$1,692,868 General Fund to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB23-227 Contract Attorney Hourly Rate	\$1,719,623	\$1,719,623	\$0	\$0	\$0	0.0
OADC FY24 JUD CB1 Court Reporter Pg Rate Increase	54,000	54,000	0	0	0	0.0
OADC FY24 R2 Holistic Defense Coordinator	8,707	8,707	0	0	0	0.1
OADC FY24 R1 EDI/HR Coordinator	4,664	4,664	0	0	0	0.1
OADC FY24 S1 fellowship salary alignment	0	0	0	0	0	0.0
OADC FY24 R3 Post Conviction Unit	(66,702)	(66,702)	0	0	0	1.0
OADC FY24 R6 Social Worker Fellowship	(13,342)	(13,342)	0	0	0	0.2
OADC FY24 JUD CB3 Attorney Fellowships	(13,340)	(13,340)	0	0	0	0.2
OADC FY24 R4 Appointment Specialist	(742)	(742)	0	0	0	0.1
TOTAL	\$1,692,868	\$1,692,868	\$0	\$0	\$0	1.7

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OADC table is \$577,697 General Fund. This includes differences of:

- \$549,708 less for the R1 Non-attorney Contractor Rate Increase request;
- \$162,000 less for the R3 Operating and Training Increases request; and
- \$21,496 less for the R2 Contractor Process Coordinator request.

Other adjustments include incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

→ OADC R2 CONTRACTOR PROCESS COORDINATOR

REQUEST: The OADC requests \$141,986 General Fund and 0.9 FTE for a Contract Processor Coordinator position.

RECOMMENDATION: Staff recommends that the Committee consider approving an appropriation of \$120,490 General Fund and 0.9 FTE as outlined in the table at the end of the analysis section.

ANALYSIS

The OADC states that the Contract Process Coordinator will take over contractor-related tasks assigned to current OADC staff to evaluate, develop, and implement statewide contractor processes and initiatives. This position is intended to develop cohesive and improved contractor processes and increase the efficiency for onboarding, developing, evaluating, and assigning clients and cases for contractors.

The OADC states that it currently contracts with 1,144 contractors, including 489 attorneys, 216 paralegals, 143 investigators, 125 case assistants, 80 forensic social workers or forensic clinical advocates, 66 legal researchers, 15 resource advocates, and 10 interns. In FY 2022-23, the OADC approved 262 new contractors and conducted 172 contractor renewals.

STAFF ASSESSMENT

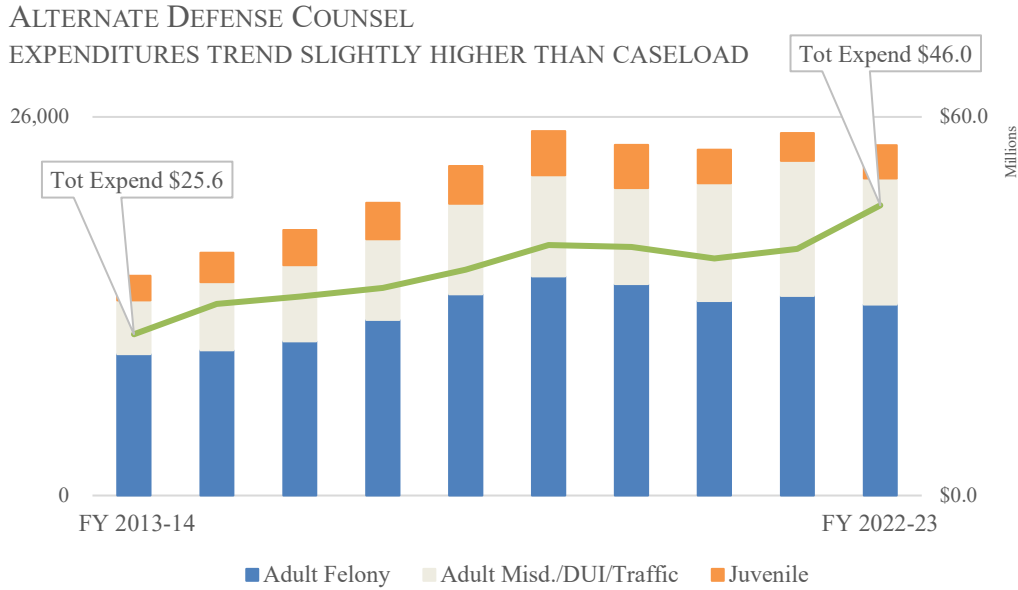
This position appears to be a "linchpin" or key position for an agency whose primary task is contracting with legal team members. Staff is generally surprised that this position has not already been tailored or created within the OADC staff. The OADC generally states that a variety of staff members have parts and pieces of tasks and responsibilities that would otherwise be assigned to this position.

Staff is generally supportive of recommending this position for the OADC in order to achieve efficiencies related to the contractor process. However, staff is also concerned at the general growth in staff in recent years for a relatively small agency. The following table outlines OADC administrative staff positions.

OADC ADMINISTRATIVE STAFF POSITIONS
Leadership
Director
Deputy Director
Chief Operating Officer
Coordinators, Managers, Supervisors
Appellate Case Coordinator
Attorney Development Coordinator
Contractor & Municipal Court Programs Manager
Holistic Defense Coordinator
Information Technology Coordinator
Legal Resources and Technology Coordinator
Municipal Court Innovations Coordinator
People & EDI Advocate
Post Conviction Coordinator and Appellate Supervisor
Social Worker Coordinator
Social Worker Outreach Coordinator
Sr. Office Manager
Training and Evaluations Coordinator
Youth Defense Coordinator
Admin and Technical Support
Appointment Specialist
Accountant I
Training and Technology Specialist
Billing Administrator
Business Intelligence Analyst

A Coordinator of Adjunct Services, an Information Systems Director, and a Staff Accountant were added in FY 2022-23. A Holistic Defense Coordinator, an EDI and HR Coordinator, and an Appointment Specialist were added in FY 2023-24; a request for a Municipal Court Program Analyst was denied for FY 2023-24. Additionally, staff is concerned that positions appear to possibly be repurposed or renamed from year to year over time; although staff has not conducted enough research to be sure of internal, OADC-initiated staff changes that may alter prior budget actions. Technically and legally, the agency has the authority and discretion to use its appropriation to accomplish its work as it sees fit. However, from a budget process perspective, the agency must rely on maintaining staff pattern transparency in order to accurately portray additional staff needs.

Staff is also concerned that agency costs are increasing generating a higher average cost per case. This suggests that the OADC may not be generating efficiencies in their primary operation as they add staff or that justify additional staff. As included in the staff briefing document, the following chart outlines OADC caseload and expenditures through FY 2022-23.



As illustrated in the chart, expenditures trend slightly higher than caseload, particularly in the most recent year. Caseload shows a slight decline in the early pandemic period, although caseloads were trending higher in the years prior to the pandemic.

The OADC caseload compound average annual growth rate (CAAGR) over 10 years is 4.8 percent. The average cost per case increased from \$1,694 in FY 2013-14 to \$1,911 in FY 2022-23; a CAAGR of 1.2 percent. The CAAGR is not excessive; however, staff is concerned with the final upward expenditure trend noted in the chart for FY 2022-23 and what it suggests for FY 2023-24.

Nevertheless, staff recommends that the Committee consider funding this item. Staff recommends the appropriation included in the following budget build table. The request narrative does not identify the anchor job class for this position. Based on existing positions in the OADC, staff recommends a Court Programs Analyst III at salary range minimum. Staff recommends POTS due to the scale of this agency and their full expenditure of POTS. The request budget build includes \$1,000 for travel expenses; however, staff excludes this item as it is unexplained.

OADC R2 CONTRACTOR PROCESS COORDINATOR REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Contractor Process Coord (CPA III)	1.0	\$112,295	0.9	\$92,761	1.0	\$104,229
POTS		20,671		19,907		22,003
Operating Expense		950		855		950
Capital Outlay		6,670		6,670		0
OE - Travel Expenses		1,000		0		0
Operating Expense - software		400		297		330
Subtotal	1.0	\$141,986	0.9	\$120,490	1.0	\$127,512
FY 2024-25 OADC line item adjustments						
Personal Services			0.9	\$92,761		
HLD				11,208		

OADC R2 CONTRACTOR PROCESS COORDINATOR REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
STD				123		
AED/SAED				8,207		
PFMLI				369		
Operating Expenses				1,152		
Capital Outlay				6,670		
Subtotal - OADC R2			0.9	\$120,490		
FY 2025-26 OADC line item annualization adjustments						
Personal Services					1.0	\$104,229
Operating Expenses						\$1,280
POTS included in Statewide Comp						22,003
Subtotal - OADC R2					1.0	\$127,512

→ OADC R3 OPERATING AND TRAINING INCREASES

REQUEST: The OADC requests \$162,000 General Fund, including \$82,000 for internal staff operating expenses that would provide \$2,000 per year per staff member for staff development opportunities and \$80,000 for the training line item that funds contractor training opportunities.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$16,400 General Fund for internal staff operating expenses. Staff recommends that the Committee approve the request for \$80,000 General Fund for the training line item that funds contractor training opportunities. Staff additionally recommends that this \$96,400 net appropriations increases be made through a budget-neutral adjustment to the Conflict-of-interest Contracts line item.

ANALYSIS

The OADC states that it seeks to add funding for staff training and professional development opportunities. The request is calculated at \$2,000 per staff member for 41 staff positions.

Based on the Committee decision for the Office of the Child Protection Ombudsman (OCPO) on a similar request item, the Committee approved a training request equal to \$400 per staff member. Staff recommends an appropriation of \$16,400 for this component.

The current Training and Conferences appropriation totals \$100,000, including \$20,000 General Fund and \$80,000 cash funds. Currently, attorney contractors pay the OADC for training opportunities, which reflects the cash funds appropriation for this line item. The OADC states that this adjustment is requested to enable the OADC to offer increased zero-cost training opportunities to contractors as a way to reduce contractor cost and improve contractor retention.

Staff agrees that the OADC would benefit from the ability to provide contractor trainings at no charge to contractors in the interest of retaining contractors. Staff recommends that the Committee approve this component of the request.

The OADC adds that this request might also be funded through a budget-neutral transfer from the Conflict-of-interest Contracts line item. **Staff agrees and recommends that the Committee**

approve a budget-neutral adjustment to the contracts line item for both of these items, totaling a negative adjustment of \$96,400 General Fund for this line item.

→ OADC R5 FELLOWSHIP SALARY RANGE ALIGNMENTS

REQUEST: The OADC requests a budget-neutral transfer of \$167,600 General Fund from the conflict-of-interest contracts line item to personal services for salary range adjustments for two fellowships added for FY 2023-24. This item is associated with a supplemental adjustment approved for FY 2023-24.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OADC included a late request for FY 2023-24 that was addressed by a staff comeback to add two more attorney fellowships for their fellowship program. This program item in the OADC involves a budget neutral transfer of appropriations from their primary contract attorney payment line item and places a matching amount in personal services and benefits. For two budget cycles staff has supported the OADC's use of this mechanism for these positions as a way to alleviate the agency's challenges in recruiting contract attorneys statewide. The OADC has incrementally added positions as they have successfully recruited young attorneys to fill these positions. Because this request came in at the end of the budget cycle for FY 2023-24, staff accepted the appropriation numbers included in the OADC informal request and write-up. However, the appropriation did not include the FY 2023-24 adjustments made for salary for similar positions in the Office of State Public Defender to which these positions are benchmarked. This adjustment trues up the necessary appropriation for this purpose.

→ OADC R6 ATTORNEY FELLOWS

REQUEST: The OADC requests a budget-neutral adjustment from the Conflict-of-interest Contracts line item totaling \$267,922, and adding 1.8 FTE, to establish two additional attorney fellows for the Greater Colorado Fellowship program that identifies new and young attorneys in rural Colorado to serve as an OADC attorney with the intention of keeping these attorneys as contractors in rural areas of the state once the two-year fellowship is concluded.

RECOMMENDATION: Staff recommends that the Committee approve the request.

ANALYSIS

The OADC requests two additional Greater Colorado Fellow attorneys to serve in rural areas. The OADC states that it has experienced success with this model and seeks two more positions for FY 2024-25. **Staff recommends that the Committee approve this budget-neutral adjustment to allow the OADC to expand their fellow program for legal support in rural areas.**

LINE ITEM DETAIL – OFFICE OF THE ALTERNATE DEFENSE COUNSEL

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$4,958,821 General Fund and 40.7 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$4,219,969	\$4,219,969	\$0	\$0	\$0	36.3
HB24-1188 (Supplemental)	\$153,776	\$153,776	\$0	\$0	\$0	0.0
TOTAL	\$4,373,745	\$4,373,745	\$0	\$0	\$0	36.3
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$4,373,745	\$4,373,745	\$0	\$0	\$0	36.3
OADC R6 Attorney Fellows	209,863	209,863	0	0	0	1.8
OADC R5 Fellowship Salary Range Alignments	153,776	153,776	0	0	0	0.0
Annualize prior year actions	109,142	109,142	0	0	0	1.7
OADC R2 Contractor Process Coordinator	92,761	92,761	0	0	0	0.9
OADC R4/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
TOTAL	\$4,939,287	\$4,939,287	\$0	\$0	\$0	40.7
INCREASE/(DECREASE)	\$565,542	\$565,542	\$0	\$0	\$0	4.4
Percentage Change	12.9%	12.9%	0.0%	0.0%	0.0%	12.1%
FY 2024-25 EXECUTIVE REQUEST	\$4,958,821	\$4,958,821	\$0	\$0	\$0	40.7
Request Above/(Below) Recommendation	\$19,534	\$19,534	\$0	\$0	\$0	(0.0)

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of health, life, and dental insurance.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OADC requests \$702,008 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$533,266	\$533,266	\$0	\$0	\$0	0.0

OFFICE OF ALTERNATE DEFENSE COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
HB24-1188 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$533,266	\$533,266	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$533,266	\$533,266	\$0	\$0	\$0	0.0
Centrally appropriated line items	120,630	120,630	0	0	0	0.0
OADC R6 Attorney Fellows	21,172	21,172	0	0	0	0.0
Annualize prior year actions	16,354	16,354	0	0	0	0.0
OADC R2 Contractor Process Coordinator	11,208	11,208	0	0	0	0.0
TOTAL	\$702,630	\$702,630	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$169,364	\$169,364	\$0	\$0	\$0	0.0
Percentage Change	31.8%	31.8%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$702,008	\$702,008	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$622)	(\$622)	\$0	\$0	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S

REQUEST: The OADC requests \$7,045 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$5,874	\$5,874	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$218	\$218	\$0	\$0	\$0	0.0
TOTAL	\$6,092	\$6,092	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$6,092	\$6,092	\$0	\$0	\$0	0.0
Centrally appropriated line items	364	364	0	0	0	0.0
OADC R6 Attorney Fellows	279	279	0	0	0	0.0
OADC R5 Fellowship Salary Range Alignments	218	218	0	0	0	0.0
OADC R2 Contractor Process Coordinator	123	123	0	0	0	0.0
Annualize prior year actions	2	2	0	0	0	0.0
OADC R4/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
TOTAL	\$7,078	\$7,078	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$986	\$986	\$0	\$0	\$0	0.0
Percentage Change	16.2%	16.2%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$7,045	\$7,045	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$33)	(\$33)	\$0	\$0	\$0	0.0

UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS [NEW LINE ITEM]

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees' Retirement Association (PERA). This line item replaces the former *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items through FY 2023-24.

STATUTORY AUTHORITY: Section 24-51-411, C.R.S.

REQUEST: For AED and SAED, OADC requests a total appropriation of \$479,458 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including the recommended amount for the JBC staff-initiated item and adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF ALTERNATE DEFENSE COUNSEL, UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$425,518	\$425,518	\$0	\$0	\$0	0.0
OADC R6 Attorney Fellows	18,568	18,568	0	0	0	0.0
OADC R5 Fellowship Salary Range Alignments	13,606	13,606	0	0	0	0.0
Annualize prior year actions	11,830	11,830	0	0	0	0.0
OADC R2 Contractor Process Coordinator	8,207	8,207	0	0	0	0.0
OADC R4/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
TOTAL	\$477,729	\$477,729	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$477,729	\$477,729	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$477,729)	(\$477,729)	\$0	\$0	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OADC requests \$239,729 General Fund.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)
Pursuant to S.B. 06-235, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OADC requests \$239,729 General Fund.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

SALARY SURVEY

This line item is used for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OADC requests \$135,595 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for this common policy.

OFFICE OF ALTERNATE DEFENSE COUNSEL, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$125,040	\$125,040	\$0	\$0	\$0	0.0
TOTAL	\$125,040	\$125,040	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$125,040	\$125,040	\$0	\$0	\$0	0.0
Centrally appropriated line items	136,635	136,635	0	0	0	0.0
Annualize prior year actions	(125,040)	(125,040)	0	0	0	0.0
TOTAL	\$136,635	\$136,635	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$11,595	\$11,595	\$0	\$0	\$0	0.0
Percentage Change	9.3%	9.3%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$135,595	\$135,595	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$1,040)	(\$1,040)	\$0	\$0	\$0	0.0

STEP PAY [NEW LINE ITEM]

This line item provides detail on the amount of funding appropriated to each department as a result of the step pay plan. The step pay plan takes effect in FY 2024-25 and is a result of negotiations between the State of Colorado and Colorado Workers for Innovative and New Solutions (COWINS). The Courts and Probation and Office of State Public Defender have each instituted independent and equivalent step plans. The other Judicial Department independent agencies are provided a step-like increase equivalent at an average 3.7 percent of salary base to be distributed as merit increases.

STATUTORY AUTHORITY: Section 24-50-1101 et seq., C.R.S.

REQUEST: The OADC did not request this item.

RECOMMENDATION: Staff recommends an appropriation as outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF ALTERNATE DEFENSE COUNSEL, STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$153,575	\$153,575	\$0	\$0	\$0	0.0
TOTAL	\$153,575	\$153,575	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$153,575	\$153,575	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$153,575)	(\$153,575)	\$0	\$0	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The OADC requests an appropriation of \$18,536 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF ALTERNATE DEFENSE COUNSEL, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$19,369	\$19,369	\$0	\$0	\$0	0.0

OFFICE OF ALTERNATE DEFENSE COUNSEL, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OADC R2 Contractor Process Coordinator	369	369	0	0	0	0.0
TOTAL	\$19,738	\$19,738	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$19,738	\$19,738	\$0	\$0	\$0	0.0
Percentage Change	n/a	n/a	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$18,536	\$18,536	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$1,202)	(\$1,202)	\$0	\$0	\$0	0.0

OPERATING EXPENSES

This line item provides funding for the operating expenses and IT asset maintenance.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests an appropriation of \$338,757 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$249,707	\$249,707	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$249,707	\$249,707	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$249,707	\$249,707	\$0	\$0	\$0	0.0
OADC R3 Operating and Training Increases	16,400	16,400	0	0	0	0.0
OADC R6 Attorney Fellows	4,700	4,700	0	0	0	0.0
OADC R2 Contractor Process Coordinator	1,152	1,152	0	0	0	0.0
TOTAL	\$271,959	\$271,959	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$22,252	\$22,252	\$0	\$0	\$0	0.0
Percentage Change	8.9%	8.9%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$338,757	\$338,757	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$66,798	\$66,798	\$0	\$0	\$0	0.0

CAPITAL OUTLAY

This line item pays for one-time costs for new employees (furniture, computer, software, etc.).

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$20,010 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, CAPITAL OUTLAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$113,390	\$113,390	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$113,390	\$113,390	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$113,390	\$113,390	\$0	\$0	\$0	0.0
OADC R6 Attorney Fellows	13,340	13,340	0	0	0	0.0
OADC R2 Contractor Process Coordinator	6,670	6,670	0	0	0	0.0
Annualize prior year actions	(113,390)	(113,390)	0	0	0	0.0
TOTAL	\$20,010	\$20,010	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$93,380)	(\$93,380)	\$0	\$0	\$0	0.0
Percentage Change	(82.4%)	(82.4%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$20,010	\$20,010	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

TRAINING AND CONFERENCES

This line item pays for training for contract attorneys, investigators, paralegals, and social workers.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests an appropriation of \$180,000, including \$100,000 General Fund and \$80,000 cash funds from registration fees.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, TRAINING AND CONFERENCES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$100,000	\$20,000	\$80,000	\$0	\$0	0.0
TOTAL	\$100,000	\$20,000	\$80,000	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$100,000	\$20,000	\$80,000	\$0	\$0	0.0
OADC R3 Operating and Training Increases	80,000	80,000	0	0	0	0.0
TOTAL	\$180,000	\$100,000	\$80,000	\$0	\$0	0.0
INCREASE/(DECREASE)	\$80,000	\$80,000	\$0	\$0	\$0	0.0
Percentage Change	80.0%	400.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$180,000	\$100,000	\$80,000	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CONFLICT OF INTEREST CONTRACTS

This line item provides funding for contract attorneys and legal team contractors.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests \$50,419,079 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, CONFLICT-OF-INTEREST CONTRACTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$48,732,523	\$48,732,523	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	(167,600)	(167,600)	0	0	0	0.0
TOTAL	\$48,564,923	\$48,564,923	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$48,564,923	\$48,564,923	\$0	\$0	\$0	0.0
Annualize prior year actions	1,739,970	1,739,970	0	0	0	0.0
OADC R1 Non-attorney Contractor Rate Increase	0	0	0	0	0	0.0
OADC R6 Attorney Fellows	(267,922)	(267,922)	0	0	0	0.0
OADC R5 Fellowship Salary Range Alignments	(167,600)	(167,600)	0	0	0	0.0
OADC R3 Operating and Training Increases	(96,400)	(96,400)	0	0	0	0.0
TOTAL	\$49,772,971	\$49,772,971	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$1,208,048	\$1,208,048	\$0	\$0	\$0	0.0
Percentage Change	2.5%	2.5%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$646,108	\$646,108	\$0	\$0	\$0	0.0

MANDATED COSTS

This line item pays for legally required case costs, including expert witnesses, discovery costs, transcripts, interpreters, and expert witness travel reimbursement.

STATUTORY AUTHORITY: Section 21-2-101 et seq., C.R.S.

REQUEST: The OADC requests an appropriation of \$3,049,773 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF ALTERNATE DEFENSE COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$2,976,573	\$2,976,573	\$0	\$0	\$0	0.0
Other legislation	\$19,200	\$19,200	\$0	\$0	\$0	0.0
TOTAL	\$2,995,773	\$2,995,773	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$2,995,773	\$2,995,773	\$0	\$0	\$0	0.0
Annualize prior year actions	54,000	54,000	0	0	0	0.0

OFFICE OF ALTERNATE DEFENSE COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
TOTAL	\$3,049,773	\$3,049,773	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$54,000	\$54,000	\$0	\$0	\$0	0.0
Percentage Change	1.8%	1.8%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$3,049,773	\$3,049,773	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(7) OFFICE OF THE CHILD'S REPRESENTATIVE

The Office of the Child's Representative (OCR) provides legal representation for children involved in the court system due to dependency and neglect proceedings that involve child abuse, abandonment, or neglect. In addition, courts have the discretion to appoint an attorney to represent children in cases involving juvenile delinquency, truancy, paternity, probate, mental health issues, alcohol or drug abuse, and high-conflict divorce.

The OCR was established as an independent agency within the Judicial Department effective July 1, 2000. Previously, these services were provided through the Courts. The OCR is governed by the Child's Representative Board, comprised of nine, uncompensated members appointed by the Supreme Court. The Director's compensation is set by the General Assembly. In most judicial districts, OCR provides legal representation through contract attorneys. In El Paso County (4th Judicial District), the OCR employs attorneys and other staff to provide services through a centralized office rather than through contracted services. This office was established in response to S.B. 99-215, which directed the Judicial Department to pilot alternative methods of providing GAL services. The OCR's central administrative office is located in the Ralph L. Carr Colorado Judicial Center and except for some reappropriated funds from federal Title IV-E funding transferred from the Department of Human Services, the OCR is supported entirely by General Fund appropriations.

OFFICE OF THE CHILD'S REPRESENTATIVE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$38,477,505	\$35,963,672	\$0	\$2,513,833	\$0	38.0
Other legislation	463,000	463,000	0	0	0	0.0
HB24-1188 (Supplemental)	30,000	0	0	30,000	0	0.0
TOTAL	\$38,970,505	\$36,426,672	\$0	\$2,543,833	\$0	38.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$38,970,505	\$36,426,672	\$0	\$2,543,833	\$0	38.0
OCR R1 Caseload Adjustment	20,000	20,000	0	0	0	0.0
OCR R2 Training Assistant	99,370	0	0	99,370	0	1.0
OCR R3/BA1 Compensation Plan	0	0	0	0	0	0.0
OCR R4 Non-attorney Contractor Rate Increase	0	0	0	0	0	0.0
OCR BA2 Case management/billing system upgrade	1,500,000	0	0	1,500,000	0	0.0
OCR BA3 Grants spending authority	30,000	0	0	30,000	0	0.0
Centrally appropriated line items	262,488	249,171	0	13,317	0	0.0
Annualize prior year actions	1,112,878	1,142,878	0	(30,000)	0	0.0
TOTAL	\$41,995,241	\$37,838,721	\$0	\$4,156,520	\$0	39.0
INCREASE/(DECREASE)	\$3,024,736	\$1,412,049	\$0	\$1,612,687	\$0	1.0
Percentage Change	7.8%	3.9%	0.0%	63.4%	0.0%	2.6%
FY 2024-25 EXECUTIVE REQUEST	\$42,912,677	\$38,730,813	\$0	\$4,181,864	\$0	39.0
Request Above/(Below) Recommendation	\$917,436	\$892,092	\$0	\$25,344	\$0	0.0

DESCRIPTION OF INCREMENTAL CHANGES

R1 CASELOAD ADJUSTMENT: The recommendation includes an increase of \$20,000 General Fund for the OCR for an increase for Mandated Costs. The recommendation includes denial of the increase request for the Court-appointed Counsel line item. Staff recommendation is \$893,269 General Fund less than requested.

OCR R2 TRAINING ASSISTANT: The recommendation includes an increase of \$99,370 reappropriated funds from federal Title IV-E reimbursement funds and 1.0 FTE for a Training Assistant position. Staff recommendation is \$25,442 reappropriated funds less than requested.

OCR R3/BA1 COMPENSATION PLAN: This request item was withdrawn.

OCR R4 NON-ATTORNEY CONTRACTOR RATE INCREASE: The recommendation includes denial of an increase of \$134,370 total funds, including an increase of \$121,626 General Fund and an increase of \$12,744 reappropriated funds for a five percent increase for non-attorney contractors. Staff recommendation is \$134,370 total funds and \$121,626 General Fund less than requested.

OCR BA2 CASE MANAGEMENT/BILLING SYSTEM UPGRADE: The recommendation includes an increase of \$1,500,000 reappropriated funds from federal Title IV-E reimbursement funds for replacement of its case management and billing system known as the CARES system. Staff recommendation is consistent with the request.

OCR BA3 GRANTS SPENDING AUTHORITY: The recommendation includes an increase of \$30,000 reappropriated funds from grants for the OCR for a true-up of grants spending authority. Staff recommendation is consistent with the request.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$262,488 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Step Plan	\$135,645	\$122,803	\$0	\$12,842	\$0	0.0
Salary survey	120,681	109,255	0	11,426	0	0.0
Paid Family & Medical Leave Insurance	16,498	14,936	0	1,562	0	0.0
Leased space	4,379	4,379	0	0	0	0.0
Health, life, and dental	850	14,359	0	(13,509)	0	0.0
AED/SAED	(15,322)	(16,304)	0	982	0	0.0
Short-term disability	(243)	(257)	0	14	0	0.0
TOTAL	\$262,488	\$249,171	\$0	\$13,317	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net increase of \$1,112,878 total funds to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
SB23-227 Contract Attorney Hourly Rate	\$1,130,092	\$1,130,092	\$0	\$0	\$0	0.0
OCR FY24 R3 Staff Attorney	11,986	11,986	0	0	0	0.0

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
OCR FY24 JUD CB1 Court Reporter Pg Rate Increase	800	800	0	0	0	0.0
OCR FY24 S1 grants spending authority	(30,000)	0	0	(30,000)	0	0.0
TOTAL	\$1,112,878	\$1,142,878	\$0	(\$30,000)	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the OCR table is \$917,436 total funds, including \$892,092 General Fund. This includes a difference of:

- \$893,269 General Fund less for the R1 Caseload Adjustment request;
- \$134,370 total funds and \$121,626 General Fund less for the R4 Non-attorney Contractor Rate Increase request; and
- \$25,442 reappropriated funds less for the R2 Training Assistant request.

Other adjustments include incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF THE CHILD'S REPRESENTATIVE

→ OCR R1 CASELOAD ADJUSTMENT

REQUEST: The OCR requests \$913,269 General Fund for a caseload-workload adjustment, including \$893,269 for the court-appointed counsel line item and \$20,000 for the mandated costs line item.

RECOMMENDATION: Staff recommends that the Committee deny the adjustment for the court-appointed counsel and approve the request for the mandated costs line item of \$20,000 General Fund.

ANALYSIS

For FY 2023-24, the OCR requested and was approved for a caseload adjustment decrease of \$634,000 General Fund. Additionally, H.B. 23-1307 (Juvenile Detention Services and Funding) provided an additional \$463,000 General Fund for a projected increase of 463 appointments associated with the legislation.

The OCR includes a good amount of data that suggests that aside from post-pandemic increases that dependency and neglect (D&N) caseload is generally decreasing and juvenile delinquency and other case types may be increasing. The OCR suggests that workload for cases is increasing as more difficult cases are left to address through child welfare-related processes.

Rather than focus on caseload (that appears broadly to be flat or decreasing) or workload, staff prefers to consider expenditures to appropriations and reversions to assess whether these appropriations should be adjusted. The following table outlines the recent appropriations and expenditures history for the court-appointed counsel line item.

OCR COURT-APPOINTED COUNSEL RECENT APPROPS AND EXPENDITURES			
	GF	RF	TF
FY24-25 Requested Approp	\$31,177,705	\$1,816,322	32,994,027
Increase Percentage	6.9%	0.0%	6.5%
FY23-24 Approp	29,154,344	1,816,322	30,970,666
Percentage increase over prior year actual	31.3%	464.8%	37.4%
FY22-23 Approp	25,205,596	1,528,416	26,734,012
FY22-23 Actual	22,211,159	321,606	22,532,765
FY22-23 Reversion	2,994,437	1,206,810	4,201,247
Reversion Percentage of Approp	11.9%	79.0%	15.7%
Actual percentage change from prior year	7.4%	214.2%	8.4%
FY21-22 Approp	25,220,766	1,441,902	26,662,668
FY21-22 Actual	20,688,661	102,352	20,791,013
FY21-22 Reversion	4,532,105	1,339,550	5,871,655
Reversion Percentage of Approp	18.0%	92.9%	22.0%
Actual percentage change from prior year	1.0%	188.8%	1.3%
FY20-21 Approp	25,340,543	1,441,902	26,782,445
FY20-21 Actual	20,479,617	35,444	20,515,061
FY20221 Reversion	4,860,926	1,406,458	6,267,384
Reversion Percentage of Approp	19.2%	97.5%	23.4%
Actual percentage change from prior year	(7.1%)	n/a	(6.9%)
FY19-20 Approp	23,940,543	0	23,940,543
FY19-20 Actual	22,042,792	0	22,042,792
FY19-20 Reversion	1,897,751	0	1,897,751
Reversion Percentage of Approp	7.9%	n/a	7.9%

As outlined in the table, the FY 2022-23 expenditure has returned to just above \$22.0 million where it was in FY 2019-20. With increased General Fund and reappropriated funds (federal Title IV-E transferred from the Department of Human Services) added in FY 2020-21, reversions totaled almost \$3.0 million General Fund and \$4.2 million total funds. For the OCR to exceed appropriations for FY 2023-24, expenditures would have to increase by 37.4 percent over the FY 2022-23 actual. **Based on these figures, staff is not concerned about spending authority at this time for this line item and recommends that the Committee deny this component of the request.**

The following table outlines the recent appropriations and expenditures history for the mandated costs line item.

OCR MANDATED COSTS RECENT APPROPS AND EXPENDITURES	
	GENERAL FUND
FY24-25 Requested Approp	\$81,000
Increase Percentage	34.6%
FY23-24 Approp	60,200
Percentage increase over prior year actual	(13.4%)
FY22-23 Approp	60,200
FY22-23 Actual	69,523
FY22-23 Reversion	(9,323)
Reversion Percentage of Approp	(15.5%)
Actual percentage change from prior year	19.6%
FY21-22 Approp	60,200
FY21-22 Actual	58,122

OCR MANDATED COSTS RECENT APPROPS AND EXPENDITURES	
	GENERAL FUND
FY21-22 Reversion	2,078
Reversion Percentage of Approp	3.5%
Actual percentage change from prior year	0.8%
FY20-21 Approp	60,200
FY20-21 Actual	57,650
FY20221 Reversion	2,550
Reversion Percentage of Approp	4.2%
Actual percentage change from prior year	9.6%
FY19-20 Approp	60,200
FY19-20 Actual	52,605
FY19-20 Reversion	7,595
Reversion Percentage of Approp	12.6%

As outlined in the table, the actual expenditure for FY 2022-23 totaled just under \$70,000 that included an over-expenditure of \$9,300. Recent history shows increasing expenditures each year. **On this basis, staff recommends that the Committee approve this component of the request.**

→ OCR R2 TRAINING ASSISTANT

REQUEST: The OCR requests \$124,812 reappropriated funds from federal Title IV-E reimbursements transferred from the Department of Human Services and 1.0 FTE for a training assistant position to support the Training Director.

RECOMMENDATION: Staff recommends that the Committee approve an appropriation of \$99,370 reappropriated funds and 1.0 FTE as outlined in the table at the conclusion of the analysis section.

ANALYSIS

In FY 2022-23, the OCR provided 91 new continuing legal education (CLE) credits for OCR attorneys and case consultants. The OCR offers these trainings through a combination of in-person and online courses, and records trainings for future viewing. The OCR maintained a total of 250 current hours of CLEs on its website and developed two new curricula for its online on-demand e-learning course platform.

OCR's Training Director responsibilities include:

- Remaining apprised of adult learning strategies and instructional design best practices as well as legal, practice, and social science developments impacting attorney and case consultant practice in OCR's 12 case types.
- Ensuring OCR's defined core competencies for attorneys remain current and comprehensive.
- Supporting OCR's case consultant coordinator in the development of core competencies and specialized training for case consultants.
- Curriculum development.
- Training planning and delivery that includes: identifying topics; identifying, contacting, coordinating, and supporting presenters; planning and preparing agendas; publicizing training and overseeing representation; overseeing the development of training and practice materials; and conference venue and selection.

- Development and delivery of online on-demand E-learning courses.
- Development and delivery of multidisciplinary training with community partners.
- Supporting OCR staff and contractors in meeting their training requirements and needs, including: overseeing annual certification of training and compensation for training hours; and fielding questions about registration, available trainings, access to materials and supports.
- Managing OCR's mentorship program.
- Training evaluation.

The Training Director is currently responsible for all administrative and logistical tasks related to OCR's training program, including: speaker correspondence and scheduling; material printing and organization; video editing; training notification and registration; continuing legal education application and tracking; biweekly training newsletter; virtual training technology and logistics; and training archive management.

While other OCR staff have stepped up to help the OCR Training Director with some training administrative tasks and logistics, they do so at the expense of other assigned responsibilities or their personal time. Over the years, the OCR has also engaged in some contracts to provide technical assistance in an attempt to avoid the need for additional FTE.

The OCR Training Assistant would take on many of the logistical and administrative tasks currently handled by OCR's Training Director, including:

- For in-person events: vendor management; manage speaker correspondence and scheduling; onsite support and logistics; real-time troubleshooting and technical support for attendees; printing and organization of materials, post-training follow-up.
- For virtual events: manage virtual platform; speaker correspondence and scheduling; materials management and organization; registration, post training follow-up.
- Manage CLEs: application and distribution; tracking.
- Video editing and training archive management.
- Correspondence and tracking of mentors/mentees.
- Biweekly training e-bulletin.

Staff recommends that the Committee approve this request as outlined in the following table. The request narrative does not identify which job class is intended. Staff has selected the Staff Assistant position in the Judicial Department compensation system at the minimum of the salary range. Staff recommends POTS for this item because of the scale of the agency and its typical usage of all POTS appropriated.

OCR R2 TRAINING ASSISTANT REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Training Assistant (Staff Assistant - JUD)	1.0	\$84,901	1.0	\$72,403	1.0	\$74,575
POTS		31,961		19,018		19,221
Operating Expense		950		950		950
Capital Outlay		6,670		6,670		0
Operating Expense - software		330		330		330
Subtotal	1.0	\$124,812	1.0	\$99,370	1.0	\$95,076

OCR R2 TRAINING ASSISTANT REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
FY 2024-25 OCR line item adjustments						
Personal Services			1.0	\$72,403		
HLD				12,227		
STD				96		
AED/SAED				6,406		
PFMLI				288		
Operating Expenses				7,950		
Subtotal - OCR R2			1.0	\$99,370		
FY 2025-26 OCR line item annualization adjustments						
Personal Services					1.0	\$74,575
Operating Expenses						\$1,280
POTS included in Statewide Comp						19,221
Subtotal - OCR R2					1.0	\$95,076

➔ OCR BA2 CASE MANAGEMENT/BILLING SYSTEM UPDATE

REQUEST: The OCR requests \$1,500,000 reappropriated funds from federal Title IV-E reimbursements transferred from the Department of Human Services and two-year spending authority to begin an update of their case management and billing system known as the CARES system. Additionally, the OCR requests \$100,000 General Fund beginning in FY 2025-26 for ongoing software support, licensing, and report writing.

RECOMMENDATION: Staff recommends that the Committee approve: (1) the request for \$1.5 million reappropriated funds; (2) a footnote that provides two-year spending authority; alternately, the Committee may wish to consider placing this IT system update in the IT Projects section of the Long Bill; and (3) an annualization of \$100,000 to begin in FY 2025-26 for ongoing system support and maintenance from reappropriated funds rather than General Fund.

ANALYSIS

Since FY 2011-12, the OCR has maintained an online case management and billing system known as the Colorado Attorney Reimbursement Electronic System or "CARES". CARES is a fully custom web application designed to support efficient attorney practice and invoicing for approximately 600 active attorney, case consultant, and support staff users while allowing the OCR to monitor compliance with performance standards and policies.

When the original CARES system was about five years old, the OCR began developing specifications for an upgraded "CARES 2" system. CARES 2 went live in April 2018 through a contract with a software team led by an engineer who proved to be an exemplary asset to the OCR. He was a champion for maximizing system potential at minimal cost: he nurtured a highly productive partnership with OCR and shepherded the application through successful but increasingly complex changes, such as those supporting the Case Consultant program and the agency's transition to client-directed representation.

In 2023, CARES 2 is reaching the age at which ongoing maintenance, reports, and modernizations become increasingly cumbersome and costly. This is expected; the OCR knows from many engineers that five years is a proactive time to evaluate the need for software replacement, and CARES 2 is five years old and has experienced significant architectural changes over its life. In April 2023, staff began to discuss the costs and benefits of developing "CARES 3", and this preliminary analysis pointed to a FY 2025-26 budget decision item to develop CARES 3 before the onset of any serious instability.

Just after finalizing its fiscal year 2024-25 budget request at the end of October, the OCR received sudden notice that its main contract engineer was leaving his firm for a new position. The firm will replace him, junior members of his team remain in place, and the OCR's internal team is at its strongest to support the CARES application, but this key original engineer's departure is a significant loss. It will inevitably cost OCR unforeseen time and resources to bring the replacement engineer up to speed on the complexities and idiosyncrasies of the five-year-old system during a time when resources would be better spent on the potential system replacement. OCR believes that the most efficient use of state time and resources would be to accelerate the replacement timeline.

Having spending authority beginning July 2024 and extending into fiscal year 2025-26 would enable the OCR to begin a procurement process in October 2024, then begin building as early as February 2025. Building may take up to nine months, so the application could be deployed in Fall 2025. If the OCR waits for a fiscal year 2025-26 budget decision item instead, the earliest possible go-live date by the OCR's analysis would be March 2026.

Staff believes that five-year updates of an IT system appear to be possibly accelerated and unnecessary. However, it appears that the OCR has worked on generally a five-year schedule of updates to their CARES system. **The OCR reports that it will be losing access to the lead engineer's expertise with the system; additionally, the OCR seeks reappropriated funds for project funding; on this basis staff supports the OCR's request for FY 2024-25.**

Staff recommends a footnote providing two-year spending authority for this project, if this appropriation is place in the OCR operating budget. Staff is concerned that the OCR should possibly be working on an IT system update timeline closer to 10 years that is more typical of replacement or update of state agency IT systems. **On this basis, the Committee may wish to place this appropriation in the IT Projects section of the Long Bill in order to ensure Joint Technology Committee oversight and communication with the OCR regarding its update project and system generally.**

Staff recommends that the Committee approve the request for \$100,000 for FY 2025-26 and future years for system licensing, updates, and maintenance. However, staff does not recommend the use of General Fund. As expressed at other points in this figure setting document, staff is concerned that the OCR and the ORPC are not using their available reappropriated funds from federal Title IV-E reimbursements to the extent that they are available. **Staff recommends that this ongoing cost be paid for from reappropriated funds.**

→ OCR BA3 GRANTS SPENDING AUTHORITY

REQUEST: The OCR requests \$30,000 reappropriated funds from various funds including grants to true-up spending authority for the Grants line item. This item was also requested and approved as a supplemental.

RECOMMENDATION: Consistent with the recommendation and action taken for the associated supplemental request, staff recommends that the Committee approve the request.

ANALYSIS

For FY 2023-24, the Grants line item for the OCR was included in the Long Bill without an informational "I" note; an "I" note had been included in prior years. Staff could not determine in appropriation history why the "I" note had been added; and staff could not find a statutory or constitutional reference that would confer the "I" note for this appropriation. Due to this change from an informational appropriation to an annual appropriation, the OCR determined that it needed additional spending authority for FY 2024-25 and future years for this item.

LINE ITEM DETAIL – OFFICE OF THE CHILD'S REPRESENTATIVE

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver and the El Paso county office, which provides Guardian Ad Litem services through legal support staff.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$4,644,582 total funds, including \$4,144,551 General Fund and \$500,031 reappropriated funds, and 39.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$4,356,999	\$3,959,043	\$0	\$397,956	\$0	38.0
TOTAL	\$4,356,999	\$3,959,043	\$0	\$397,956	\$0	38.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$4,356,999	\$3,959,043	\$0	\$397,956	\$0	38.0
Annualize prior year actions	202,682	185,508	0	17,174	0	0.0
OCR R2 Training Assistant	72,403	0	0	72,403	0	1.0
OCR R3/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
TOTAL	\$4,632,084	\$4,144,551	\$0	\$487,533	\$0	39.0
INCREASE/(DECREASE)	\$275,085	\$185,508	\$0	\$89,577	\$0	1.0
Percentage Change	6.3%	4.7%	0.0%	22.5%	0.0%	2.6%
FY 2024-25 EXECUTIVE REQUEST	\$4,644,582	\$4,144,551	\$0	\$500,031	\$0	39.0
Request Above/(Below) Recommendation	\$12,498	\$0	\$0	\$12,498	\$0	0.0

HEALTH LIFE AND DENTAL

This line item provides funding for the employer's share of the cost of group benefit plans providing health, life, and dental insurance for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The OCR requests \$520,912 total funds, including \$471,085 General Fund and \$49,827 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$496,067	\$456,726	\$0	\$39,341	\$0	0.0
TOTAL	\$496,067	\$456,726	\$0	\$39,341	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$496,067	\$456,726	\$0	\$39,341	\$0	0.0
OCR R2 Training Assistant	12,227	0	0	12,227	0	0.0
Centrally appropriated line items	850	14,359	0	(13,509)	0	0.0
TOTAL	\$509,144	\$471,085	\$0	\$38,059	\$0	0.0
INCREASE/(DECREASE)	\$13,077	\$14,359	\$0	(\$1,282)	\$0	0.0
Percentage Change	2.6%	3.1%	0.0%	(3.3%)	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$520,912	\$471,085	\$0	\$49,827	\$0	0.0
Request Above/(Below) Recommendation	\$11,768	\$0	\$0	\$11,768	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for the employer's share of short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The OCR requests \$5,613 total funds, including \$4,979 General Fund and \$634 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$5,743	\$5,236	\$0	\$507	\$0	0.0
TOTAL	\$5,743	\$5,236	\$0	\$507	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$5,743	\$5,236	\$0	\$507	\$0	0.0
OCR R2 Training Assistant	96	0	0	96	0	0.0
OCR R3/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
Centrally appropriated line items	(243)	(257)	0	14	0	0.0
TOTAL	\$5,596	\$4,979	\$0	\$617	\$0	0.0
INCREASE/(DECREASE)	(\$147)	(\$257)	\$0	\$110	\$0	0.0
Percentage Change	(2.6%)	(4.9%)	0.0%	21.7%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$17	\$0	\$0	\$17	\$0	0.0

UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS [NEW LINE ITEM]

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees' Retirement Association (PERA). This line item replaces the former *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items through FY 2023-24.

STATUTORY AUTHORITY: Section 24-51-411, C.R.S.

REQUEST: For AED and SAED, OCR requests a total appropriation of \$374,120, including \$331,900 General Fund and \$42,220 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$366,606	\$331,900	\$0	\$34,706	\$0	0.0
OCR R2 Training Assistant	6,406	0	0	6,406	0	0.0
OCR R3/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
TOTAL	\$373,012	\$331,900	\$0	\$41,112	\$0	0.0
INCREASE/(DECREASE)	\$373,012	\$331,900	\$0	\$41,112	\$0	0.0

OFFICE OF THE CHILD'S REPRESENTATIVE, UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Percentage Change	n/a	n/a	0.0%	n/a	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$373,012)	(\$331,900)	\$0	(\$41,112)	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding to increase the state contribution for Public Employees' Retirement Association (PERA) for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OCR requests \$187,060 total funds, including \$165,950 General Fund and \$21,110 reappropriated funds.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)

Pursuant to S.B. 06-235, this line item provides additional funding to increase the state contribution for PERA for OCR staff.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The OCR requests \$187,060 total funds, including \$165,950 General Fund and \$21,110 reappropriated funds.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

SALARY SURVEY

This line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The OCR requests \$120,681 total funds, including \$109,255 General Fund and \$11,426 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
TOTAL	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$184,026	\$166,852	\$0	\$17,174	\$0	0.0
Centrally appropriated line items	120,681	109,255	0	11,426	0	0.0
Annualize prior year actions	(184,026)	(166,852)	0	(17,174)	0	0.0
TOTAL	\$120,681	\$109,255	\$0	\$11,426	\$0	0.0
INCREASE/(DECREASE)	(\$63,345)	(\$57,597)	\$0	(\$5,748)	\$0	0.0
Percentage Change	(34.4%)	(34.5%)	0.0%	(33.5%)	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$120,681	\$109,255	\$0	\$11,426	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

STEP PAY [NEW LINE ITEM]

This line item provides detail on the amount of funding appropriated to each department as a result of the step pay plan. The step pay plan takes effect in FY 2024-25 and is a result of negotiations between the State of Colorado and Colorado Workers for Innovative and New Solutions (COWINS). The Courts and Probation and Office of State Public Defender have each instituted independent and equivalent step plans. The other Judicial Department independent agencies are provided a step-like increase equivalent at an average 3.7 percent of salary base to be distributed as merit increases.

STATUTORY AUTHORITY: Section 24-50-1101 et seq., C.R.S.

REQUEST: The OCR did not request this item.

RECOMMENDATION: Staff recommends an appropriation as outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$135,645	\$122,803	\$0	\$12,842	\$0	0.0
TOTAL	\$135,645	\$122,803	\$0	\$12,842	\$0	0.0
INCREASE/(DECREASE)	\$135,645	\$122,803	\$0	\$12,842	\$0	0.0
Percentage Change	n/a	n/a	0.0%	n/a	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$0	\$0	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	(\$135,645)	(\$122,803)	\$0	(\$12,842)	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The OCR requests an appropriation of \$16,837 total funds, including \$14,936 General Fund and \$1,901 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF THE CHILD'S REPRESENTATIVE, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$16,498	\$14,936	\$0	\$1,562	\$0	0.0
OCR R2 Training Assistant	288	0	0	288	0	0.0
OCR R3/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
TOTAL	\$16,786	\$14,936	\$0	\$1,850	\$0	0.0
INCREASE/(DECREASE)	\$16,786	\$14,936	\$0	\$1,850	\$0	0.0
Percentage Change	n/a	n/a	0.0%	n/a	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$16,837	\$14,936	\$0	\$1,901	\$0	0.0
Request Above/(Below) Recommendation	\$51	\$0	\$0	\$51	\$0	0.0

OPERATING EXPENSES

This line item provides funding for operating expenses and information technology asset maintenance in both the Denver and El Paso offices.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$1,904,000 total funds, including \$314,150 General Fund and \$1,589,850 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$402,720	\$320,820	\$0	\$81,900	\$0	0.0
TOTAL	\$402,720	\$320,820	\$0	\$81,900	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$402,720	\$320,820	\$0	\$81,900	\$0	0.0
OCR BA2 Case management/billing system upgrade	1,500,000	0	0	1,500,000	0	0.0
OCR R2 Training Assistant	7,950	0	0	7,950	0	0.0
Annualize prior year actions	(6,670)	(6,670)	0	0	0	0.0
TOTAL	\$1,904,000	\$314,150	\$0	\$1,589,850	\$0	0.0
INCREASE/(DECREASE)	\$1,501,280	(\$6,670)	\$0	\$1,507,950	\$0	0.0
Percentage Change	372.8%	(2.1%)	0.0%	1,841.2%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

LEASED SPACE

This line item currently funds lease payments for OCR's the Colorado Springs office.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$151,626 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, LEASED SPACE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$147,247	\$147,247	\$0	\$0	\$0	0.0
TOTAL	\$147,247	\$147,247	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$147,247	\$147,247	\$0	\$0	\$0	0.0
Centrally appropriated line items	4,379	4,379	0	0	0	0.0
TOTAL	\$151,626	\$151,626	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$4,379	\$4,379	\$0	\$0	\$0	0.0
Percentage Change	3.0%	3.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

CASA CONTRACTS

This line item provides funding for grants to Colorado CASA, the nonprofit organization of court-appointed special advocate (CASA) volunteers. This funding is used to pay both personnel and

operating costs. Since FY 2008-09, Colorado CASA has continued to retain a portion of the funding for general operating costs, but the remainder has been allocated to local CASA Programs.

Background Information. Court-appointed special advocates (CASA) are trained volunteers who may be appointed to enhance the quality of representation for children¹. Pursuant to Section 19-1-202, C.R.S., CASA programs may be established in each judicial district pursuant to a memorandum of understanding between the district's chief judge and a community-based CASA program. A CASA volunteer may: conduct an independent investigation regarding the best interests of the child; and determine if an appropriate treatment plan has been created for the child, whether appropriate services are being provided to the child and family, and whether the treatment plan is progressing in a timely manner. A CASA volunteer may also make recommendations consistent with the best interests of the child regarding placement, visitation, and appropriate services. The Judicial Department may contract with a nonprofit entity for the coordination and support of CASA activities in Colorado.

STATUTORY AUTHORITY: Section 13-91-105, C.R.S.

REQUEST: The OCR requests a continuation appropriation of \$1,750,000 General Fund.

RECOMMENDATION: Staff recommends the requested continuation appropriation.

TRAINING

The OCR is charged with "ensuring the provision and availability of high-quality, accessible training" for GALs, judges and magistrates who regularly hear matters involving children and families, CASA volunteers, and attorneys who are appointed to serve as a child's legal representative or a child and family investigator. The OCR is also charged with making recommendations to the Chief Justice concerning minimum practice standards for GALs and overseeing the practice of GALs to ensure compliance with all relevant statutes, orders, rules, directives, policies, and procedures. In addition to the individuals noted above, the OCR invites respondent parent counsel, county attorneys and social workers, foster parents, and law enforcement to their training programs.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests a continuation appropriation of \$158,000 total funds, including \$58,000 General Fund and \$100,000 reappropriated funds.

RECOMMENDATION: Staff recommends the continuation appropriation.

COURT-APPOINTED COUNSEL

This line item pays for contract attorneys appointed by the court to serve as Guardians ad Litem (GALs) and child legal representatives in dependency and neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. The OCR is charged with enhancing the provision of GAL services by "establishing fair and realistic state rates by which to compensate state-appointed guardians ad litem, which will take into consideration the caseload

¹ Pursuant to Section 19-1-206 (1), C.R.S., a judge or magistrate may appoint a CASA volunteer in any domestic, probate, or truancy matter when a child affected by the matter may require services that a CASA volunteer can provide.

limitations place on guardians ad litem and which will be sufficient to attract and retain high-quality, experienced attorneys to serve as guardians ad litem".

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests \$33,128,397 total funds, including \$31,299,331 General Fund and \$1,829,066 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$30,507,666	\$28,691,344	\$0	\$1,816,322	\$0	0.0
Other legislation	\$463,000	\$463,000	\$0	\$0	\$0	0.0
TOTAL	\$30,970,666	\$29,154,344	\$0	\$1,816,322	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$30,970,666	\$29,154,344	\$0	\$1,816,322	\$0	0.0
Annualize prior year actions	1,130,092	1,130,092	0	0	0	0.0
OCR R1 Caseload Adjustment	0	0	0	0	0	0.0
OCR R4 Non-attorney Contractor Rate Increase	0	0	0	0	0	0.0
TOTAL	\$32,100,758	\$30,284,436	\$0	\$1,816,322	\$0	0.0
INCREASE/(DECREASE)	\$1,130,092	\$1,130,092	\$0	\$0	\$0	0.0
Percentage Change	3.6%	3.9%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,027,639	\$1,014,895	\$0	\$12,744	\$0	0.0

MANDATED COSTS

This line item pays for legally required case costs, including expert witnesses, discovery costs, transcripts, process servers, interpreters, and expert witness travel reimbursement.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR requests an appropriation of \$81,000 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$60,200	\$60,200	\$0	\$0	\$0	0.0
TOTAL	\$60,200	\$60,200	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$60,200	\$60,200	\$0	\$0	\$0	0.0
OCR R1 Caseload Adjustment	20,000	20,000	0	0	0	0.0

OFFICE OF THE CHILD'S REPRESENTATIVE, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Annualize prior year actions	800	800	0	0	0	0.0
TOTAL	\$81,000	\$81,000	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	\$20,800	\$20,800	\$0	\$0	\$0	0.0
Percentage Change	34.6%	34.6%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$81,000	\$81,000	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

GRANTS

This line item reflects anticipated expenditures from a federal Title IV-E training grant and money transferred from the Courts. This line item is included in the Long Bill for informational purposes only and is not intended to limit the OCR's expenditure of federal funds. While these moneys originate as federal funds, the Title IV-E funds are transferred to the OCR from the Department of Human Services and are thus reflected as reappropriated funds.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The OCR request a continuation appropriation of \$56,909 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE CHILD'S REPRESENTATIVE, GRANTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
HB24-1188 (Supplemental)	\$30,000	\$0	\$0	\$30,000	\$0	0.0
SB 23-214 (Long Bill)	\$26,909	\$0	\$0	\$26,909	\$0	0.0
TOTAL	\$56,909	\$0	\$0	\$56,909	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$56,909	\$0	\$0	\$56,909	\$0	0.0
OCR BA3 Grants spending authority	30,000	0	0	30,000	0	0.0
Annualize prior year actions	(30,000)	0	0	(30,000)	0	0.0
TOTAL	\$56,909	\$0	\$0	\$56,909	\$0	0.0
INCREASE/(DECREASE)	\$0	\$0	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$56,909	\$0	\$0	\$56,909	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

The Office of the Respondent Parents' Counsel (ORPC) was established on January 1, 2016, as an independent agency within the Judicial Department. The ORPC is charged with the provision of legal representation for indigent respondent parents involved in dependency and neglect proceedings. The ORPC is governed by the uncompensated, nine-member Respondent Parents' Counsel Governing Commission appointed by the Supreme Court. The ORPC is located in the Ralph L. Carr Judicial Center. Except for cash funds from training fees and reappropriated funds from federal Title IV-E funding transferred from the Department of Human Services, the ORPC is funded by General Fund.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 Appropriation						
SB 23-214 (Long Bill)	\$36,511,055	\$30,816,158	\$48,000	\$5,646,897	\$0	19.0
Other legislation	142,000	142,000	0	0	0	0.0
HB24-1188 (Supplemental)	(1,197,375)	(1,197,375)	0	0	0	0.0
TOTAL	\$35,455,680	\$29,760,783	\$48,000	\$5,646,897	\$0	19.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$35,455,680	\$29,760,783	\$48,000	\$5,646,897	\$0	19.0
ORPC R1 Agency Staffing	97,129	97,129	0	0	0	0.9
ORPC R2/BA1 Compensation Plan	0	0	0	0	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
ORPC R4 Non-attorney Contractor Rate Increase	0	0	0	0	0	0.0
JBC-SI Refinance GF with Title IV-E Reimburse	(4,944,286)	(4,944,286)	0	0	0	0.0
Centrally appropriated line items	248,838	252,405	0	(3,567)	0	0.0
Annualize prior year actions	2,155,056	2,144,067	0	10,989	0	0.0
TOTAL	\$33,012,417	\$27,310,098	\$48,000	\$5,654,319	\$0	19.9
INCREASE/(DECREASE)	(\$2,443,263)	(\$2,450,685)	\$0	\$7,422	\$0	0.9
Percentage Change	(6.9%)	(8.2%)	0.0%	0.1%	0.0%	4.7%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$5,073,415	\$5,068,937	\$0	\$4,478	\$0	5.1

DESCRIPTION OF INCREMENTAL CHANGES

ORPC R1 AGENCY STAFFING: The recommendation includes an increase of \$97,129 General Fund and 0.9 FTE for the ORPC for a Compliance Analyst. The recommendation includes denial of the request for a Chief Operating Officer/Director of Operations and Accountant. Staff recommendation is \$97,129 General Fund more than requested.

ORPC R2/BA1 COMPENSATION PLAN: This request item was withdrawn.

ORPC R3 TITLE IV-E LEGAL REPRESENTATION STAFF: The recommendation includes approval of a budget-neutral \$100,000 reappropriated funds transferred from the Title IV-E legal representation line item for ongoing support and maintenance of the ORPC billing and data collection system. The recommendation includes denial of the other components in the request that include 3.0 FTE. Because of the nature of the budget-neutral request, staff recommendation does not vary in net fiscal impact

from the request. However, staff recommendation includes \$1,210,980 less in reappropriated funds transfers from the Title IV-E legal representation line item.

ORPC R4 NON-ATTORNEY CONTRACTOR RATE INCREASE: The recommendation includes denial of an increase of \$214,793 total funds, including an increase of \$211,034 General Fund and an increase of \$3,759 reappropriated funds for a five percent increase for non-attorney contractors. Staff recommendation is \$214,793 total funds and \$211,034 General Fund less than requested.

JBC-SI REFINANCE GF WITH TITLE IV-E REIMBURSEMENTS: The recommendation includes a budget-neutral refinance that reduces General Fund by \$4,944,286 through an increase of the same amount from federal Title IV-E reimbursement funds located in the Court-appointed Counsel line item. This same amount of reappropriated funds is transferred from the Title IV-E legal representation line item, functionally eliminating this line item. This item was not requested by the ORPC; staff recommendation is \$4,944,286 General Fund less than included in the ORPC request.

CENTRALLY APPROPRIATED LINE ITEMS: The request includes a net increase of \$248,838 total funds for centrally appropriated items, summarized in the following table.

CENTRALLY APPROPRIATED LINE ITEMS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Step Plan	\$88,057	\$82,535	\$0	\$5,522	\$0	0.0
Salary survey	78,343	73,430	0	4,913	0	0.0
Health, life, and dental	56,277	72,623	0	(16,346)	0	0.0
AED/SAED	14,860	13,236	0	1,624	0	0.0
Paid Family & Medical Leave Insurance	11,105	10,409	0	696	0	0.0
Short-term disability	196	172	0	24	0	0.0
TOTAL	\$248,838	\$252,405	\$0	(\$3,567)	\$0	0.0

ANNUALIZE PRIOR YEAR ACTIONS: The recommendation includes a net increase of \$2,155,056 total funds to reflect the impact of bills and prior year budget actions, summarized in the following table.

ANNUALIZE PRIOR YEAR ACTIONS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
ORPC FY24 S1 align CAC and MC	\$1,197,375	\$1,197,375	\$0	\$0	\$0	0.0
SB23-227 Contract Attorney Hourly Rate	1,014,260	1,003,271	0	10,989	0	0.0
ORPC FY24 JUD CB1 Court Reporter Pg Rate Increase	70,272	70,272	0	0	0	0.0
ORPC FY24 R2 Staff Attorney	11,986	11,986	0	0	0	0.0
ORPC FY24 R3 Paralegal	3,163	3,163	0	0	0	0.0
Prior year salary survey	0	0	0	0	0	0.0
HB23-1027 Parent Child Family Time	(142,000)	(142,000)	0	0	0	0.0
TOTAL	\$2,155,056	\$2,144,067	\$0	\$10,989	\$0	0.0

MAJOR DIFFERENCES FROM THE REQUEST

The total difference for staff recommendations relative to the request identified in the ORPC table is \$5,073,415 total funds, including \$5,068,937 General Fund. This includes differences of:

- \$4,944,286 General Fund less for the JBC staff-initiated GF refinance item;
- \$214,793 total funds and \$211,034 General Fund less for the R4 Non-attorney Contractor Rate Increase request; and

- \$97,129 General Fund more for the R1 Agency staffing request.

Other adjustments include incremental differences for compensation policies.

DECISION ITEMS – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

→ ORPC R1 AGENCY STAFFING

REQUEST: The ORPC requests a budget-neutral transfer of \$463,364 reappropriated funds, originating from federal Title IV-E reimbursement funds transferred from the Department of Human Services, and appropriated in the Title IV-E legal representation line item to personal services and operating line items and an additional 3.0 FTE for agency staff positions. Positions include a Chief Operating Officer (COO), an additional Accountant, and a Compliance Analyst. The COO was renamed as a Director of Operations (DO) in the ORPC hearing response document.

RECOMMENDATION: Staff recommends that the Committee approve the request for a Compliance Analyst and an appropriation of \$97,129 General Fund and 0.9 FTE. Staff recommends that the Committee deny the request for the Chief Operating Officer/Director of Operations and the Accountant. Staff recommends the use of General Fund for this position rather than reappropriated funds. The staff recommended budget build is included at the end of the analysis section.

ANALYSIS

The ORPC currently includes a Chief Financial Officer (CFO) responsible for generally all internal agency operations oversight; a COO/DO would lead administrative and human resources management, allowing the CFO to focus on fiscal management. The Compliance Analyst would be assigned primary responsibility for coordination and oversight of the contracting process that is currently distributed across many staff and enhance the contractor billing and payment review process. The Accountant would oversee agency payment and budget operations.

The following table outlines current staff positions as included in the compensation template for FY 2024-25 at the ORPC.

ORPC STAFF POSITIONS	
AGENCY JOB DESCRIPTION TITLE	ANCHOR JOB CLASS
Leadership	
Executive Director	JUD District Court Judge
Deputy Director	JUD Clerk of the Supreme Court
Chief Financial Officer	JUD Budget Manager
Chief Operating Officer	JUD Clerk of the Supreme Court
Directors and Coordinators	
Supervising Attorney - Director of Engagement	JUD First Assistant Legal Counsel
Staff Attorney - Training Director	JUD First Assistant Legal Counsel
Supervising Attorney - Director of Policy and Legislation	JUD First Assistant Legal Counsel
Staff Attorney - Director of Family Defense	JUD First Assistant Legal Counsel
Staff Attorney - EDI Director	JUD First Assistant Legal Counsel
Staff Attorney - Case Strategy Director	JUD First Assistant Legal Counsel
Staff Attorney - CAL Disability Advocacy Director	JUD First Assistant Legal Counsel
Director of Programs	JUD Court Programs Analyst 4

ORPC STAFF POSITIONS	
AGENCY JOB DESCRIPTION TITLE	ANCHOR JOB CLASS
Director of Administration	JUD Administrator Supervisor II
Director of Research	JUD Business Intelligence Analyst
Social Work Outreach Coordinator	JUD Court Programs Analyst 3
Admin and Technical Support	
Lead Accountant	JUD Accountant III
Accounting Payment Specialist	JUD Accountant II
Accounting Payment Specialist	JUD Accountant II
Paralegal	JUD Court Programs Analyst 1
Administrative Specialist	JUD Administrative Office Specialist 1

This table includes 20.0 FTE. The ORPC was appropriated 19.0 FTE for FY 2023-24. It appears that the Chief Operating Officer may have been added into this list ahead of budget approval.

Three positions were added for FY 2023-24: an Administrative Specialist, a Policy and Legislative Staff Attorney, and a paralegal. Two positions were added for FY 2022-23: an EDI Coordinator and a Social Work Outreach Coordinator.

Staff is concerned at the recent rapid growth in program staff generally. Staff is concerned that the template appears to account for a position requested but not yet approved.

Staff recommends that the Committee deny the request for a Chief Operating Office/Director of Operations at this time.

Staff recommends that the Committee deny the request for an Accountant. The current staffing pattern includes an Accountant III (lead) and two Accountant IIs, in addition to the Chief Financial Officer.

Staff recommends that the Committee consider approving the request for a Compliance Analyst. The Compliance Analyst would be charged with conducting quarterly billing analysis for all contractors. Staff is concerned that despite the number of accounting financial staff, the ORPC does not currently conduct regular, systematic review of contractor billing. This is a weak point in fiscal controls at the ORPC. Staff consulted with the OCR regarding their use of a compliance analyst and recommends that the Committee approve the request for this position.

Staff recommends that the Committee approve General Fund for this position, rather than the requested reappropriated funds.

Staff recommends that the Committee approve this request as outlined in the following table. The request narrative does not identify which job class is intended. Staff has selected the Court Programs Analyst I position in the Judicial Department compensation system at the minimum of the salary range; this is the position identified for the same position in the OCR. Staff recommends POTS for this item because of the scale of the agency and its typical usage of all POTS appropriated.

ORPC R1 AGENCY STAFFING REQUEST AND RECOMMENDATION						
	FY 2024-25 REQUEST		FY 2024-25 RECOMMENDATION		FY 2025-26 REC. ANNUALIZATION	
	FTE	Cost	FTE	Cost	FTE	Cost
Personal Services						
Chief Financial Officer/Director of Operations	1.0	\$173,677	0.0	\$0	0.0	\$0
Accountant	1.0	97,178	0.0	0	0.0	0
Compliance Analyst (Court Programs Analyst I)	1.0	84,092	0.9	71,402	1.0	80,229
POTS		84,567		17,905		19,752
Operating Expense		2,850		855		950
Capital Outlay		20,010		6,670		0
Operating Expense - software		990		297		330
Title IV-E legal representation		(463,364)		0		0
Subtotal	3.0	\$0	0.9	\$97,129	1.0	\$101,261
FY 2024-25 ORPC line item adjustments						
Personal Services			0.9	\$71,402		
HLD				11,208		
STD				95		
AED/SAED				6,318		
PFMLI				284		
Operating Expenses				7,822		
Subtotal - ORPC R1			0.9	\$97,129		
FY 2025-26 ORPC line item annualization adjustments						
Personal Services					1.0	\$80,229
Operating Expenses						\$1,280
POTS included in Statewide Comp						19,752
Subtotal - ORPC R1					1.0	\$101,261

➔ ORPC R3 TITLE IV-E LEGAL REPRESENTATION STAFF

REQUEST: The ORPC requests a budget-neutral transfer of \$1,310,980 reappropriated funds, originating from federal Title IV-E reimbursement funds transferred from the Department of Human Services (DHS), and appropriated in the Title IV-E legal representation line item to personal services and operating line items and an additional 3.0 FTE for three items:

- (1) \$100,000 for annual operating and maintenance for the ORPC's new contractor billing system;
- (2) \$377,000 and 2.0 FTE for a Preventive and Civil Legal Services Manager and a Program Coordinator for the ORPC's Preventive Legal Services (PLS) program; and
- (3) \$229,000 and 1.0 FTE for a Collaborative Partnerships Director and the creation of a parent panel comprised of parents with lived experience in the child welfare system.

RECOMMENDATION: Staff recommends that the Committee approve the request for \$100,000 for annual operating and maintenance for the ORPC contractor billing system. The request locates this appropriation in Personal Services. Staff recommends this appropriation in Operating Expenses. Staff recommends the use of Title IV-E reimbursement funds as requested for this item. Staff recommends denial of the other components of the request at this time.

ANALYSIS

1. BILLING AND DATE COLLECTION SYSTEM MAINTENANCE

The ORPC states:

The ORPC requests a reallocation of \$100,000 Title IV-E Legal Representation reappropriated funds to its Personal Services reappropriated funds to support necessary maintenance for its new electronic billing and data collection system.

In just six short months in 2016, the ORPC had to create a billing system from scratch to take over the billing and payment processes for every respondent parent counsel across the state. To meet that target, the ORPC contracted with a single operator software developer who had created a billing system used by the Office of the Alternate Defense Counsel (ADC) to adapt the system to the ORPC's needs. This system became known as the Respondent Parent Payment System (RPPS).

When the RPPS developer notified the agency that he would be retiring and no longer able to support the system, the agency issued a request for proposals for a new billing system developer in 2023. Resultant, the software developer who developed the Office of the Child's Representative's (OCR) case management and billing system, submitted the winning bid to create a new billing system. The ORPC anticipates a new billing system will be operational in 2024.

Staff recommends that the Committee approve this component of the request. However, staff does not understand its placement in personal services and recommends placement in operating expenses. Staff recommends the use of Title IV-E reimbursement funds as requested.

2. PREVENTIVE LEGAL SERVICES AND INTERDISCIPLINARY TEAMS

The ORPC states:

The ORPC requests a reallocation of \$376,720 Title IV-E Legal Representation reappropriated funds to the Personal Services and benefits reappropriated funds for 2.0 FTE to oversee and provide support for the ORPC's preventive and ancillary civil legal services programming. The Preventive and Civil Legal Services Manager and the Program Coordinator will staff and manage ORPC programs designed to safely reduce the need for more formal child welfare system involvement, including placement in foster care.

In September 2023, the Children's Bureau proposed federal rules to codify that interdisciplinary legal representation for parents includes addressing the challenges parents face when they experience the loss of employment, inadequate income, unstable housing or homelessness, food insecurity, mental health and/or substance use disorder, and family violence, which may lead to foster care placement if left unaddressed.

According to the Adoption and Foster Care Analysis and Reporting System (AFCARS), in fiscal year 2021, 63% of removals were related to neglect, including food, clothing, and shelter insecurity and inadequate supervision. Poverty and economic stress are strongly associated with child welfare involvement and such social determinants play a substantial role in the likelihood that a family will interact with the child welfare system. Because of this, when federal Title IV-E funding became available for prevention purposes, the ORPC developed and implemented pilot programs to provide targeted legal and social work advocacy specifically intended to prevent the unnecessary entry of children into the foster care system.

The ORPC has expanded the reach of its interdisciplinary program through Preventive Legal Services (PLS), also called pre-filing or pre-petition representation, by providing proactive interdisciplinary legal support to parents

before a dependency and neglect petition is filed or their children are removed from their home. The ORPC piloted its first PLS program in Jefferson County beginning in March 2022.

The ORPC requires two additional FTE to operate programming that will effectively serve parents across Colorado's sixty-four counties. The Preventive and Civil Legal Services Manager will be an attorney with experience representing people in diverse legal proceedings. They will oversee legal and advocacy training for ORPC contractors who may need to learn a new aspect or area of the law, provide case consultation to interdisciplinary legal teams, and develop necessary infrastructure and processes around tasks such as referrals and tracking case outcomes to ensure a high quality, transparent program. The Manager will work closely with the Colorado Evaluation and Action Lab to collect and analyze outcomes for the program and prepare budgetary reports.

The Program Coordinator will be a social worker with experience working with community partners. They will collaborate with state-wide community providers (e.g., county departments of human services, family resource centers, service providers for families experiencing homelessness, food insecurity and mental health needs) to identify critical referral sources, screen all referred parents, and connect eligible parents with interdisciplinary legal teams that include attorneys, social workers, and parent advocates to represent them in resolving their legal problems and avoiding unnecessary family separation.

Staff is generally supportive of this initiative. However, this request is part of a package of staff and program buildout related to how the ORPC approach their Title IV-E reimbursement funding that staff generally opposes. **On the basis of staff's informational discussion, staff is not recommending approval of this component of the request at this time.** However, if the Committee is interested in supporting this initiative, staff would recommend one position for this effort at this time. If the Committee wishes to approve one or both positions, staff requests permission to generate a budget build accordingly and identify the offsets from the Title IV-E legal representation line item accordingly.

3. COLLABORATIVE PARTNERSHIPS DIRECTOR AND PARENT PANEL

The ORPC states (emphasis added):

The ORPC requests a reallocation of \$228,845 Title IV-E Legal Representation reappropriated funds to its Personal Services and benefits reappropriated funds for 1.0 FTE to staff a new Collaborative Partnerships Director position. Additionally, the ORPC requests a reallocation of \$80,800 Title IV-E Legal Representation reappropriated funds to its Operating appropriation to create the Parent Panel, to be comprised of parents with lived experience. The total reallocation requested is \$309,645. The Collaborative Partnerships Director and the Parent Panel would enhance the ORPC's ability to implement legislative and policy changes, increase interagency collaboration, and create programming that enhances parent representation in Colorado while increasing family voice.

a. Impact of Legislative Changes in Child Welfare

The ORPC recognizes and values the importance of interagency collaboration across stakeholder groups in best serving Colorado families. During the 2023 legislative session, the agency worked closely with the Kempe Foundation, the OCR, and numerous county departments of human services on House Bill 23-1024, which prioritized relative and kin placements, as well as House Bill 23-1043, which helped ensure that children can be placed with safe and loving relatives who have a history of non-violent criminal convictions that are unrelated to the children's safety. As the state now works to implement these important bills and other legislation, the ORPC has continued its interagency collaborations, including hosting trainings on the new legislation with agency partners such as the Colorado Department of Human Services (CDHS), the OCR, and county departments of human services.

Amplifying the voices of parents is paramount to the ORPC's role in Colorado's child welfare system. As part of preparing for implementation of the new legislation, the agency presented to a group of foster parents, kinship caregivers, and parents. The group had a range of excellent ideas, including training, one-pagers, flyers, and FAQs. Unfortunately, no state agency is taking the lead in creating these resources, and most agencies and professionals seem stretched thin due to the overwhelming demands already facing systems. The ORPC, as part of its mission to advocate for legislative and systemic change, has a responsibility to plan for and prepare our community for implementation of policy changes. The ORPC needs additional staffing to fully assist both the community of lawyers, social workers, and parents supported by the ORPC, as well as the broader community in fully implementing legislative and policy changes.

b. Necessary Implementation Activities Required to Fulfill New Legislative Mandates

To demonstrate why additional staffing is needed to assist with legislative implementation activities, consider the requirements of Senate Bill 23-39, a bill the ORPC initiated to help families when a parent is incarcerated. This legislation implemented a series of vital reforms to ensure that incarcerated parents can maintain contact with their children and make decisions in their children's best interests. Many of these changes require increased communication between caseworkers and jail and prison staff. These changes are crucial, but without someone accountable to collect required contact information, store it in a central location, regularly update the information, and ensure its availability to all parties, the changes in the law will not be effective. Currently, ORPC staff are either working long hours or delaying other important work within their job functions to make this implementation work happen. With additional support, ORPC staff could be far more effective and efficient in creating resources for statewide implementation of Senate Bill 23-39.

Another example comes from a recent change from June 2023 requiring counties to stop automatically referring parents to child support services when their children are removed. This change supports families because many parents were left with huge child support arrearages even after reunifying with their children. These arrearages left many families to continue to live in poverty even after they obtained better jobs or increased income, and even after their children came home. Unfortunately, the rule change was not retroactive, so families who had already been referred to child support services continue to face the challenges of large arrearages.

Increasing agency staffing to assist with implementation would allow the ORPC to create resources to support attorneys in litigating and negotiating over these arrearages to reduce or eliminate them for parents. It could also ensure that the new policy is being enforced. This would free up time for the Policy Director to advocate for making this rule retroactive, so that families that still owe large arrearages but whose children have returned home could also benefit from this change. Based on current agency staffing, the ORPC is limited in its efforts to assist in the legislative implementation, having the capacity to merely sending out information in a bimonthly newsletter and hoping everyone is getting the message. The effect of such an important policy change should not be limited in this way. A small increase in resources would allow the agency to both educate others on these important changes and to ensure compliance.

c. Additional Staffing is Necessary to Sustain Implementation of Legislative Changes

Senate Bill 23-39 and the rule change on automatic child support referrals are just two examples of legislative or policy changes from the 2023 legislative session. Each year, the legislative session produces multiple bills and rule changes that are relevant to the child welfare system. A staff attorney with experience in training, project coordination, collaboration, and policy would be ideally suited to help the agency in this role.

d. Implementing the Parent Panel Model

The ORPC believes that family voice should always lead our work. The Children’s Bureau agrees, and in 2019, it issued a memo encouraging agencies to establish formal processes and structures for families to provide input and feedback at all levels of the child welfare system.¹¹⁴ The ORPC has built a successful parent advocate program to support parents in individual cases, and parent advocates are frequently asked to share their voices in various policymaking spaces. Parent advocates represent the ORPC in rulemaking groups and on task forces, and frequently testify on legislative proposals. To date, these efforts have occurred on an ad hoc basis. The ORPC seeks an allocation of reappropriated Title IV-E funds to continue and formalize this work by creating a panel of parents with lived experience in the child welfare system to formalize feedback and generate continuous quality improvement for the agency and the broader child welfare community.

In creating this panel, the ORPC looks to two models: The Washington State Parent Ally Committee (WSPAC) and the Lived Experts Action Panel (LEAP) at the Office of the Child’s Representative. Washington State has many similarities to Colorado demographically, with both large urban centers and rural communities, and with how its child welfare and legal representation systems are structured. However, Washington state is years ahead in its inclusion of parent advocates, particularly in its elevation of parent voices in policymaking. The Washington State Parent Ally Committee has had a key role in initiating major legislative and policy changes in Washington for years, with parents leading the way in proposing changes and advocating for those changes throughout the policymaking process.

The second model comes from the OCR, which created LEAP, a panel composed of nine young people with lived experience in the child welfare system. LEAP helps inform the training provided to guardians ad litem attorneys, counsel for youth attorneys, and other stakeholders; provides input on pending legislation or rules; and provides feedback to the OCR about improving attorney practice. In the process, LEAP members have opportunities to grow personal and professional networks and to learn about a variety of topics, including what OCR attorneys do. The ORPC has witnessed how LEAP has changed the OCR’s analysis and consideration of pending legislation and led to initiatives for improvement.

The ORPC seeks funding to pay parents for their time in participating on the panel and pay for a facilitator to ensure the parents feel heard and that follow-up activities are appropriately tracked and completed. Creating such a panel would align the ORPC with the direction of the Children’s Bureau to elevate family voice and create a parallel formalized structure within the ORPC to provide feedback from parents on the mission and direction of the agency and on important legislative proposals.

Although this initiative may already fall within the statutory charge of the ORPC, staff is concerned that this much program buildout would more appropriately be addressed through legislation and not through a budget action. **Staff recommends that the Committee deny in whole this component of the request.**

➔ STAFF-INITIATED REFINANCE GF WITH TITLE IV-E REIMBURSEMENTS

REQUEST: ORPC did not request this item.

RECOMMENDATION: Staff recommends:

1. A transfer of the remaining appropriation for the Title IV-E legal representation line item to the Court-appointed Counsel line item. This amount totals \$4,944,286 reappropriated funds based on other staff recommendations.
2. The elimination of the Title IV-E legal representation line item.
3. A General Fund reduction in the Court-appointed Counsel line item equal to the amount transferred from the Title IV-E legal representation line item. This amount totals \$4,944,286 reappropriated funds based on other staff recommendations.

[Alternately, if the Committee prefers, staff recommends legislation to repeal Section 26-2-102.5 (3), C.R.S., and simply have reimbursements returned to General Fund. This will require additional adjustments for the OCR and the ORPC to add General Fund in place of a portion of the eliminated reappropriated funds from Title IV-E Reimbursement funds.]

ANALYSIS

As described in the informational item at the beginning of the document, staff recommends an adjustment to the Court-appointed Counsel line item.

The appropriation for FY 2023-24 totals \$26,888,462, including \$26,543,800 General Fund and \$344,662 reappropriated funds from the Title IV-E Reimbursement Cash Fund. For FY 2022-23, the appropriation totaled \$22,247,566, including \$21,910,232 General Fund and \$337,334 reappropriated funds; the ORPC expended \$21,132,246 General Fund and \$4,832 reappropriated funds, representing spending of 96.4 percent of General Fund appropriations and 1.4 percent of reappropriated funds appropriations.

In order to encourage and necessitate ORPC spending of Title IV-E funds, the appropriation needs to include a General Fund reduction.

Staff recommends using the existing appropriation in the Title IV-E legal representation line item of \$5,033,297 appropriated for FY 2023-24. Staff identifies an amount in that line for FY 2024-25 of \$4,944,286, after other base adjustments and staff recommendations for FY 2024-25. This amount would be transferred to the Court-appointed Counsel line item, the Title IV-E legal representation line item would be eliminated, and the General Fund appropriation in the Court-appointed Counsel line item will be decreased by the same \$4,944,286.

LINE ITEM DETAIL – OFFICE OF THE RESPONDENT PARENTS' COUNSEL

PERSONAL SERVICES

This line item provides funding to support a central administrative office in Denver.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests \$3,655,329 total funds, including \$2,546,543 General Fund and \$1,108,786 reappropriated funds, and 25.0 FTE.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, PERSONAL SERVICES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$2,576,678	\$2,415,230	\$0	\$161,448	\$0	19.0
Other legislation	\$142,000	\$142,000	\$0	\$0	\$0	0.0
TOTAL	\$2,718,678	\$2,557,230	\$0	\$161,448	\$0	19.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$2,718,678	\$2,557,230	\$0	\$161,448	\$0	19.0
ORPC R1 Agency Staffing	71,402	71,402	0	0	0	0.9
ORPC R2/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
Annualize prior year actions	(3,227)	(10,687)	0	7,460	0	0.0
TOTAL	\$2,786,853	\$2,617,945	\$0	\$168,908	\$0	19.9
INCREASE/(DECREASE)	\$68,175	\$60,715	\$0	\$7,460	\$0	0.9
Percentage Change	2.5%	2.4%	0.0%	4.6%	0.0%	4.7%
FY 2024-25 EXECUTIVE REQUEST	\$3,655,329	\$2,546,543	\$0	\$1,108,786	\$0	25.0
Request Above/(Below) Recommendation	\$868,476	(\$71,402)	\$0	\$939,878	\$0	5.1

HEALTH, LIFE, AND DENTAL

This line item provides funding for the employer's share of health, life, and dental insurance.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (9), C.R.S.

REQUEST: The request includes \$475,695 total funds, including \$363,684 General Fund and \$112,011 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$316,986	\$291,061	\$0	\$25,925	\$0	0.0
TOTAL	\$316,986	\$291,061	\$0	\$25,925	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$316,986	\$291,061	\$0	\$25,925	\$0	0.0
Centrally appropriated line items	56,277	72,623	0	(16,346)	0	0.0
ORPC R1 Agency Staffing	11,208	11,208	0	0	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
TOTAL	\$384,471	\$374,892	\$0	\$9,579	\$0	0.0
INCREASE/(DECREASE)	\$67,485	\$83,831	\$0	(\$16,346)	\$0	0.0
Percentage Change	21.3%	28.8%	0.0%	(63.1%)	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$475,695	\$363,684	\$0	\$112,011	\$0	0.0

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, HEALTH, LIFE, AND DENTAL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
Request Above/(Below) Recommendation	\$91,224	(\$11,208)	\$0	\$102,432	\$0	0.0

SHORT-TERM DISABILITY

This line item provides funding for short-term disability insurance premiums.

STATUTORY AUTHORITY: Pursuant to Section 24-50-611, C.R.S., and defined in Section 24-50-603 (13), C.R.S.

REQUEST: The ORPC requests \$4,964 total funds, including \$3,470 General Fund and \$1,494 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, SHORT-TERM DISABILITY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$3,506	\$3,298	\$0	\$208	\$0	0.0
TOTAL	\$3,506	\$3,298	\$0	\$208	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$3,506	\$3,298	\$0	\$208	\$0	0.0
Centrally appropriated line items	196	172	0	24	0	0.0
ORPC R1 Agency Staffing	95	95	0	0	0	0.0
ORPC R2/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
TOTAL	\$3,797	\$3,565	\$0	\$232	\$0	0.0
INCREASE/(DECREASE)	\$291	\$267	\$0	\$24	\$0	0.0
Percentage Change	8.3%	8.1%	0.0%	11.5%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$1,167	(\$95)	\$0	\$1,262	\$0	0.0

UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS [NEW LINE ITEM]

This line item provides funding for amortization and supplemental amortization payments to increase the funded status of the Public Employees' Retirement Association (PERA). This line item replaces the former *S.B. 04-257 Amortization Equalization Disbursement (AED)* and *S.B. 06-235 Supplemental Amortization Equalization Disbursement (SAED)* line items through FY 2023-24.

STATUTORY AUTHORITY: Section 24-51-411, C.R.S.

REQUEST: For AED and SAED, ORPC requests a total appropriation of \$321,110, including \$231,322 General Fund and \$89,788 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, UNFUNDED LIABILITY AMORTIZATION EQUALIZATION DISBURSEMENT PAYMENTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$246,798	\$231,322	\$0	\$15,476	\$0	0.0
ORPC R1 Agency Staffing	6,318	6,318	0	0	0	0.0
ORPC R2/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
TOTAL	\$253,116	\$237,640	\$0	\$15,476	\$0	0.0
INCREASE/(DECREASE)	\$253,116	\$237,640	\$0	\$15,476	\$0	0.0
Percentage Change	n/a	n/a	0.0%	n/a	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$253,116)	(\$237,640)	\$0	(\$15,476)	\$0	0.0

S.B. 04-257 AMORTIZATION EQUALIZATION DISBURSEMENT (AED)

Pursuant to S.B. 04-257, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The ORPC requests \$160,555 total funds, including \$115,661 General Fund and \$44,894 reappropriated funds.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

S.B. 06-235 SUPPLEMENTAL AMORTIZATION EQUALIZATION DISBURSEMENT (SAED)

Pursuant to S.B. 06-235, this line item provides additional funding for PERA amortization payments.

STATUTORY AUTHORITY: Pursuant to Section 24-51-411, C.R.S.

REQUEST: The ORPC requests \$160,555 total funds, including \$115,661 General Fund and \$44,894 reappropriated funds.

RECOMMENDATION: Staff recommends no appropriation and the elimination of this line item, consistent with the Committee decision for statewide compensation.

SALARY SURVEY

The ORPC uses this line item to pay for annual salary increases.

STATUTORY AUTHORITY: Pursuant to Section 24-50-104, C.R.S.

REQUEST: The ORPC requests \$177,865 total funds, including \$166,711 General Fund and \$11,154 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, SALARY SURVEY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
TOTAL	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$110,284	\$102,824	\$0	\$7,460	\$0	0.0
Centrally appropriated line items	78,343	73,430	0	4,913	0	0.0
ORPC R2/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
Annualize prior year actions	(110,284)	(102,824)	0	(7,460)	0	0.0
TOTAL	\$78,343	\$73,430	\$0	\$4,913	\$0	0.0
INCREASE/(DECREASE)	(\$31,941)	(\$29,394)	\$0	(\$2,547)	\$0	0.0
Percentage Change	(29.0%)	(28.6%)	0.0%	(34.1%)	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$177,865	\$166,711	\$0	\$11,154	\$0	0.0
Request Above/(Below) Recommendation	\$99,522	\$93,281	\$0	\$6,241	\$0	0.0

STEP PAY [NEW LINE ITEM]

This line item provides detail on the amount of funding appropriated to each department as a result of the step pay plan. The step pay plan takes effect in FY 2024-25 and is a result of negotiations between the State of Colorado and Colorado Workers for Innovative and New Solutions (COWINS). The Courts and Probation and Office of State Public Defender have each instituted independent and equivalent step plans. The other Judicial Department independent agencies are provided a step-like increase equivalent at an average 3.7 percent of salary base to be distributed as merit increases.

STATUTORY AUTHORITY: Section 24-50-1101 et seq., C.R.S.

REQUEST: The OCR did not request this item.

RECOMMENDATION: Staff recommends an appropriation as outlined in the following table, consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, STEP PAY						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$88,057	\$82,535	\$0	\$5,522	\$0	0.0
TOTAL	\$88,057	\$82,535	\$0	\$5,522	\$0	0.0
INCREASE/(DECREASE)	\$88,057	\$82,535	\$0	\$5,522	\$0	0.0
Percentage Change	n/a	n/a	0.0%	n/a	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	(\$88,057)	(\$82,535)	\$0	(\$5,522)	\$0	0.0

PAID FAMILY AND MEDICAL LEAVE INSURANCE [NEW LINE ITEM]

Colorado Proposition 118, *Paid Family Medical Leave Initiative*, was approved by voters in November 2020. The newly created paid family and medical leave insurance program requires employers and employees in Colorado to pay a payroll premium to finance paid family and medical leave insurance benefits beginning January 1, 2023 in order to finance up to 12 weeks of paid family medical leave for eligible employees beginning January 1, 2024. The premium is 0.9 percent with at least half of the cost paid by the employer.

STATUTORY AUTHORITY: Section 8-13.3-501 et seq., C.R.S.

REQUEST: The OCR requests an appropriation of \$14,450 total funds, including \$10,409 General Fund and \$4,041 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table, including adjustments consistent with the Committee decision for statewide compensation.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$0	\$0	\$0	\$0	\$0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$0	\$0	\$0	\$0	\$0	0.0
Centrally appropriated line items	\$11,105	\$10,409	\$0	\$696	\$0	0.0
ORPC R1 Agency Staffing	284	284	0	0	0	0.0
ORPC R2/BA1 Comp Plan Maintenance	0	0	0	0	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
TOTAL	\$11,389	\$10,693	\$0	\$696	\$0	0.0

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, PAID FAMILY AND MEDICAL LEAVE INSURANCE						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
INCREASE/(DECREASE)	\$11,389	\$10,693	\$0	\$696	\$0	0.0
Percentage Change	n/a	n/a	0.0%	n/a	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$14,450	\$10,409	\$0	\$4,041	\$0	0.0
Request Above/(Below) Recommendation	\$3,061	(\$284)	\$0	\$3,345	\$0	0.0

OPERATING EXPENSES

This line item provides funding for operating expenses for the ORPC.

STATUTORY AUTHORITY: Section 13-91-101 et seq., C.R.S.

REQUEST: The ORPC requests \$313,649 total funds, including \$154,199 General Fund and \$159,450 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, OPERATING EXPENSES						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$168,489	\$167,539	\$0	\$950	\$0	0.0
TOTAL	\$168,489	\$167,539	\$0	\$950	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$168,489	\$167,539	\$0	\$950	\$0	0.0
ORPC R3 Title IV-E Legal Representation Staff	100,000	0	0	100,000	0	0.0
ORPC R1 Agency Staffing	7,822	7,822	0	0	0	0.0
Annualize prior year actions	(13,340)	(13,340)	0	0	0	0.0
TOTAL	\$262,971	\$162,021	\$0	\$100,950	\$0	0.0
INCREASE/(DECREASE)	\$94,482	(\$5,518)	\$0	\$100,000	\$0	0.0
Percentage Change	56.1%	(3.3%)	0.0%	10,526.3%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$313,649	\$154,199	\$0	\$159,450	\$0	0.0
Request Above/(Below) Recommendation	\$50,678	(\$7,822)	\$0	\$58,500	\$0	0.0

TITLE IV-E LEGAL REPRESENTATION

This line item provides spending authority for reappropriated funds received from the Title IV-E cash fund in the Department of Human Services.

STATUTORY AUTHORITY: Section 26-2-102.5, C.R.S.

REQUEST: The Department requests \$3,269,942 reappropriated funds.

RECOMMENDATION: Staff recommends no appropriation as outlined in the following table and the elimination of this line item.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, TITLE IV-E LEGAL REPRESENTATION						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$5,033,297	\$0	\$0	\$5,033,297	\$0	0.0
TOTAL	\$5,033,297	\$0	\$0	\$5,033,297	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$5,033,297	\$0	\$0	\$5,033,297	\$0	0.0
Annualize prior year actions	10,989	0	0	10,989	0	0.0
ORPC R1 Agency Staffing	0	0	0	0	0	0.0
JBC-SI Refinance GF with Title IV-E Reimbursements	(4,944,286)	0	0	(4,944,286)	0	0.0
ORPC R3 Title IV-E Legal Representation Staff	(100,000)	0	0	(100,000)	0	0.0
TOTAL	\$0	\$0	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$5,033,297)	\$0	\$0	(\$5,033,297)	\$0	0.0
Percentage Change	(100.0%)	0.0%	0.0%	(100.0%)	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$3,269,942	\$0	\$0	\$3,269,942	\$0	0.0

TRAINING

This line item provides funding for training opportunities for contract attorneys and other contractors.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The Department requests an appropriation of \$600,615 total funds, including \$30,000 General Fund, \$48,000 cash funds from training fees, and \$522,615 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, TRAINING						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$106,000	\$30,000	\$48,000	\$28,000	\$0	0.0
TOTAL	\$106,000	\$30,000	\$48,000	\$28,000	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$106,000	\$30,000	\$48,000	\$28,000	\$0	0.0
ORPC R3 Title IV-E Legal Representation Staff	0	0	0	0	0	0.0
TOTAL	\$106,000	\$30,000	\$48,000	\$28,000	\$0	0.0
INCREASE/(DECREASE)	\$0	\$0	\$0	\$0	\$0	0.0
Percentage Change	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$494,615	\$0	\$0	\$494,615	\$0	0.0

COURT-APPOINTED COUNSEL

This line item provides funding for contract attorneys appointed to represent respondent parents.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests \$28,106,526 total funds, including \$27,758,105 General Fund and \$348,421 reappropriated funds.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, COURT-APPOINTED COUNSEL						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$26,888,462	\$26,543,800	\$0	\$344,662	\$0	0.0
HB24-1188 (Supplemental)	(1,672,615)	(1,672,615)	0	0	0	0.0
TOTAL	\$25,215,847	\$24,871,185	\$0	\$344,662	\$0	0.0
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$25,215,847	\$24,871,185	\$0	\$344,662	\$0	0.0
Annualize prior year actions	2,675,886	2,675,886	0	0	0	0.0
JBC-SI Refinance GF with Title IV-E Reimbursements	0	(4,944,286)	0	4,944,286	0	0.0
ORPC R4 Non-attorney Contractor Rate Increase	0	0	0	0	0	0.0
TOTAL	\$27,891,733	\$22,602,785	\$0	\$5,288,948	\$0	0.0
INCREASE/(DECREASE)	\$2,675,886	(\$2,268,400)	\$0	\$4,944,286	\$0	0.0
Percentage Change	10.6%	(9.1%)	0.0%	1,434.5%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$28,106,526	\$27,758,105	\$0	\$348,421	\$0	0.0
Request Above/(Below) Recommendation	\$214,793	\$5,155,320	\$0	(\$4,940,527)	\$0	0.0

MANDATED COSTS

This line item pays for legally required case costs, including expert witnesses and expert witness travel reimbursement, transcripts, and interpreters.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests an appropriation of \$1,114,592 General Fund.

RECOMMENDATION: Staff recommends the appropriation outlined in the following table.

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
SB 23-214 (Long Bill)	\$1,044,320	\$1,044,320	\$0	\$0	\$0	0.0
HB24-1188 (Supplemental)	\$475,240	\$475,240	\$0	\$0	\$0	0.0
TOTAL	\$1,519,560	\$1,519,560	\$0	\$0	\$0	0.0

OFFICE OF THE RESPONDENT PARENTS' COUNSEL, MANDATED COSTS						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2024-25 RECOMMENDED APPROPRIATION						
FY 2023-24 Appropriation	\$1,519,560	\$1,519,560	\$0	\$0	\$0	0.0
Annualize prior year actions	(404,968)	(404,968)	0	0	0	0.0
TOTAL	\$1,114,592	\$1,114,592	\$0	\$0	\$0	0.0
INCREASE/(DECREASE)	(\$404,968)	(\$404,968)	\$0	\$0	\$0	0.0
Percentage Change	(26.7%)	(26.7%)	0.0%	0.0%	0.0%	0.0%
FY 2024-25 EXECUTIVE REQUEST	\$1,114,592	\$1,114,592	\$0	\$0	\$0	0.0
Request Above/(Below) Recommendation	\$0	\$0	\$0	\$0	\$0	0.0

GRANTS

This line item that reflects federal grant funds received from the Department of Human Services.

STATUTORY AUTHORITY: Section 13-92-101 et seq., C.R.S.

REQUEST: The ORPC requests a continuation appropriation of \$31,095 reappropriated funds.

RECOMMENDATION: Staff recommends a continuation appropriation.

LONG BILL FOOTNOTES AND REQUESTS FOR INFORMATION

LONG BILL FOOTNOTES

Staff recommends **CONTINUING** the following footnotes:

- 67 Judicial Department, Office of the Alternate Defense Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Alternate Defense Counsel appropriation may be transferred between line items in the Office of the Alternate Defense Counsel.

COMMENT: *This footnote provides the OADC with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Staff recommends continuing the footnote.*

- 68 Judicial Department, Office of the Child's Representative -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Child's Representative's appropriation may be transferred between line items in the Office of the Child's Representative.

COMMENT: *This footnote provides the OCR with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Staff recommends continuing the footnote.*

- 69 Judicial Department, Office of the Respondent Parents' Counsel -- In addition to the transfer authority provided in Section 24-75-108 (5), C.R.S., up to 5.0 percent of the total Office of the Respondent Parents' Counsel's appropriation may be transferred between line items in the Office of the Respondent Parents' Counsel.

COMMENT: *This footnote provides the ORPC with the authority to transfer up to 5.0 percent of its total annual appropriation between line items. Staff recommends continuing the footnote.*

REQUESTS FOR INFORMATION

Staff recommends **CONTINUING AND MODIFYING** the following request for information:

Requests Applicable to Judicial Branch Only

- 2 Judicial Department, Office of the Child's Representative -- The Office of the Child's Representative is requested to provide by November 1, ~~2023~~ 2024, a report outlining its work with Colorado CASA for FY ~~2022-23~~ 2023-24 to include the number of CASA volunteers statewide, the number of cases with a CASA volunteer statewide and by judicial district, the number of children placed with a CASA volunteer statewide, the allocation of the Office's CASA Contracts Long Bill appropriation by local CASA program and each program's judicial districts served.

COMMENT: *This request continues the collection of annual data for related to the work of court appointed special advocates through the Colorado CASA program.*

OFFICE OF RESPONDENT PARENTS' COUNSEL
TITLE IV-E FUNDING OVERVIEW
FEBRUARY 2024

1. FEDERAL GUIDANCE:

LEGAL REPRESENTATION FOR PARENTS AND IV-E FUNDING

Federal recognition of the importance of legal representation for parents in the child welfare system is relatively new. Just six years ago, in 2017, the Children's Bureau highlighted the importance of high-quality legal representation for parents and children, and four years ago, in 2019, Federal IV-E funds became available to support this representation through a new policy in the Child Welfare Policy Manual:

[Question 30. May a title IV-E agency claim title IV-E administrative costs for attorneys to provide legal representation for the title IV-E agency, a candidate for title IV-E foster care or a title IV-E eligible child in foster care and the child's parents to prepare for and participate in all stages of foster care related legal proceedings?](#)

Answer

Yes. The statute at section 474(a)(3) of the Act and regulations at 45 CFR 1356.60(c) specify that Federal financial participation (FFP) is available at the rate of 50% for administrative expenditures necessary for the proper and efficient administration of the title IV-E plan. The title IV-E agency's representation in judicial determinations continues to be an allowable administrative cost. Previous policy prohibited the agency from claiming title IV-E administrative costs for legal services provided by an attorney representing a child or parent. **This policy is revised to allow the title IV-E agency to claim title IV-E administrative costs of independent legal representation by an attorney for a child who is a candidate for title IV-E foster care or in foster care and his/her parent to prepare for and participate in all stages of foster care legal proceedings, such as court hearings related to a child's removal from the home.** These administrative costs of legal representation must be paid through the title IV-E agency. This change in policy will ensure that, among other things: reasonable efforts are made to prevent removal and finalize the permanency plan; and parents and youth are engaged in and complying with case plans.

Source/Date

1/7/2019

In response to this change, the Colorado Department of Human Services (CDHS), Division of Children, Youth and Families reached out to two Colorado Independent Judicial Agencies, the office of Respondent Parents' Counsel and the Office of the Child's Representative, to begin developing a process and Memorandum of Understanding to access Federal IV-E funds to enhance legal representation in Colorado.

In 2019, [Senate Bill 19-258](#) created a cash fund for these funds and designated that federal reimbursements related to administrative costs of independent legal representation incurred by the Office of the Respondent Parents' Counsel and the Office of the Child's Representative must be disbursed from the cash fund to the agencies as incurred and pursuant to the State Department's Memorandum of Understanding with the agencies. Over the last five years, agency program development and policy have grown together as the Children's Bureau made additional updates to the

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Child Welfare Policy Manual and issued Information Memorandums and Technical Bulletins. Below is an overview of some of the Federal guidance related to these changes (much of this information can be found in previous Office of Respondent Parents Counsel (ORPC) budget requests).

In 2017, the Administration on Children, Youth, and Families (ACYF) Children's Bureau (CB) of the U.S. Department of Health and Human Services (HHS) issued an Information Memorandum (IM) identifying high-quality legal representation for parents, children, and the child welfare agency as critical to a well-functioning child welfare system ([ACYF-CB-IM-17-02](#)). The rationale includes research showing that early appointment of counsel in child welfare proceedings can improve case planning, expedite permanency and lead to cost savings to state/tribal government. The Children's Bureau's recognized the crucial importance of funding legal representation for parents, which has solidified by a change in policy in January 2019 which allowed the use of federal funds for legal representation of parents and children.

In April 2020, the Children's Bureau issued additional guidance to clarify that administrative costs for paralegals, investigators, parent advocates, and social workers may also be claimed as Title IV-E foster care administrative costs when they are necessary to support an attorney providing independent legal representation. After this additional guidance, the Children's Bureau issued a [Technical Bulletin](#) in July 2020 addressing frequently asked questions on independent legal representation. In it the Children's Bureau further clarified the authority for states to claim allowable administrative costs of "pre-removal" independent legal representation by an attorney for a child that is a candidate (meaning at risk of entry into the child welfare system) for Title IV-E foster care and/or his or her parent.

[Federal Guidance overview from Technical Bulletin issued July 20, 2020](#)

The Children's Bureau issued revised and new policies that allow title IV-E agencies to claim Federal financial participation (FFP) for administrative costs of independent legal representation provided by an attorney under section 474(a)(3) of the Social Security Act (the Act) and federal regulations at 45 CFR 1356.60(c). In [section 8.1B of the Child Welfare Policy Manual \(CWPM\)](#), CB revised and issued Q/A [#30](#) on January 7, 2019, issued [#31](#) on July 29, 2019 and issued [#32](#) on April 20, 2020.

Based on successful outcomes, the Children's Bureau "strongly urges all Title-IV agencies to actively pursue utilization of Title IV-E funding to create, expand and sustain models of multi-disciplinary representation" ([ACYF-CB-IM-21-06 pg 6](#)). Additionally, in September 2023, the Children's Bureau [proposed a new rule](#) that includes and expands upon the previous guidance and interpretation to permit IV-E reimbursement for interdisciplinary legal representation of parents, children, and relative caregivers, including for representation of children and families at risk of entering foster care and for civil legal services. In other words, the federal government is actively urging child welfare stakeholders across the country to use federal dollars to pay for paralegals, investigators, parent advocates, and social workers to better respond to the overall needs of parents and families who may be candidates for foster care.

2. FUNDING MECHANISMS

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There are multiple considerations involved when looking at IV-E funds due to regulations, federal cost principles, and state plan implementation. It is important to consider each of these aspects when planning and spending these funds. These concepts are critical to follow to reduce risk for the State while leveraging other funding sources (see additional information related to these concepts at the table in section 6).

First the mechanism for earning IV-E dollars follows guidance from the Department of Health and Human Services (HHS) in the fact that only the child welfare agency that administers the State IV-E plan can receive federal funds and then pass them on through an agreement. ORPC meets this requirement by having an interagency agreement with CDHS, the Title IV-E agency for the State of Colorado. Based on this interagency agreement, ORPC requests federal matching funds of costs incurred by the ORPC for legal representation on a quarterly basis. Currently, the costs are reimbursed at 50% of Colorado's penetration rate, which is a state's proportion of foster care children eligible for Title IV-E (this is typically around 30% in Colorado). The reimbursed funds are earmarked for the ORPC and recorded in the Title IV-E Administrative Costs Cash Fund created by SB 19-258. Eligible ORPC IV-E expenses are recorded in reappropriated lines by the ORPC. The ORPC reports these costs to CDHS and is reimbursed from the cash fund through CDHS quarterly.

Although the funds that the ORPC uses are reimbursed through a cash fund, the amounts in the fund originally came from a federal source to meet a specific purpose. Accordingly, the agency ensures that the funds are used in a manner following the federal intent of the program.

Additionally, the agency remains cognizant of federal cost principles such as ensuring costs are measurable, ensuring sufficient transaction backup, and following clear accounting trails to demonstrate costs or revenues are not duplicated. These are important concepts especially because, for Colorado, this funding stream is earned as federal revenue at CDHS and passed through as a transfer to the ORPC, making it subject to federal regulations. Thus, it is important that the state does not use the transfer revenue in the same appropriations for which the ORPC originally earned the revenue to avoid the perception of earning revenue against funds that were already reimbursed from the federal government. Simply put, federal funds should not be used as a match for federal funds. Otherwise, the transfer would look like a duplication of benefit. The state must also consider the federal prohibition of supplanting, which occurs when a state or unit of local government reduces state or local funds for an activity, specifically because federal funds are available (or expected to be available) to fund that same activity. The risk of not following these guidelines is that the Federal government could require payback of funds they felt were not used in compliance with their regulations.

Thus, the ORPC spends reappropriated IV-E funds outside of the appropriations that originally earned the federal revenue. For the ORPC, this means that the agency claims federal funds based on eligible general fund expenditures and uses the federal reimbursements for reappropriated funds expenditures. This makes it clear that the federal match component is clearly general fund as required by federal funding rules.

3. ORPC PHILOSOPHY IN ACCESSING IV-E FUNDING

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The ORPC is committed to claiming and spending IV-E funds in compliance with the Children's Bureau Child Welfare Policy Manual and Information Memorandum objectives. The funds claimed by ORPC are based on the costs incurred by the agency to pay contract attorneys, interdisciplinary teams, and mandated cost expenses. The agency is engaged in ensuring the costs in these lines continue to meet federal objectives.

ORPC strives to increase positive programmatic outcomes by creating enhancements to existing programs and exploring new initiatives. Our plan for spending these funds includes the following items:

1. Increasing access to interdisciplinary teams, which may include social workers, parent advocates, experts, and other professionals.
2. Expanding available legal services to parents and families through:
 - a. Ensuring early appointment of RPC prior to initial hearings and early access to an interdisciplinary team.
 - b. Providing legal representation during investigations and upon initial filings to address a family's ancillary civil legal issues that may impact the removal of children and reunification, such as protective orders, housing and eviction issues, and guardianships.
 - c. Exploring methods to recruit new RPC talent, provide mentoring to attorneys, and incentivize work in rural communities and "legal deserts" where there are fewer than ten or even no registered attorneys; and
 - d. Contracting with professionals to assist in providing agency supports, facilitate and manage ORPC programs, and to conduct quality assurance, supervision, and mentoring of ORPC contractors such as attorneys, social workers, family advocates, and parent advocates.
 - e. Evaluating contractor pay rates and advocating for timely and appropriate rates to establish fair and realistic state rates by which to compensate ORPC contractors.
3. Replacing the Respondent Parent Payment System (RPPS) to allow for efficiency in processes, tracking of IV-E eligible costs, spending on and outcomes of new initiatives, and robust data collection.
4. Continuing a partnership with the Colorado Data Lab to develop a data analysis plan to identify best practices and effective programs and to onboard the ORPC to the Linked Information Network of Colorado, which will assist the agency in obtaining individual, case-level child welfare data as opposed to aggregate data.
5. Assessing ORPC administrative, personal, and operational needs to ensure adequate staffing, resources, and support for agency programming, branding, and recruitment efforts.
6. Creating a formal process and structure for soliciting and incorporating family voice and feedback within the ORPC to provide direction to the agency on policy, continuous quality improvement, and decision-making and to explore opportunities to increase family voice at the legislature, in rule making or state board, and in committee and policy work.

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7. Assessing ongoing ORPC training needs to provide excellent training to ORPC contractors, agency staff, and child welfare stakeholders to ensure the provision of high-quality legal representation for parents and to offer limited compensation for contractors to incentivize their ongoing learning.
8. Engaging strategic planning professionals to assess and improve the agency's Diversity, Equity, Inclusion, and Belonging initiatives and provide training to ORPC contractors, agency staff, and child welfare stakeholders on system disparities and the ways that poverty, race, and disability are overlapping and interlocking disproportionalities within the child welfare system.

ORPC's plan to spend IV-E funds is fully developed and the office has been taking steps to follow the plan over the last couple of years. However, capacity issues have made it hard to fully implement all the steps needed to make these plans successful. ORPC has submitted decision items to address these capacity issues with hopes of building the infrastructure required to meet these goals and thus spend more IV-E reimbursement funds.

4. FUND BALANCE IN TITLE IV-E ADMINISTRATIVE COST CASH FUND

When IV-E funding became available, the ORPC was already providing high-quality interdisciplinary legal representation for which IV-E funds could be claimed. As a result, the agency has received federal revenue which has been deposited in the Title IV-E Administrative Costs Cash Fund. However, the ORPC has not been able to spend the reimbursement funds as quickly as the agency has earned them. This has led to revenues growing in the Title IV-E Administrative Costs Cash Fund faster than they are spent resulting in a larger-than-desired fund balance.

The fund balance exists for a variety of reasons. As mentioned above, IV-E funding became available just four years ago, and the agency has existed for less than eight years. Given that these funds were brand new, the ORPC wanted to proceed cautiously and thoughtfully in developing programming consistent with federal priorities. The agency started drawing down these funds and waited to develop and roll out programs until it could be confident the funding stream materialized. Then COVID occurred, which resulted in program development delays.

Another delay was the federal requirement to count children as part of the draw down process, which required the ORPC staff to address data share agreements and to develop an internal process to achieve the federally required child count.

Additionally, since this is a new funding source, funding requirements and eligibility are evolving in flight which requires the agency to constantly evolve. For example, after the Children's Bureau allowed costs related to interdisciplinary teams to be reimbursable, that increased the amount of expenses eligible for reimbursement, thereby increasing revenue and changing the agency's projections and implementation strategies.

Programming has been further delayed because the ORPC needs additional internal capacity to thoughtfully roll out programming with the level of data collection necessary to show program impact

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(A Children's Bureau Memo cited to a prior ORPC study showing the impact of interdisciplinary [teams](#)). Lastly, the ORPC started a preventative legal representation program consistent with federal guidance which grew slower than internal projections. The program then had to be paused when the agency realized that more staff and infrastructure were required to execute the program to the agency's standards. Although the agency does utilize reappropriated IV-E funds currently, without more staff the agency cannot increase the level of expenditure sustainably. The ORPC's FY 24-25 budget seeks nearly \$2 million in additional decision items funded with IV-E to increase internal capacity needed to grow programming and is anticipating strategic planning to further develop and expand the use of IV-E funds to support families in Colorado.

5. ORPC PLAN FOR IV-E SUSTAINABILITY

The largest setback ORPC has had is the capacity to grow IV-E programs while maintaining current statutorily required programs. To ensure that these new programs are developed and executed the agency needs to build additional infrastructure. Without additional staffing and infrastructure, the agency risks not being able to spend the IV-E reimbursement funds properly and the IV-E cash fund balance will continue to grow.

However, if the agency receives the program resources needed to build infrastructure and continue with strategic planning, the agency will be able to spend the IV-E reimbursement funds at a rate closer to what is received in revenue. Once programs are developed and fully functional, the agency anticipates having an increased level of spending from IV-E reimbursement funds that matches the revenue earned every year. This will ensure that the fund balance does not keep growing and that the agency uses reappropriated federal funds instead of general fund to achieve this program growth.

The most sustainable way to utilize IV-E reimbursement funds is to use them to enhance and grow current programs while developing new ones to enhance legal representation. Doing so will help these programs grow without the use of general fund or a traditional cash fund that has TABOR implications. Growing these programs will lead to better outcomes and more families staying safely together. Over time, this leads to fewer individuals and, therefore less cost, in the system, which has a positive impact on the general fund and on society. Additionally, spending IV-E reimbursements in line with Federal program intent that is nationally recognized and federally supported is the conservative approach to spending these funds, which translates into less risk for the state having to pay back federal funds. In contrast, if IV-E reimbursement funds are diverted elsewhere to fund unrelated activities or as a funding source for the lines they were originally earned on, there are other risks. First, diverting funds would lower the ability to fully fund IV-E approved programs because there would be less funds available. This would divert funding away from a mechanism that could lower general fund spending over time.

Further complicating matters, if IV-E reimbursement funds were used to fund the lines currently earned on, the agency would have to establish a way to not count the expenses or related child count from the IV-E funded related portion of the line. This is because from the perspective of the federal government this could be seen as a duplication of benefits, meaning the agency used prior expenses

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and counts as the basis to be reimbursed by the federal government, and then used these same reimbursement funds to put back into the line as part of a nonfederal match in a subsequent period. If IV-E reimbursement funds were used to fund these lines, the agency would need to prevent the duplication from occurring by only counting the expenses and the child count related to the general fund portion of the line. This presents two problems. First, the agency does not have a mechanism to segregate the child count in this manner. Second, this would create a lower basis to claim and thus a lower amount of revenue that could be drawn from the federal government. Doing this over time would lower the amount of federal revenue received and thus require the State to utilize more general fund and not leverage the IV-E funding source to its full potential. If you would like to discuss Title IV-E funding or the associated cash fund balance, the agency would like to help find solutions.

6. FINANCIAL CONCEPTS

The below chart shows some overall State finance goals and perspectives of how ORPC IV-E funding intersects with these overarching concepts:

Overall State Goal	State Finance Perspective	ORPC Perspective
Maximize Federal Spend Minimize General Fund	Federal Fund spending allows for growth scenarios without negative impact unlike cash fund growth which contributes to TABOR refunds, cash fund reporting problems and optics, and general fund needed to cover a TABOR refund related to the growth.	IV-E reimbursement funds spent on federally approved program priorities grow state programs and impact without utilizing general fund, increasing spending on evidence-based programming that can further reduce general fund needs by reducing case filings and keeping more families together.
Maximize Federal Spend Lower Risk	Less risk to the State to use federal funds in a situation where programs are partnering with each other and the federal government	Be involved and partner with federal policymakers regarding the foster care system and spending federal funds within these shared methods and philosophies which limits states exposure and risk.
Maximize Federal Spend	SSA entitlement programs receive federal funding without limit or competition. Thus, the state would not lose out on these funds to other priorities no matter how much we requested.	IV-E is an SSA entitlement program. So the agency would earn revenue no matter how much we claimed.
Reduce Risk to State	If the State follows risky financing decisions there is a potential to have to return funds to parties originally providing those funds. Such as using federal funds in a way that is not approved by the feds, and then having to pay the	Using IV-E reimbursements in a way that is consistent with federal guidance and national protocol helps to reduce risk for the state and the potential for having to pay the federal government back. This is balanced with the fact that in this mechanism general funds are

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	funds used back from general fund.	leveraged to earn federal reimbursement from, which lowers general fund spend in the future.
Reduce General Fund Impact	Based on general program expenses offset by costs that would otherwise be financed with general fund or not be financed at all.	Additional resources created with IV-E funding to supplement general funded programs. This allows for better service to citizens and better outcomes without utilizing general fund.
Nontraditional Cash Fund	Is not calculated in TABOR growth limit like other cash funds and thus there is no risk for TABOR refunds when cash fund growth occurs. Cash funds with federal revenue sources are exempt.	IV-E cash fund is not a traditional cash fund since its revenue is derived from a federal reimbursement which means that it is exempt from cash fund TABOR growth limits. And is easier to explain if larger balance b/c it is related to federal funds that must be spent in specific ways to maintain compliance
Reduce General fund spend over time for the ORPC	General fund savings realized at ORPC over time based on initial investment in federal funding mechanisms.	As ORPC prevention and intervention programs become more successful the need for expensive litigation in cases where children have been removed and hence the associated general fund spend will decrease over time.
Reduce General fund spend over time for other agencies	General fund savings realized in other departments over time based on initial investment in federal funding mechanisms at ORPC which reduce overall systemic costs	Growth in education, prevention and intervention style programs will lead to reduced systemic general funded program spend over time
Increased Quality of Services to Colorado residents	Provide better services to state residents in the system and society as a whole	Preventative programming will reach more Colorado residents and expand access to civil legal services, a traditionally underfunded service. ORPC works directly with contractors to operate under set standards and protocols that add consistency to the D&N case process
Opportunity to measure growth in family units and positive outcomes over generations	Less children in the system over generations diverts spending to more positive services such as education or prevention programs.	Address systemic issues in the child welfare system that create generational trauma in turn increasing family connections and reducing system costs over time.

Resources:

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ACF – Children’s Bureau, *High Quality Legal Representation for All Parties in Child Welfare Proceedings*, ACYF-CB-IM-17-02 (January 17, 2017),
<https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>

ACF – Children’s Bureau, Utilizing Title IV-E Funding to Support High Quality Legal Representation for Children, *supra* note 66.
<https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>; ACF – Children’s Bureau, Family Time and visitation for children and youth in out-of-home care, *supra* note 37; ACF – Children’s Bureau, Engaging, empowering, and utilizing family and youth voice, *supra* note 11; ACF – Children’s Bureau, Reshaping child welfare in the United States to focus on strengthening families through primary prevention of child maltreatment and unnecessary parent-child separation, ACYF-CB-IM-18-05 (November 16, 2018),

[Child Welfare Policy Manual \(hhs.gov\)](#) update questions 30, 31 & 32 in 2019

ACF – Children’s Bureau, Technical Bulletin – FAQs on Independent Legal Representation (July 20, 2020),
https://www.acf.hhs.gov/sites/default/files/cb/technical_bulletin_faq_legal_representation.pdf.

ACF – Children’s Bureau, *Utilizing Title IV-E Funding to Support high Quality Legal Representation for Children and Youth who are in Foster Care, Candidates for Foster Care and their Parents and to Promote Child and Family Well-being*, ACYF-CB-IM-21-06 (January 14, 2021),
<https://www.acf.hhs.gov/sites/default/files/documents/cb/im2106.pdf>.

Other:

Memo outlining IV-E from American Bar Association

[Leveraging Federal IV-E Funding to Support \(ncjfcj.org\)](#)

Article from Metro about interdisciplinary Teams at ORPC – Study quoted in federal memos

[Microsoft Word - ORPC SWPP Evaluation .docx \(coloradoorpc.org\)](#)

Schedule 9: Cash Funds Reports
Department of Human Services
FY 2024-25 Budget Request
Fund 13AC - "Title IV-E Administrative Cost Cash Fund"
Section 26-2-102.5 (3)(b)(I), C.R.S. (2023)

	Actual FY 2021-22	Actual FY 2022-23	Appropriated FY 2023-24	Requested FY 2024-25
Year Beginning Fund Balance (A)	\$6,550,820	\$10,882,661	\$13,975,509	\$12,429,085
Changes in Cash Assets	\$4,331,841	\$3,092,848	-\$1,546,424	\$0
Changes in Non-Cash Assets	\$0	\$0	\$0	\$0
Changes in Long-Term Assets	\$0	\$0	\$0	\$0
Changes in Total Liabilities	\$0	\$0	\$0	\$0
TOTAL CHANGES TO FUND BALANCE	\$4,331,841	\$3,092,848	-\$1,546,424	\$0
Assets Total	\$10,882,661	\$13,975,509	\$12,429,085	\$12,429,085
Cash (B)	\$10,882,661	\$13,975,509	\$12,429,085	\$12,429,085
Other Assets(Detail as necessary)	\$0	\$0	\$0	\$0
Receivables	\$0	\$0	\$0	\$0
Liabilities Total	\$0	\$0	\$0	\$0
Cash Liabilities (C)	\$0	\$0	\$0	\$0
Long Term Liabilities	\$0	\$0	\$0	\$0
Ending Fund Balance (D)	\$10,882,661	\$13,975,509	\$12,429,085	\$12,429,085
Logical Test	TRUE	TRUE	TRUE	TRUE
Net Cash Assets - (B-C)	\$10,882,661	\$13,975,509	\$12,429,085	\$12,429,085
Change from Prior Year Fund Balance (D-A)	\$4,331,841	\$3,092,848	-\$1,546,424	\$0
Cash Flow Summary				
Revenue Total	\$5,452,421	\$4,783,343	\$5,117,882	\$5,117,882
Fees	\$0	\$0	\$0	\$0
Interest	\$0	\$0	\$0	\$0
Internal Transfers	\$5,452,421	\$4,783,343	\$5,117,882	\$5,117,882
Expenses Total	\$1,120,580	\$1,690,495	\$6,664,306	\$5,117,882
Cash Expenditures	\$1,120,580	\$1,690,495	\$6,664,306	\$5,117,882
Change Requests (If Applicable)	\$0	\$0	\$0	\$0
Net Cash Flow	\$4,331,842	\$3,092,848	-\$1,546,424	\$0

	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Percent of Revenue Attributed to Fees	0%	0%	0%	0%
Cash Fund Reserve Balance	Actual	Actual	Estimated	Requested
	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Uncommitted Fee Reserve Balance	\$10,882,661	\$13,975,509	\$12,429,085	\$12,429,085
Target/Alternative Fee Reserve Balance	\$184,896	\$278,932	\$1,099,610	\$844,451
Excess Uncommitted Fee Reserve Balance	\$10,697,765	\$13,696,577	\$11,329,475	\$11,584,634
Compliance Plan (narrative)	Revenue collected in Title IV-E Administrative Cost Fund are not subject to state fiscal year spending as defined in 24-77-102 (17), C.R.S.			

Cash Fund Narrative Information

Purpose/Background of Fund	Federal reimbursements related to administrative costs of independent legal representation incurred by the office of the child's representative and the office of respondent parents' counsel must be disbursed from the fund to the agencies as incurred.
Fee Sources	None
Non-Fee Sources	Federal Title IV-E reimbursement for administrative costs.
Long Bill Groups Supported by Fund	(3)(B) Division of Child Welfare, Child Welfare Legal Representation

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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JUDICIAL DEPARTMENT Brian Boatright, Chief Justice

(6) OFFICE OF ALTERNATE DEFENSE COUNSEL

This independent agency provides legal counsel for indigent defendants primarily through contract attorneys when there is a conflict in provision of representation by the State Public Defender.

Personal Services	<u>1,791,981</u>	<u>3,199,154</u>	<u>4,373,745</u>	<u>4,958,821</u>	<u>4,939,287</u> *
FTE	14.0	20.5	36.3	40.7	40.7
General Fund	1,791,981	3,199,154	4,373,745	4,958,821	4,939,287
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>196,812</u>	<u>290,390</u>	<u>533,266</u>	<u>702,008</u>	<u>702,630</u> *
General Fund	196,812	290,390	533,266	702,008	702,630
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>2,240</u>	<u>3,437</u>	<u>6,092</u>	<u>7,045</u>	<u>7,078</u> *
General Fund	2,240	3,437	6,092	7,045	7,078
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>477,729</u> *
General Fund	0	0	0	0	477,729

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
S.B. 04-257 Amortization Equalization Disbursement	<u>73,712</u>	<u>107,418</u>	<u>198,748</u>	<u>239,729</u>	<u>0</u> *
General Fund	73,712	107,418	198,748	239,729	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>73,712</u>	<u>107,418</u>	<u>198,748</u>	<u>239,729</u>	<u>0</u> *
General Fund	73,712	107,418	198,748	239,729	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>55,221</u>	<u>56,984</u>	<u>125,040</u>	<u>135,595</u>	<u>136,635</u>
General Fund	55,221	56,984	125,040	135,595	136,635
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>153,575</u>
General Fund	0	0	0	0	153,575
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>18,536</u>	<u>19,738</u>
General Fund	0	0	0	18,536	19,738
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Operating Expenses	<u>205,098</u>	<u>325,537</u>	<u>249,707</u>	<u>338,757</u>	<u>271,959</u> *
General Fund	205,098	325,537	249,707	338,757	271,959
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Capital Outlay	<u>0</u>	<u>31,000</u>	<u>113,390</u>	<u>20,010</u>	<u>20,010</u> *
General Fund	0	31,000	113,390	20,010	20,010
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Training and Conferences	<u>75,152</u>	<u>76,987</u>	<u>100,000</u>	<u>180,000</u>	<u>180,000</u> *
General Fund	20,000	56,021	20,000	100,000	100,000
Cash Funds	55,152	20,966	80,000	80,000	80,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Conflict-of-interest Contracts	<u>34,941,478</u>	<u>40,002,879</u>	<u>48,564,923</u>	<u>50,419,079</u>	<u>49,772,971</u> *
General Fund	34,941,478	40,002,879	48,564,923	50,419,079	49,772,971
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Mandated Costs	<u>1,649,231</u>	<u>1,789,280</u>	<u>2,995,773</u>	<u>3,049,773</u>	<u>3,049,773</u>
General Fund	1,649,231	1,789,280	2,995,773	3,049,773	3,049,773
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
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	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
TOTAL - (6) Office of Alternate Defense					
Counsel	39,064,637	45,990,484	57,459,432	60,309,082	59,731,385
<i>FTE</i>	<u>14.0</u>	<u>20.5</u>	<u>36.3</u>	<u>40.7</u>	<u>40.7</u>
General Fund	39,009,485	45,969,518	57,379,432	60,229,082	59,651,385
Cash Funds	55,152	20,966	80,000	80,000	80,000
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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(7) OFFICE OF THE CHILD'S REPRESENTATIVE

This independent agency provides legal representation for children involved in the court system due to abuse or neglect, delinquency, truancy, high conflict divorce, alcohol or drug abuse, mental health issues, and probate matters. Reappropriated funds originate from federal Title IV-E funds and transferred from the Department of Human Services.

Personal Services	<u>2,947,952</u>	<u>3,354,624</u>	<u>4,356,999</u>	<u>4,644,582</u>	<u>4,632,084</u> *
FTE	34.9	35.0	38.0	39.0	39.0
General Fund	2,819,321	3,003,814	3,959,043	4,144,551	4,144,551
Cash Funds	0	0	0	0	0
Reappropriated Funds	128,631	350,810	397,956	500,031	487,533
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>391,182</u>	<u>377,975</u>	<u>496,067</u>	<u>520,912</u>	<u>509,144</u> *
General Fund	379,834	377,975	456,726	471,085	471,085
Cash Funds	0	0	0	0	0
Reappropriated Funds	11,348	0	39,341	49,827	38,059
Federal Funds	0	0	0	0	0
Short-term Disability	<u>4,723</u>	<u>4,391</u>	<u>5,743</u>	<u>5,613</u>	<u>5,596</u> *
General Fund	4,415	4,391	5,236	4,979	4,979
Cash Funds	0	0	0	0	0
Reappropriated Funds	308	0	507	634	617
Federal Funds	0	0	0	0	0
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>373,012</u> *
General Fund	0	0	0	0	331,900
Reappropriated Funds	0	0	0	0	41,112

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
S.B. 04-257 Amortization Equalization Disbursement	<u>147,606</u>	<u>146,162</u>	<u>190,964</u>	<u>187,060</u>	<u>0</u> *
General Fund	137,967	146,162	174,102	165,950	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	9,639	0	16,862	21,110	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>147,606</u>	<u>146,162</u>	<u>190,964</u>	<u>187,060</u>	<u>0</u> *
General Fund	137,967	146,162	174,102	165,950	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	9,639	0	16,862	21,110	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>99,620</u>	<u>100,389</u>	<u>184,026</u>	<u>120,681</u>	<u>120,681</u>
General Fund	93,115	94,481	166,852	109,255	109,255
Cash Funds	0	0	0	0	0
Reappropriated Funds	6,505	5,908	17,174	11,426	11,426
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>135,645</u>
General Fund	0	0	0	0	122,803
Reappropriated Funds	0	0	0	0	12,842
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>16,837</u>	<u>16,786</u> *
General Fund	0	0	0	14,936	14,936
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	1,901	1,850
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Operating Expenses	<u>341,720</u>	<u>515,271</u>	<u>402,720</u>	<u>1,904,000</u>	<u>1,904,000</u> *
General Fund	341,720	345,679	320,820	314,150	314,150
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	169,592	81,900	1,589,850	1,589,850
Federal Funds	0	0	0	0	0
Leased Space	<u>132,281</u>	<u>142,264</u>	<u>147,247</u>	<u>151,626</u>	<u>151,626</u>
General Fund	132,281	142,264	147,247	151,626	151,626
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
CASA Contracts	<u>1,550,000</u>	<u>1,750,000</u>	<u>1,750,000</u>	<u>1,750,000</u>	<u>1,750,000</u>
General Fund	1,550,000	1,750,000	1,750,000	1,750,000	1,750,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Training	<u>34,699</u>	<u>180,613</u>	<u>158,000</u>	<u>158,000</u>	<u>158,000</u>
General Fund	34,699	38,115	58,000	58,000	58,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	142,498	100,000	100,000	100,000
Federal Funds	0	0	0	0	0
Court-appointed Counsel	<u>20,791,013</u>	<u>22,532,765</u>	<u>30,970,666</u>	<u>33,128,397</u>	<u>32,100,758</u> *
General Fund	20,688,661	22,211,159	29,154,344	31,299,331	30,284,436
Cash Funds	0	0	0	0	0
Reappropriated Funds	102,352	321,606	1,816,322	1,829,066	1,816,322
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
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	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Mandated Costs	<u>58,122</u>	<u>69,523</u>	<u>60,200</u>	<u>81,000</u>	<u>81,000</u> *
General Fund	58,122	69,523	60,200	81,000	81,000
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Grants	<u>41,943</u>	<u>26,435</u>	<u>56,909</u>	<u>56,909</u>	<u>56,909</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	41,943	26,435	56,909	56,909	56,909
Federal Funds	0	0	0	0	0
TOTAL - (7) Office of the Child's Representative	26,688,467	29,346,574	38,970,505	42,912,677	41,995,241
<i>FTE</i>	<u>34.9</u>	<u>35.0</u>	<u>38.0</u>	<u>39.0</u>	<u>39.0</u>
General Fund	26,378,102	28,329,725	36,426,672	38,730,813	37,838,721
Cash Funds	0	0	0	0	0
Reappropriated Funds	310,365	1,016,849	2,543,833	4,181,864	4,156,520
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
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(8) OFFICE OF THE RESPONDENT PARENTS' COUNSEL

This independent agency provides legal representation for indigent parents involved in dependency and neglect proceedings. Reappropriated funds originate from federal Title IV-E funds and transferred from the Department of Human Services.

Personal Services	<u>1,858,697</u>	<u>2,720,554</u>	<u>2,718,678</u>	<u>3,655,329</u>	<u>2,786,853</u> *
FTE	13.3	16.1	19.0	25.0	19.9
General Fund	1,767,767	2,579,984	2,557,230	2,546,543	2,617,945
Cash Funds	0	0	0	0	0
Reappropriated Funds	90,930	140,570	161,448	1,108,786	168,908
Federal Funds	0	0	0	0	0
Health, Life, and Dental	<u>187,275</u>	<u>254,473</u>	<u>316,986</u>	<u>475,695</u>	<u>384,471</u> *
General Fund	166,890	238,747	291,061	363,684	374,892
Cash Funds	0	0	0	0	0
Reappropriated Funds	20,385	15,726	25,925	112,011	9,579
Federal Funds	0	0	0	0	0
Short-term Disability	<u>2,437</u>	<u>2,953</u>	<u>3,506</u>	<u>4,964</u>	<u>3,797</u> *
General Fund	2,239	2,749	3,298	3,470	3,565
Cash Funds	0	0	0	0	0
Reappropriated Funds	198	204	208	1,494	232
Federal Funds	0	0	0	0	0
Unfunded Liability Amortization Equalization					
Disbursement Payments	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>253,116</u> *
General Fund	0	0	0	0	237,640
Reappropriated Funds	0	0	0	0	15,476

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
S.B. 04-257 Amortization Equalization Disbursement	<u>76,137</u>	<u>92,283</u>	<u>115,969</u>	<u>160,555</u>	<u>0</u> *
General Fund	69,955	85,920	109,043	115,661	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	6,182	6,363	6,926	44,894	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization Disbursement	<u>76,137</u>	<u>92,283</u>	<u>115,969</u>	<u>160,555</u>	<u>0</u> *
General Fund	69,955	85,920	109,043	115,661	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	6,182	6,363	6,926	44,894	0
Federal Funds	0	0	0	0	0
Salary Survey	<u>49,829</u>	<u>54,090</u>	<u>110,284</u>	<u>177,865</u>	<u>78,343</u> *
General Fund	45,785	49,902	102,824	166,711	73,430
Cash Funds	0	0	0	0	0
Reappropriated Funds	4,044	4,188	7,460	11,154	4,913
Federal Funds	0	0	0	0	0
Step Pay	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>88,057</u>
General Fund	0	0	0	0	82,535
Reappropriated Funds	0	0	0	0	5,522
Paid Family and Medical Leave Insurance	<u>0</u>	<u>0</u>	<u>0</u>	<u>14,450</u>	<u>11,389</u> *
General Fund	0	0	0	10,409	10,693
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	4,041	696
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
Staff Working Document - Does Not Represent Committee Decision

	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Operating Expenses	<u>159,171</u>	<u>190,398</u>	<u>168,489</u>	<u>313,649</u>	<u>262,971</u> *
General Fund	159,171	190,398	167,539	154,199	162,021
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	950	159,450	100,950
Federal Funds	0	0	0	0	0
Title IV-E Legal Representation	<u>690,898</u>	<u>429,320</u>	<u>5,033,297</u>	<u>3,269,942</u>	<u>0</u> *
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	690,898	429,320	5,033,297	3,269,942	0
Federal Funds	0	0	0	0	0
Training	<u>45,880</u>	<u>198,185</u>	<u>106,000</u>	<u>600,615</u>	<u>106,000</u> *
General Fund	39,405	28,053	30,000	30,000	30,000
Cash Funds	6,475	38,867	48,000	48,000	48,000
Reappropriated Funds	0	131,265	28,000	522,615	28,000
Federal Funds	0	0	0	0	0
Court-appointed Counsel	<u>18,161,124</u>	<u>21,137,078</u>	<u>25,215,847</u>	<u>28,106,526</u>	<u>27,891,733</u> *
General Fund	18,161,124	21,132,246	24,871,185	27,758,105	22,602,785
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	4,832	344,662	348,421	5,288,948
Federal Funds	0	0	0	0	0
Mandated Costs	<u>2,807,539</u>	<u>1,291,120</u>	<u>1,519,560</u>	<u>1,114,592</u>	<u>1,114,592</u>
General Fund	2,774,590	1,291,120	1,519,560	1,114,592	1,114,592
Cash Funds	0	0	0	0	0
Reappropriated Funds	32,949	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Figure Setting - FY 2024-25
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	FY 2021-22 Actual	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2024-25 Request	FY 2024-25 Recommendation
Grants	<u>60,048</u>	<u>56,985</u>	<u>31,095</u>	<u>31,095</u>	<u>31,095</u>
General Fund	0	0	0	0	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	60,048	56,985	31,095	31,095	31,095
Federal Funds	0	0	0	0	0
TOTAL - (8) Office of the Respondent Parents'					
Counsel	24,175,172	26,519,722	35,455,680	38,085,832	33,012,417
<i>FTE</i>	<u>13.3</u>	<u>16.1</u>	<u>19.0</u>	<u>25.0</u>	<u>19.9</u>
General Fund	23,256,881	25,685,039	29,760,783	32,379,035	27,310,098
Cash Funds	6,475	38,867	48,000	48,000	48,000
Reappropriated Funds	911,816	795,816	5,646,897	5,658,797	5,654,319
Federal Funds	0	0	0	0	0
TOTAL - Judicial Department					
<i>FTE</i>	<u>62.2</u>	<u>71.6</u>	<u>93.3</u>	<u>104.7</u>	<u>99.6</u>
General Fund	88,644,468	99,984,282	123,566,887	131,338,930	124,800,204
Cash Funds	61,627	59,833	128,000	128,000	128,000
Reappropriated Funds	1,222,181	1,812,665	8,190,730	9,840,661	9,810,839
Federal Funds	0	0	0	0	0