

OFFICE OF RESPONDENT PARENTS' COUNSEL

FISCAL YEAR 2017-18

BUDGET REQUEST



MELISSA A. MICHAELIS,
ACTING EXECUTIVE DIRECTOR

November 1, 2016

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

November 1, 2016

To the Citizens and Legislators of the State of Colorado:

The Office of Respondent Parents' Counsel (ORPC) is an independent governmental agency within the State of Colorado Judicial Branch and is vested with the oversight and administration of Respondent Parents' Counsel (RPC) representation in Colorado effective July 1, 2016. The Office opened on January 1, 2016, and as of the writing of this budget our agency will be ten months old.

In Colorado, indigent parents whose parental rights are at risk are statutorily entitled to counsel. The ORPC's enabling legislation, § 13-92-104, C.R.S., charges and entrusts the ORPC, at a minimum, with enhancing the provision of respondent parents' counsel by:

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

In a short period of time, the ORPC has strived to enhance the provision of respondent parents' counsel. In March of 2016, this agency undertook the first step in providing high-quality legal representation to parents. We required any lawyer who wished to represent a parent at this critical legal moment to apply for a contract with our agency, and we offered contracts to approximately 176 attorneys. Each of these contractors is an independent small business owner from across the state, and we are striving to provide them with support and encouragement to provide the best representation possible.

We have offered nine trainings, including a three-day conference held in Colorado Springs. We have a listserv so that contractors can communicate with each other, appellate support and case law updates, a motion's bank, and provide contractors with Westlaw access. Our agency's Chief Justice Directive 16-02 outlines practice guidelines for parents' attorneys, and we are implementing a process to ensure compliance with these guidelines. We are also looking at ways to reduce costs, including analyzing a pilot program to provide access to social workers for contractors.

In our budget request, we seek to introduce our agency to the Citizens and Legislators of the State of Colorado through a comprehensive overview of our agency and a review of emerging trends and workload indicators. Most importantly, we strive to meet one of our statutory mandates: establishing fair and realistic state rates by which to compensate respondent parents' counsel. With this budget request and our first decision item, we request an investment from the State of Colorado so that attorneys working diligently to keep Colorado families together are paid for the actual work they do and for the investment they make in their clients. We request that the state approve a conversion to a consistent state hourly payment system that pays attorneys representing indigent parents for actual services rendered.



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

Currently, RPCs in eight Colorado Judicial districts are compensated on a flat-fee basis per case. When a termination motion is filed, the attorney is paid an additional flat fee. This is unfair to lawyers, clients, and taxpayers. Conversion to an hourly payment system for every RPC will result in better representation and better outcomes for Colorado families, provide accountability measures for billing on cases, and create parity with attorneys who contract with the Office of the Alternate Defense Counsel (OADC) and the Office of the Child's Representative (OCR), who are currently paid hourly for their work. Such a conversion will allow our agency to provide data about case costs in the future based on hourly billing for every case, such as the total number of attorney hours per case.

The Legislature created our agency to ensure that respondent parents in Colorado receive the best representation possible. This change to hourly payment for all cases is critical to fulfilling the Legislature's intent in creating the ORPC, and is basic to providing equal representation to indigent parents.

Sincerely,

Melissa A. Michaelis
Acting Executive Director

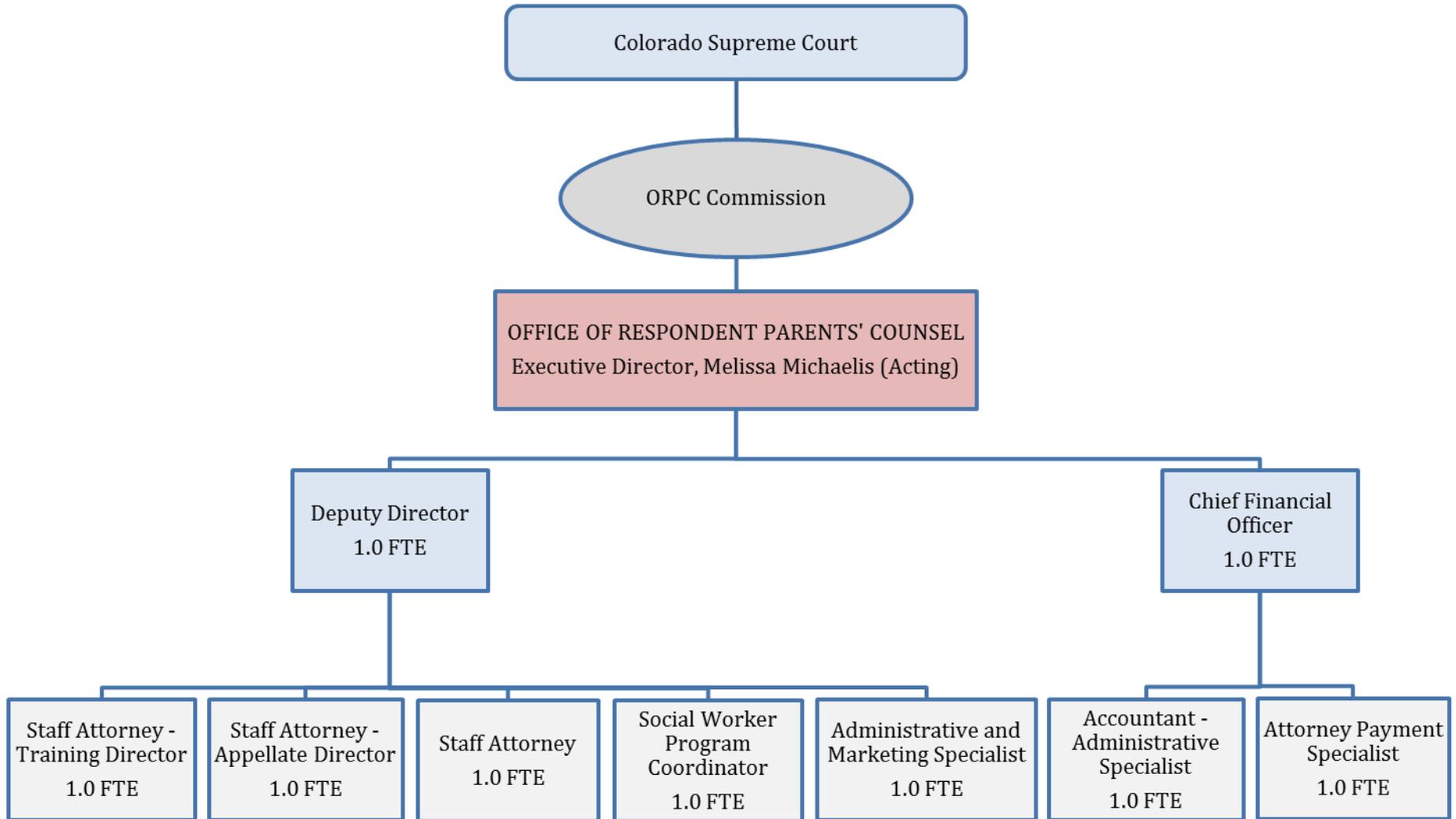
Office of the Respondent Parents' Counsel
FY 2017-18 Budget Change Summary - by Fund Source

	FTE	Total	GF	CF
<u>Long Bill</u>				
H.B. 16-1405, Office of the Respondent Parents' Counsel	10.00	\$12,879,472	\$12,849,472	\$30,000
			10.0 FTE	
Total FY2016-17 Appropriation	10.00	\$12,879,472	\$12,849,472	\$30,000
<u>Prior Year Budget Change Annualizations</u>				
Case Management System	0.00	(\$337,500)	(\$337,500)	\$0
Total Prior Year Budget Change Annualizations	0.00	(\$337,500)	(\$337,500)	\$0
<u>Salary Survey and Merit</u>				
FY 2017-18 Salary Survey Increase	0.0	\$23,045	\$23,045	\$0
Total Salary Survey and Merit	0.0	\$23,045	\$23,045	\$0
<u>Common Policy Adjustments</u>				
Health, Life and Dental Change (minus annualizations)	0.0	(\$4,458)	(\$4,458)	\$0
Short-term Disability Change (minus annualizations)	0.0	(\$130)	(\$130)	\$0
AED Change (minus annualizations)	0.0	(\$1,598)	(\$1,598)	\$0
SAED Change (minus annualizations)	0.0	(\$1,140)	(\$1,140)	\$0
Total Common Policy Adjustments	0.0	(\$7, 326)	(\$7,326)	\$0
Total FY 2017-18 Base Request	10.0	\$12,557,691	\$12,527,691	\$30,000
<u>Decision Items/Budget Amendments</u>				
R1, Conversion to Hourly Billing	0.0	\$785,902	\$785,902	\$0
R2, Increase in Case Filings	0.0	\$2,671,199	\$2,671,199	\$0
Total Decision Items/Budget Amendments	0.0	\$3,457,101	\$3,457,101	\$0
Total FY 2017-18 Budget Request	10.0	\$16,014,792	\$15,984,792	\$30,000
#/\$\$ change from FY 2016-17	0.0	\$3,135,320	\$3,135,320	\$0
% change from FY 2016-17	0.0%	24.3%	24.4%	0.0%

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III. Agency Overview

Organizational Chart
OFFICE OF RESPONDENT PARENTS' COUNSEL



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A. Background

The United States Supreme Court recognized that the “Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000). In Colorado, an indigent respondent parent has a statutory right to appointed counsel (hereinafter referred to as “Respondent Parents’ Counsel” or “RPC”) to protect this fundamental right to parent. *See* § 19-3-202, C.R.S. (2015).

The Colorado General Assembly declared that Respondent Parents’ Counsel “plays a critical role in helping achieve the best outcomes for children involved in dependency and neglect proceedings by providing effective legal representation for parents in dependency and neglect proceedings, protecting due process and statutory rights, presenting balanced information to judges, and promoting the preservation of family relationships when appropriate.” § 13-92-101, C.R.S. (2015).

The Office of Respondent Parents’ Counsel (ORPC) was established on January 1, 2016 by Senate Bill 14-203 (Section 13-92-101 through 104, C.R.S.) as an independent office in the Judicial Department. House Bill 15-1149 established the Respondent Parents’ Counsel Governing Commission and provided that all existing and new state-paid respondent parent counsel appointments be transferred to the Office of Respondent Parents’ Counsel on July 1, 2016. The ORPC Contract and Chief Justice Directive 16-02 (CJD 16-02), titled “Court Appointments through the Office of Respondent Parents’ Counsel,” governs the appointment, payment, and training of Respondent Parents’ Counsel.

B. Statutory Mandate

Section 13-92-101 to 104, C.R.S. established the ORPC and vested within it statutory requirements regarding the oversight and administration of respondent parent representation in Colorado. The ORPC’s enabling legislation charges and entrusts the ORPC, at a minimum, with enhancing the provision of respondent parents’ counsel by:

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

C. Mission Statement and Agency Vision

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

The ORPC's vision is that every child deserves to have their parent represented by the best lawyer in town. To achieve this ideal, the ORPC embraces three central concepts: Advocacy, Accountability, and Access.

- Advocacy – The ORPC will contract with experienced, high-quality lawyers and will support parents' attorneys through training, litigation support, and other resources to ensure that they are advocating for parents' constitutional rights.
- Accountability – The ORPC will be an effective steward of taxpayer dollars by ensuring that parents' attorneys are accountable for minimum standards and billing policies implemented by the agency.
- Access – The ORPC will ensure that all indigent parents have access to high-quality parents' counsel in Colorado child welfare cases.

D. Agency Structure and Priorities

The ORPC is tasked with enhancing the provision of respondent parent representation across the State of Colorado and is charged with providing oversight to contractors appointed to represent indigent parents in child welfare cases. The doors of the agency opened on January 1, 2016, and the agency assumed oversight for attorneys on July 1, 2016. In August, the ORPC staff moved from temporary office space into our dedicated office that had been under construction. The ORPC's office is located in the Ralph L. Carr Judicial Center, 1300 Broadway, Suite 340, Denver, Colorado 80203.

Infrastructure: Over the last 10 months, our agency has focused on infrastructure development. The ORPC has designed and collaborated with the Ralph L. Carr building to construct and furnish dedicated agency space. The agency purchased computers, phones, and software licenses. We created an agency website located at www.coloradoorpc.org.

Most importantly, the agency developed an online payment system, the Respondent Parent Payment System (RPPS), that allows respondent parents' counsel to bill and be paid by our agency for legal services. RPPS is a powerful billing system that allows the agency to run complex reports about data related to child welfare cases. RPPS will also function as a robust data collection system that will allow us to correlate attorney practices with case outcomes.

RPPS tracks data about child welfare cases - from reasons for filing to case outcomes. Every bill submitted to RPPS is reviewed by our agency for compliance with billing policies. In hourly jurisdictions, RPPS also tracks costs in relation to specific case activities – from travel to client meetings and trials. In the future, the data obtained from RPPS will drive our budget requests.

Part of our personal services appropriation will be dedicated to ongoing support and improvement of the RPPS system, continued IT Services, and the creation of an attorney database. The ORPC plans to begin development of an attorney database this fiscal year and plans for it to be completed in the next fiscal year.

Personal Services: At this time, the ORPC has hired eight staff and the office plans to complete hiring in the winter of 2016, based on our assessment of agency needs. Our office currently has an executive director vacancy and the deputy director is acting as executive director. The Commission expects to fill the executive director position as soon as possible. At that time, and after future

assessment of agency needs, we will complete hiring to fully utilize the ten FTEs in our budget. As part of our budget analysis and after comparison with similar positions in similar agencies, the ORPC realigned staff salaries for equity and for staff retention. Before making these changes we carefully analyzed our needs in the current fiscal year and future fiscal years.

Processes and Policies: The ORPC has developed numerous agency documents and processes to ensure the provision of high quality counsel for respondent parents. The first major document is Chief Justice Directive (CJD) 16-02, which outlines our agency’s responsibilities and authority, the requirement that Courts must appoint from attorneys approved by our office, our appellate process, practice guidelines, indigency and application requirements for parents, guidelines for payment by our agency, duties of Judges and Magistrates, and a complaint process. Beyond our CJD, we have developed billing policies that govern payment requests by attorneys across the state. We have drafted, but not finalized, fiscal rules, personnel policies, and internal office policies.

In the last fiscal year, the agency underwent a comprehensive contracting process in order to execute one of our major duties: creating and maintaining attorney appointment lists from which court must appoint lawyers to represent indigent parents. In March 2016, all attorneys desiring a contract to represent parents in dependency and neglect cases were required to apply with our agency. Upon review of those applications, our agency offered contracts to 176 lawyers. This fiscal year we will yet again ask contractors to apply with our agency and will undergo a comprehensive review of contracts that includes an application, judicial and stakeholder feedback, and the start of a three-year cycle of in-person court observation of attorneys. We plan to publish new appointment lists in June 2017.

Training: The ORPC co-sponsored or sponsored nine trainings for respondent parents’ lawyers in the last ten months. Most importantly we executed our first annual conference. The conference, Innovation in the Culture of Respondent Parent Representation, was held September 11-13 in Colorado Springs and offered twenty different training sessions for the 160 registrants. The entire program was approved for 17 continuing legal educations credits and 2.4 ethic credits.

Agency Priorities: The creation of the office is just the beginning of a comprehensive plan to enhance parent representation across the state. The ORPC’s statutory mandate requires that the office provide high-quality legal representation for parents, develop and recommend minimum practice standards, establish fair and realistic state rates to compensate RPC, and to work cooperatively with judicial districts to establish pilot programs. In just ten months, our developing agency has accomplished many of our goals. In the future, the agency’s priorities will continue to be those we are statutorily required to fulfill.

E. Emerging Trends in RPC Practice and Workload Indicators

Prior to the creation of the ORPC, no agency existed in Colorado exclusively dedicated to parent representation. In fact, a study conducted on respondent parent representation in Colorado found the RPC representation is “typically adequate but rarely proficient.”¹ The ORPC was established to

¹ *The National Center for State Courts, National Council for Juvenile and Family Court Judges, and National Association of Counsel for Children, State of Colorado Judicial Department Colorado Needs Assessment* (hereinafter “*Assessment Report*”), available here:

address this performance gap because the cause of “sub proficient practice is not the unwillingness of counsel to provide proficient services but rather the existence of practice, administration, and court systems which discourage optimal practice.”²

1. Overview of RPC Practice

As Justice Stevens observed more than thirty years ago, depriving a parent of the right to raise one’s child is “more grievous” even in comparison to a sentence to prison.³ Many parents would agree with this sentiment. This deprivation is the heart of RPC practice, and the outcome that all respondent parents’ counsel work to defend against.

On a given child welfare case, RPC are appointed for each respondent parent named by the county department in the petition. In practice, this means that there can be cases where only one RPC is needed because only one indigent parent was named in the petition or there can be cases where five or six attorneys are needed because there are multiple children with different fathers named as respondents to the petition. Measuring a cost per case must therefore take these cases into account, and measures are therefore appointment-driven instead of case-driven.

Much of the work conducted by RPCs takes place after a petition in dependency or neglect is filed, and the child or children were removed from the home. This work can include investigations, case staffing meetings with caseworkers and therapists, consultation with social workers, and seeking out independent evaluations for parents and children.

Depending on the nature of the allegations in the petition and other varied factors, cases can last anywhere from a few weeks to a full two years—even longer if an appeal is taken from either an adjudication and disposition or from an order terminating parental rights. Under the Expedited Permanency Planning (EPP) provision of the Children’s Code, cases where one of the named children in the petition in dependency or neglect is under the age of six must be completed within a year of filing.

Currently, RPCs are paid either on an hourly basis or on a flat-fee payment schedule. For hourly cases, attorneys are paid at the state hourly rate of \$75 per hour, and they must submit invoices detailing the time spent on the case to the ORPC through the RPPS in order to get paid. Contractors in the 1st, 3rd, 5th, 6th, 7th, 9th, 11th, 12th, 13th, 14th, 15th, 16th, 21st, and 22nd judicial districts, and appellate cases, are all currently compensated under an hourly system.

In flat-fee jurisdictions, attorneys are given a single payment of \$1,125 when they are appointed to a case and another payment of \$1,262 upon the filing of a motion for termination. They do not have to submit invoices accounting for their time in RPPS. Contractors in the 2nd, 4th, 8th, 9th, 10th, 17th, 18th, 19th, and 20th judicial districts are usually compensated using the flat-fee model.

Some specialty case types in flat-fee jurisdictions are compensated using the hourly payment structure, such as cases that qualify for family treatment drug courts. A flat-fee case type can also convert to the hourly payment structure for a myriad of reasons and with approval from the ORPC.

https://www.courts.state.co.us/userfiles/File/Court_Probation/Supreme_Court/Committees/Court_Improvement/CO_RPCFinalNeedAsstReptApp.pdf

2 *Id.* at 75.

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

The different fee structures also partially reflect a difference in RPC practice between primarily metro-area judicial districts and semi-urban or rural judicial districts. Metro-area attorneys have higher caseload averages than most rural practitioners, reflecting a combination of the higher numbers of case filings in these jurisdictions and the flat-fee payment structure. Rural practitioners often travel between multiple counties in order to sustain a child welfare specialty, which is reflected in the hourly invoices submitted to the ORPC.

Although all RPCs are working to preserve families and defend against the deprivation of the right to parent, respondent parent practice varies widely across the state and is dependent on jurisdictional practice.

2. Colorado Case Law Impacting RPC Practice

Treatment Plan Related Litigation

People in the Interest of J.G., 370 P.3d 1151 (Colo. 2016)

The Supreme Court found that neither the plain language of the dependency or neglect statute nor the due process requirements in *Troxel v. Granville*, 530 U.S. 57 (2000) require the state to prove parental fault when adjudicating a child dependent or neglected where a petition has been filed alleging ‘injurious environment’ under the Children’s Code. This ruling will increase the burden on RPC to litigate proof of parental unfitness during the dispositional phase of a dependency case.

People in the Interest of Z.P.S., 369 P.3d 814 (Colo. App. 2016)

The Court of Appeals found that a trial court can find that no appropriate treatment plan can be devised for a parent after it has already approved a treatment plan for another parent in a case. This ruling will increase litigation about treatment plans in cases where the parents are not in agreement.

Relinquishment of Parental Rights

People in the Interest of E.M., L.M., and E.J.M., 2016 COA 38 (March 10, 2016)

The Court of Appeals held in this case that the Children’s Code does not allow a trial court to involuntarily terminate parental rights through a relinquishment case when the parents and the child are the parties to an open dependency and neglect case. This ruling blurs the line whether it is an appointed RPC’s role in a dependency case where a parent wishes to relinquish his or her parental rights to also represent the parent for the relinquishment.

3. Specialty Treatment Courts and the DANSR Pilot Program

Across Colorado and the nation, more and more treatment courts are being developed and are showing significant improvements in the outcomes for families. In particular, the National Family Treatment Drug Court Evaluation indicates that parents in Family Treatment Drug Court (FTDC) have more positive outcomes than similar parents who were not served by FTDC.⁴ In addition, children spent significantly less time in out-of-home care than did comparison children, spent a greater percentage of their case in their parents’ care, and children were significantly more likely to be reunified with their parents than unserved children.⁵ Across Colorado FTDCs are achieving

⁴ www.npcresearch.com/Files/FTDC_Evaluation_Final_Report.pdf.

⁵ Id.

similar impacts. For example, in Colorado Springs from January 1, 2015 to December 31, 2015, 91 of 107 participants were successful through their treatment in FTDC.⁶ There are currently eleven judicial districts with FTDCs in Colorado, and our agency expects these numbers to grow.⁷

It is not surprising that infusing drug court principles into family treatment courts is a priority in Colorado. Across the country case filings are up, and the U.S. Department of Health and Human Services ascribes the change to an increase in parental substance abuse.⁸ In October 2014, Colorado became one of five states to win an Office of Juvenile Justice and Delinquency Prevention Statewide System Reform Program (SSRP) award. This federal initiative (three years of planning with a subsequent three year implementation phase) is intended to infuse effective drug court practices into our dependency and neglect cases across the state. This effort will involve “systems change” for Colorado’s Judicial Department, CDHS-Division of Child Welfare, and CDHS-Office of Behavioral Health, supported by a nationally-recognized substance abuse and child welfare research agency, Children and Family Futures. This program is called DANSR, which stands for Dependency and Neglect System Reform Program.

Across Colorado, there are eight DANSR pilot programs. The first pilot programs began in July 2015 in Fremont County, Huerfano County, Jefferson County, and Montezuma County. The second group, which started in April 2016, includes Boulder, Denver, Arapahoe, and the 15th Judicial District. Within those jurisdictions, pilot program members have made/are making a determination about what their pilot program population is and how to expand that population in the future.

FTDC and DANSR programs inherently require more time and therefore have a fiscal impact to our agency. If a case is accepted into FTDC, the attorney can request that the case become billable as an hourly case if the case arises from a flat-fee jurisdiction. Team meetings and court reviews can occur weekly.

As FTDC/DANSR cases cause our case costs to increase, yet the positive outcomes ultimately save the State of Colorado money. From October 1, 2014 to September 30, 2015, the State of Colorado reported a \$70,370,496 expenditure to the U.S. Department of Health and Human Services Administration for Children and families for foster care maintenance for children.⁹ The cost savings will be significant when children remain with their parents because the cost of an attorney to represent a parent in FTDC is significantly less¹⁰ than the cost to keep a child in out-of-home care.

4. Appeals

Another gap identified in the *Assessment Report* was the lack of standards of practice for RPC, which would create a practice proficiency standard to which the system holds counsel accountable.¹¹ Such

6 Community Based Services Child Protection Division (CP) Family Treatment Drug Court – Outcomes for El Paso Drug Court Report.

7 The following judicial districts have FTDC: 1, 3, 4, 7, 8, 11, 12, 13, 17, 19, 20.

8 *Number of US foster kids rises; Parents' drug abuse a factor*, David Cray, Associated Press, October 27, 2016, available at: <http://bigstory.ap.org/article/7ed740607fb44de79b1bc85c0dd57df9/number-us-foster-kids-rises-parents-drug-abuse-factor>

9 CFS-101 Annual Report to Congress—Attachment A, The Children’s Bureau, December 30, 2015, available at: http://www.acf.hhs.gov/sites/default/files/cb/cfs101_report_congress_2015_attachment_a.pdf

10 We will be able to provide more specific data in the future through our billing system.

11 *Assessment Report*, *supra n. 1*, p. 77.

practice standards were adopted in 2009 by the Colorado Supreme Court as an amendment to Chief Justice Directive 04-05.¹² The guideline for appellate counsel in CJD 04-05, since then removed and replaced by CJD 16-02, recommended that RPC “make certain that appellate options, timelines, and requirements are fully explained to parents whose rights have been affected by orders of the court,” and that appellate RPC “keep the client informed as to the status of any appeal that is filed.”¹³

The work group recommended that more comprehensive guidelines for both trial and appellate counsel be created by the ORPC, since the guidelines adopted in CJD 04-05 were voluntary and there had been little oversight to monitor compliance.¹⁴

Since taking oversight, the ORPC has implemented an appellate program from scratch by developing policies for transfer of the case between trial counsel and appellate counsel, and implementing a policy preventing trial attorneys from handling their own cases on appeal. The appellate program allowed the ORPC to begin work on comprehensive practice guidelines specifically directed at appellate attorneys, and to track data related to appeals in order to track outcomes related to zealous appellate representation.

Further, the Supreme Court revised and implemented updates to C.A.R. 3.4, the procedural rule governing dependency appeals. The new procedures took effect on July 1, 2016—the same day that the ORPC officially took oversight. The rule was revised in response to unintended consequences of the passage of the original Rule 3.4 in 2005.¹⁵ The 2005 version of the rule was adopted to expedite the appellate process for dependency and neglect cases, and established a petition process in lieu of traditional briefing.¹⁶ Because of the expedited timelines under the new rule, RPC did not have access to real-time transcripts of trial court proceedings when drafting the initial petition on appeal, which diminished the quality of the appellate advocacy.¹⁷ The changes to Rule 3.4 allow for the creation and submission of transcripts to the Court of Appeals and appellate counsel, and for a traditional briefing process.¹⁸

The simultaneous implementation of the ORPC appellate program and the change to rule 3.4 has resulted in unanticipated costs. First, because appeals conducted under the old rule 3.4 were often written by the respondent parents’ trial counsel due to the shorter timeframes, the standard of appellate practice varied widely across the state. Sometimes, trial counsel would not even request transcripts be prepared for the court of appeals. Under the auspices of the new rule, transcripts are required for every appeal and for almost every hearing conducted at the trial level. CJD 05-03 allows court reporters to charge an upfront per-page fee for transcripts to state agencies, but does not allow

12 *Respondent Parents’ Counsel Work Group Final Report to the State Court Administrator*, September 30, 2014, p. 24, available here:

https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Family%20Law%20Programs/PC/RPC_Work_Group_Final_Report.pdf (hereinafter *Workgroup Report*).

13 Chief Justice Directive 04-05, rev. January 2016, available by request

14 *Id.*

15 *Revisions to CAR 3.4 Encourage Improved Advocacy in Dependency and Neglect Appeals*, The Colorado Lawyer, October 2016, Vol. 45 No. 10, p. 49.

16 *Id.*

17 *Id.*

18 *Id.* at pp. 50-51.

for charging state agencies for copies.¹⁹ Because the ORPC is the first state agency to handle the appeal, the burden of the cost for transcripts for the entire appeal falls on the ORPC.

Second, rule 3.4 significantly increased the amount of work required of appellate counsel. Under the old rule, the formal requirements to file a petition on appeal were minimal and were often completed by using a form and without an in-depth review of either the court file or transcripts. The new rule has instituted the traditional brief format which requires a formal table of contents and table of authorities, as well as proper citations to the record on appeal—all of which require more of an appellate attorney’s time than drafting a petition on appeal.

Finally, rule 3.4(f)(1)(E) added a new requirement for Indian Child Welfare Act (ICWA) certification in the opening brief. This section requires appellate counsel to cite to the locations in the record of each date when the court made an inquiry to determine whether the child is or could be an Indian child, copies of ICWA notices, postal return receipts for Indian Child welfare notices, responses from each of the possible parties to the sent notices, any additional notices that were sent, and dates of ruling by the trial court as to whether or not the child is an Indian child.

Anecdotally, the ICWA requirement has proven to be time-consuming and burdensome on appellate counsel because it requires a detailed review, or sometimes a double or triple review, of every document in the record and transcripts from every hearing in order to ascertain whether or not the trial court followed all of the requirements of ICWA. This review was not factored in to ORPC’s costs for appellate cases.

5. Resources

One of the main gaps identified in the *Assessment Report* is the lack of resources for respondent parent counsel in Colorado. The authors of the study concluded that “there are insufficient resources for RPC to conduct an independent investigation, and to procure the services of expert witnesses if needed.”²⁰ Currently, the ORPC is statutorily required to provide an expert to a respondent parent at termination.²¹ The *Assessment Report* recommendation was for the provision of resources—including investigators, discovery, and expert witnesses—to counsel at every stage of a dependency and neglect proceeding.

These concerns were echoed by the Respondent Parent Counsel Workgroup almost a decade later in their report to the State Court Administrator.²² The work group found that the lack of access to resources negatively impacts RPC representation because adequate representation sometimes requires an independent assessment of allegations against a parent, of a parent’s need for services, and appropriateness of a treatment plan.²³ “For example, experts may be necessary to assess the appropriate level and type of treatment for a parent; to evaluate the attachment between a parent and a child; or to testify regarding the cause of injury in an alleged non-accidental injury adjudicatory trial.”²⁴

19 Chief Justice Directive 05-03, Amended July 1, 2015, available at: https://www.courts.state.co.us/Courts/Supreme_Court/Directives/05-03_Amended%202015%20Jul1%20Court%20Reporting%20Post.pdf

20 *Assessment Report*, *supra* n. 1, p.44

21 19-3-607

22 *Workgroup Report*, *supra* n. 12.

23 *Id.* at 28.

24 *Id.*

Further, the work group found that RPC's lack of access to experts and other resources created real and apparent conflicts influencing the quality of RPC representation by involving the court, the arbiter of the evidence, in decisions regarding defense strategy and evidence development.²⁵ Although this conflict was alleviated by the creation of the ORPC, the existence of the conflict under the old system likely affected the number and types of expert requests received and payed by the judiciary, because requesting an expert or an investigator was so heavily influenced by jurisdictional practices.

Similarly to OCR and OADC, the ORPC has implemented an internal, centralized and consistent approval process to provide such resources to RPC.

All of these trends, from case law to rule changes to the implementation of specialty programs, can drive case costs in child welfare cases. The ORPC is working to develop systems to monitor, and eventually control, those costs.

²⁵ *Id.* at 29.

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**Office of the Respondent Parents' Counsel FY 2017-18
Change Request Summary**

Schedule 10

Priority	Request Name	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
R-1	Conversion to Hourly Billing	-	785,902	\$785,902	-	-	-
R-2	Increase in Case Filings	-	2,671,199	\$2,671,199	-	-	-
	Total Change Requests	-	\$ 3,457,101	\$ 3,457,101	-	-	-

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Department Priority: R-1

Request Detail: Conversion to Hourly Billing

Summary of Incremental Funding Change for FY 2017-18	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$785,902	\$785,902
Court-appointed Counsel	\$785,902	\$785,902

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) requests \$785,902 in order to convert from the current mixed attorney compensation system to a consistent and equitable hourly rate payment system for all attorneys serving as Respondent Parent Counsel.

Background:

In recognition of the critical role played by respondent parent counsel (RPC), the General Assembly has declared that “[t]here is a need to establish additional and equitable funding to compensate respondent parent’s counsel.” §13-92-101(b), C.R.S. 2016.

The ORPC inherited a mixed payment system for RPCs that makes compliance with this legislative mandate difficult, if not impossible. Under the mixed payment system, RPC in some judicial districts are compensated primarily on a flat-fee basis while RPC in other districts are compensated on an hourly basis. Currently, fourteen judicial districts are hourly, while eight are flat-fee.

In the flat-fee districts, consisting primarily of urban counties, attorneys are given a single payment of \$1,125 when they are appointed to a case and another payment of \$1,262 upon the filing of a motion for termination. In the hourly districts, which are primarily rural districts, RPC are paid for services actually rendered and reimbursed for expenses actually incurred. Please see the map of the flat fee and hourly judicial districts that follows this narrative.

On behalf of the families in Colorado, the ORPC requests that the state approve a conversion to a consistent state hourly rate payment system that reimburses attorneys representing indigent parent clients for actual services rendered. This payment system will provide for a process that is more cost effective and accountable to the consumer and the taxpayer.

I. Better Representation for Parents Results in Better Outcomes for Colorado Families

Research demonstrates that children have better long-term outcomes when they are raised in their families of origin.²⁶ Reunification, or the return of children to their families of origin from out-of-

²⁶ *Improving Representation for Parents in the Child-Welfare System*, Mimi Laver, October 7, 2013, available at: apps.americanbar.org/litigation/committees/childrights/content/articles

home placement, is one of the most common outcomes for children in the child welfare system, and is often the goal of successful parent advocacy.²⁷

Research also shows that high-quality legal representation for parents in child welfare cases results not only in improved outcomes for families, but a potential cost savings for taxpayers because children spend less time in foster care and children are reunified with their families more quickly.²⁸

For example, the Center for Family Representation (CFR) in New York City is an independent non-profit office serving clients in an urban area. CFR employs the “cornerstone advocacy approach” to family defense, meaning that each parent is represented by a multidisciplinary advocacy team, which includes a social worker, parent advocate, and attorney.²⁹ Using this model of representation, which begins when the dependency petition is filed, CFR data shows that more than 50% of children of CFR clients avoided foster care altogether and, of the children who were in foster care, the median length of stay in foster care was 2.2 months—much lower than the New York state average of two years.³⁰

In 2010, when the data was collected, CFR’s services cost approximately \$6,000 per family over the entire lifetime of the case—a large cost savings over placement of a child in foster care which, in 2010, cost (on average) around \$29,000 per child per year, but often running upwards of \$66,000 per child per year.³¹

On the other end of the spectrum, the state of Washington employs a state-wide oversight model where respondent parent representation is housed under the Washington State Office of Public Defense (OPD) Parents Representation Program—and outcomes for families and taxpayers have been similarly striking.³² The office collected data from the state counties with the parents representation program and compared them counties without the program, in order to conduct an evaluation of permanency impacts for 12,000 children in foster care between 2004-2007.

The OPD found an 11% increase in reunification, a 104% increase in adoptions, and an 83% increase in guardianship by relatives in jurisdictions with the parents representation program.³³ The evaluators theorized that, because of the OPD’s implemented practice standards, cases were more efficiently and effectively processed. In other words, because attorneys had lower caseloads, they were able to establish an earlier rapport with their parent clients—allowing parents to be more engaged with services and garner advice about possible guardianship or adoptive outcomes, and allowing attorneys time to negotiate more favorable permanency outcomes for the family as a whole.³⁴

27 *Family Reunification: What the Evidence Shows*, p. 2, Child Welfare Information Gateway, available at: www.childwelfare.gov/pubs/issue_briefs/family_reunification

28 *High Quality Legal Representation for Parents in Child-Welfare Cases Results in Improved Outcomes for Families and Potential Cost Savings*, Elizabeth Thornton & Betsy Gwin, *Family Law Quarterly*, Vol. 46 No. 1 (Spring 2012)

29 *Id.*

30 *Id.*

31 *Id.*

32 *Id.*

33 *Id.*

34 *Id.*

The ORPC is legislatively charged with implementing the statutory findings, including reviewing and taking into consideration the recommendations in the *Final Report to the State Court Administrator by the Respondent Parents' Counsel Work Group* (hereinafter, the RPC Work Group Report), one of which is to adopt a clear set of practice standards for respondent parent counsel. Ideally, these practice standards would allow Colorado RPC to meet or exceed baseline standards established by the American Bar Association in four measures: reasonable caseload, access to multi-disciplinary staff, representation out-of-court, and decreased time to permanency.³⁵

Because of the mixed-payment system that currently exists in Colorado, it would be impossible for the ORPC to effectively monitor compliance with minimum practice standards or implement a multidisciplinary approach to family defense for attorneys in flat-fee districts without accounting for a contractor's reasonable expectation of equitable compensation.

The flat-fee payment structure in urban areas in Colorado does not permit the use of a multidisciplinary approach for parents as demonstrated by the CFR model in New York, as the flat-fee of \$1,125 at the outset of the case equates to only 15 hours of attorney time for a single respondent parent client. This flat-fee does not account for the use of a social worker or parent advocate to participate in the advocacy team on behalf of an indigent parent in Colorado.

Additionally, the flat-fee payment for respondent parent work exists without any tie to an expectation of deliverable work, making it impossible to monitor outcomes and tie them to changes in practice as Washington's ODP model demonstrates. Even as the ORPC has already begun to implement minimum standards of practice for RPC attorneys across the state, the agency is not able to monitor compliance with these standards in flat-fee jurisdictions. Attorneys in flat-fee areas are not required to bill their time spent on cases so the ORPC is unable to collect a variety of pertinent data points such as: number of hearings, number of out-of-court meetings with court staff or the client, number of hours spent on research and motions produced during the course of a case.

Without such baseline measures, the ORPC cannot effectively determine what improvements are needed in Colorado respondent parent representation or adopt practice standards tailored specifically to Colorado families and practice.

II. The Mixed Payment System has resulted in a Lack of Accountability Measures for Respondent Parent Representation

The RPC Work Group Report notes a number of concerns with the flat-fee payment system, including the difference between the amount paid and the number of hours required for adequate representation and the negative impacts on recruitment and retention of attorneys to represent parents.

In short, the workgroup's concerns relate to a lack of accountability for respondent parent attorneys who are currently accepting cases in child welfare courts.

The workgroup enumerated five specific concerns:

³⁵ *Indicators of Success for Parent Representation*, ABA Center on Children and the Law, p. 1, available at: http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation.html

1. The amount paid does not appropriately reflect the number of hours that RPC should spend on dependency and neglect cases, including frequent hearings over a period of years.
2. Attorneys with expertise in dependency and neglect must carry high caseloads in order to maintain a practice emphasizing child welfare law. This affects the amount of time each attorney may spend on any individual client.
3. The additional payment received once a motion to terminate is filed is inconsistent with best practices of conducting thorough and early investigations and frontloading services.
4. Monitoring the amount of time attorneys spend on cases is difficult because attorneys are not required to track their time.
5. Recruitment and retention of attorneys to represent parents are negatively impacted. The rate of pay discourages attorneys from entering and remaining in this area of practice.

The RPC Work Group Report further states that “[c]urrently, attorneys who review discovery, engage in regular communication with their clients, file appropriate motions, attend case-related multi-disciplinary meetings, participate in contested court hearings, and engage in necessary case preparation are most likely doing so at a financial loss under a flat fee contract” and noted that other reports stated that the flat-fee compensation model “discourag[ed] effective representation for respondent parents.”

This finding is substantiated by the ABA’s standards of practice for parents’ attorneys, which outline a number of ideal standards for respondent parents’ counsel specifically related to client communications, discovery, and investigation.³⁶ For example, practice standard number eleven states that a parent attorney should “[m]eet and communicate regularly with the client well before court proceedings, [and] [c]ounsel the client about all legal matters related to the case, including specific allegations against the client, the service plan, the client’s rights in the pending proceeding, any orders entered against the client and the potential consequences of failing to obey court orders or cooperate with service plans.”³⁷

In a flat-fee case, RPC have no accountability for whether or not they regularly communicate with their clients, since they are not paid per communication as they would be in an hourly case. In the comments, the ABA emphasizes that a “parents’ attorney’s job extends beyond the courtroom...[because] [o]pen lines of communication between attorneys and clients help ensure clients get answers to questions and attorneys get the information and documents they need.”³⁸

For example, an RPC could accept an appointment to represent an incarcerated parent on a case in a flat-fee jurisdiction. Although the attorney might send the parent a letter or two explaining that they have been appointed, the attorney might believe that the flat-fee for the case would not cover the cost of driving to the prison and meeting with the parent. Without an in-person visit, or accepting the charges for collect phone calls from an incarcerated client, the attorney may never understand the parents’ interests enough to accurately represent them in the course of litigating a case.

36 *ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*, pp. 3-4, available here: http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf

37 *Id.* at p. 13.

38 *Id.* at p. 14.

Theoretically, then, an RPC could do the minimum amount of work required of them—send the client a letter and show up to court hearings—but still be compensated the same amount as an attorney who is regularly meeting with clients outside of court, attending all out-of-court meetings, and representing the client’s interests at court hearings.

Because an RPC in a flat-fee jurisdiction does not bill for time spent on a case, the ORPC has no means for determining that attorneys are regularly performing the work required for adequate representation. There is, therefore, no accountability for attorneys picking up respondent parent cases in flat-fee jurisdictions. Consequently, there is no way for the ORPC to know what the current state of the practice is, and to develop and implement state-specific practice standards as mandated by the General Assembly.

In addition, there is the possibility that attorneys will try to choose which cases, if any, they will accept for the flat fee of \$1,125. As more experienced attorneys will be best at identifying the cases which will take the least time and effort, they might be able to engage in “cherry picking”, leaving the more complex and less remunerative cases to less experienced RPC. Newer attorneys who were previously willing to take D&N cases might be unable to afford to continue and be forced to give up that portion of their practice.

In short, the flat-fee payment structure creates an incentive to do as little as possible in each case to make it cost effective, thereby creating a perverse *disincentive* to provide adequate representation to respondent parent clients. Further, there is no mechanism for the ORPC to create accountability for flat-fee cases currently because there is no requirement for flat-fee attorneys to keep track of the time that they spend on each individual appointment.

The lack of accountability for respondent parent counsel’s time in child welfare cases is therefore partially the result of the flat-fee payment system.

III. Changing to an Hourly Payment System Would add More Accountability for Respondent Parent Attorneys

The flat-fee payment system was presumptively instituted as a method for controlling costs. One of the unintentional effects, however, was to build in loopholes that allowed for potential abuses of the system and discourage quality representation.

By providing a flat-fee per case, an attorney is encouraged, from a financial perspective, to do as little on the case as possible after he or she gets the appointment, because each additional hour spent on the case reduces the attorney’s financial return. This financial incentive runs counter to the fact that child welfare cases require a large number of court hearings in addition to out-of-court meetings and phone calls in order to properly protect a parent’s constitutional rights.

Further, the additional payment received once a motion to terminate is filed motivates respondent parent counsel to not investigate and litigate the case upfront—as best practice would require.³⁹ Stretching out a case in order to ensure that an attorney receives a second payment incentivizes attorneys to adopt case strategies that might run counter to a client’s interests.

³⁹ RPC Workgroup Report, *supra* n. 12 p. 26.

For example, if a client desires to relinquish his or her rights, an attorney could delay filing a motion to relinquish parental rights until after a motion to terminate parental rights has already been filed in order to receive the second contract payment. This unnecessary wait would delay the resolution of the case for the entire family, and would delay permanency for the child in question. This type of scenario would be easily avoided if the attorney were paid at an hourly rate for time actually spent performing work—resulting in a better outcome for the entire family.

Changing to an hourly payment system would therefore add more accountability for respondent parent attorneys.

IV. Changing to an Hourly Payment System Would Give Respondent Parent Attorneys Parity with OCR Attorneys and OADC Attorneys, and Would Create Payment Parity within Judicial Districts

Respondent parent counsel are the only contract attorneys in the state who are still paid on a flat-fee basis. The OCR requested and received approval to replace the flat-fee payment system with hourly compensation in Fiscal Year 2003-04.

The RPC Workgroup quoted the directors of both OCR and OADC as reporting a “consistent increase in the quality of representation provided to their respective clients” as a result of discontinuing flat fee reimbursements. Only RPC attorneys are still subject to flat-fee reimbursement.

In comparison with OADC and OCR attorneys, this lack of parity between contractor types puts respondent parent counsel in flat-fee jurisdictions at some disadvantage—as illustrated in the table below.

	OADC Attorneys	OCR Attorneys	ORPC Attorneys	
Payment Type	Hourly	Hourly	Hourly	Flat-Fee
Representation Type	Client-directed	Best interests of children	Client-directed	Client-Directed
Payment Rate	\$75/hr	\$75/hr	\$75/hr	\$1,125 at case filing; \$1,226 at termination motion
Multidisciplinary Model	Yes – access to social workers and support staff	Yes – access to support staff and multidisciplinary law office	Yes – access to social worker pilot program and investigators	No
Access to expense reimbursement (copy costs, travel/mileage)	Yes	Yes	Yes – for hourly jurisdictions and appellate cases	No
Accountability Structures (attorney time per case, office efficiencies, permanency outcomes)	Yes	Yes	Yes – for hourly jurisdictions and appellate cases	No
Access to experts and investigators	Yes	Yes	Yes	Yes
Access to support staff (paralegals)	Yes	Yes	Yes	No

A respondent parent attorney in an hourly jurisdiction therefore has access to more types of case support than a respondent parent attorney in a flat-fee jurisdiction, including access to multidisciplinary case support like social workers and investigators. Allowing flat-fee respondent parent attorneys access to all of the same case support that hourly contractors have access to would be directly in line with the legislative mandate for the ORPC to improve respondent parent representation in Colorado.

Further, only about half of the cases in the state are compensated using the flat-fee system. Currently, RPC in the majority of the state are compensated on the basis of the number of hours they spend and are reimbursed for the actual expenses they incur. Attorneys in the 2nd, 4th, 8th, 10th, 17th, 18th, 19th, and 20th judicial districts are paid using the flat-fee compensation structure.

As stated above, this mixed payment structure necessitates that attorneys in mainly urban areas must take on a higher caseload in order to develop respondent parent representation as a practice specialty and to make a living. As the ABA observes, “[h]igh caseload is considered a major barrier to quality representation and a source of high attorney turnover.”⁴⁰ The mixed payment system therefore runs directly counter to the General Assembly’s mandate that the ORPC ensure that legal representation of respondent parents is high-quality.⁴¹

Further, attorneys even in jurisdictions using the flat-fee compensation structure are often not paid in accordance with what other attorneys in the same jurisdiction, doing the same work, are paid. This is because there are many instances of attorneys being paid on an hourly basis. Attorneys in flat-fee jurisdictions must submit hourly invoices in the following circumstances:

1. Any appointment that ends within 60 days of initial appointment by the court.
2. Any new appointment beginning after the establishment of a treatment plan or permanency plan.
3. Any appointment for which an RPC attorney is appointed as a conflict lawyer.
4. Any appointment in which the court has assigned an attorney to take over representation from a previously appointed attorney who is withdrawing or is being terminated as the appointee by the ORPC.
5. Any appointment officially accepted into a family treatment drug court.
6. Any other extraordinary circumstance at the discretion of the ORPC.

This dual payment structure also makes it possible for attorneys to manipulate the system. For instance, an attorney could accept a complex case, receive the initial \$1,125 payment, do minimal work for 60 days, then petition to change the case to hourly, thereby retaining the \$1,125 payment and receiving hourly payments for most of the substantive work on the case.

Eliminating the flat-fee payment system and moving to a statewide system of hourly payments would allow attorneys representing parents in child welfare cases to attain payment parity with other state contract attorneys and within judicial districts.

The ORPC therefore recommends that all contracts with respondent parent counsel be converted to an hourly payment system. Such an outcome would be in the best interests of the taxpayers and the Colorado families represented by RPC in child welfare system.

Anticipated Outcomes:

Adopting the hourly payment model statewide would have the following effects, all of which will increase the positive outcomes for children involved in dependency and neglect proceedings:

- Achieve parity with other agencies in dependency and neglect proceedings,
- Achieve parity between judicial districts,
- Achieve parity within judicial districts,
- Incentivize attorney acceptance of respondent parent cases,
- Incentivize thorough and adequate preparation of cases, and

⁴⁰ ABA *Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases*, *supra* n. 36, p. 32.

⁴¹ §13-92-104(1)(a)(I), C.R.S. 2016.

- Increase the availability of data needed to develop minimum practice standards, determine if those standards need to be enforced, establish pilot programs, and review the performance of the ORPC, as required by C.R.S. § 13-92-104.

Assumptions and Calculations:

The average cost per case for hourly and flat fee cases and the expected increase in total costs are calculated below.

Cost of Converting from Flat Fee Payments to Hourly Payments			
Payment Type	Judicial Expenses recorded in CORE in FY16	Number of Appointments paid on in CAC system in FY16	Average Cost per Case
Hourly	\$6,428,801	4,525	\$1,421
Flat Fee	\$5,385,410	4,342	\$1,240
Difference = Add'l average cost per appointment			\$181
Number of flat fee appointments			4,342
Cost of converting flat fee to hourly cases			\$785,902

Consequences if Not Funded:

If not funded, the Office of Respondent Parents’ Counsel will not be able to fully implement its legislative mandates, the most important of which is to ensure the provision and availability of high-quality legal representation for parents involved in dependency and neglect proceedings, which helps achieve the best outcomes for children involved in those proceedings. In the worst case scenario, parents may receive inadequate representation, a violation of their due process and statutory rights, and may lose custody of their children as a result. Those children may then grow up in State custody, with all that implies for their future.

Impact to Other State Government Agencies:

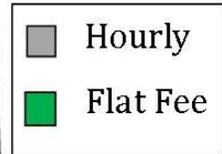
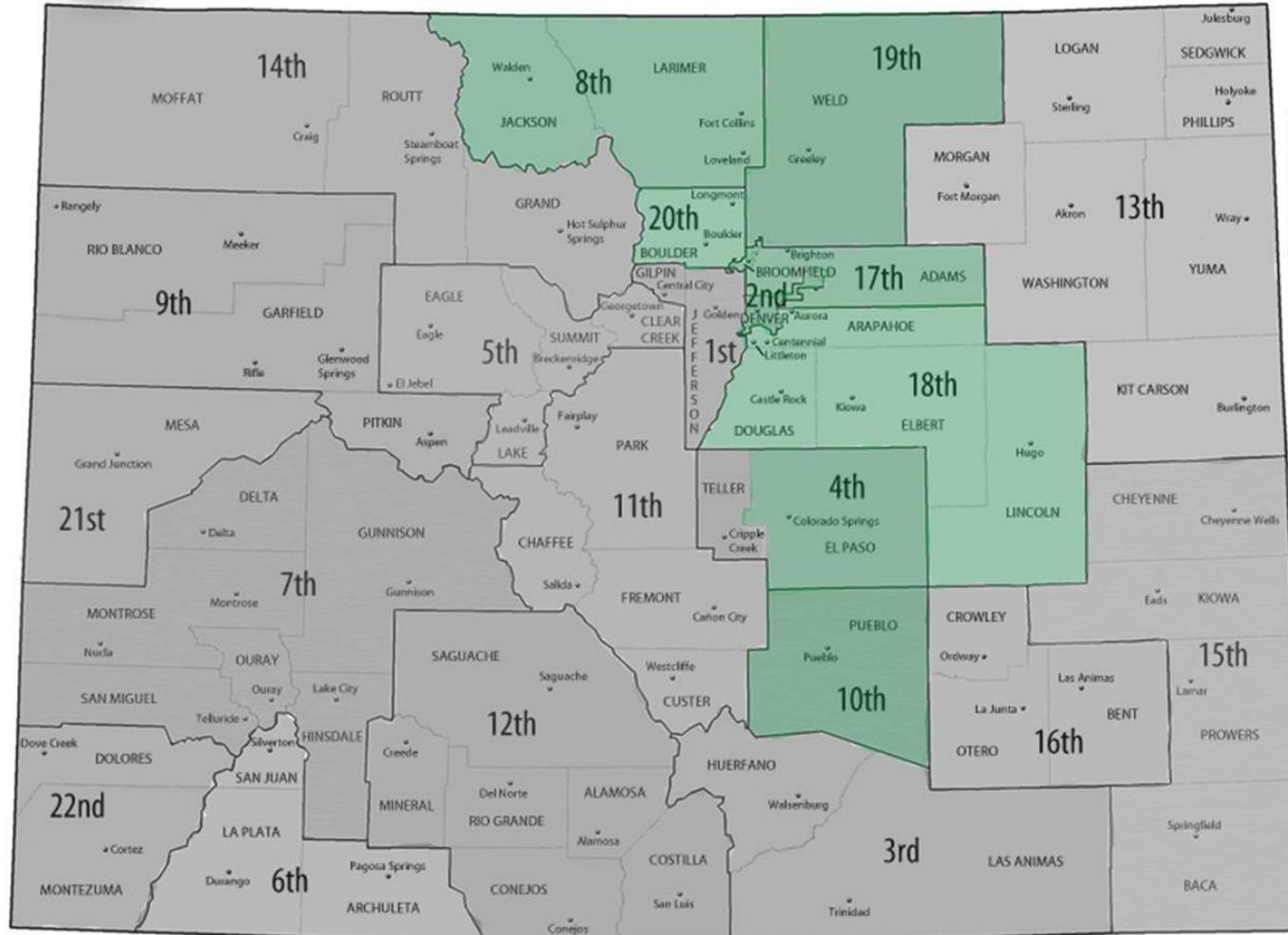
Switching to an hourly payment system could affect how much money the Colorado Department of Human Services has to allocate for foster care. Studies have shown that if respondent parents’ counsel are more accountable and adequately compensated for the time they spend litigating a case, children spend less time in foster care.⁴² The ORPC predicts a similar outcome for Colorado families, and anticipates an overall cost savings for the taxpayer with regard to annual cost for placing children in foster care.

⁴² *High Quality Legal Representation for Parents, supra, n. 28.*

ORPC Hourly or Flat Fee Districts



COLORADO JUDICIAL DISTRICTS





Department Priority: R-2

Request Detail: Increase in case filings

Summary of Incremental Funding Change for FY 2017-18	Total funds	General Fund
TOTAL REQUEST (All Lines)	\$2,671,199	\$2,671,199
Court-appointed Counsel	\$2,631,720	\$2,631,720
Mandated Costs	\$39,479	\$39,479

Request Summary:

The Office of Respondent Parents' Counsel (ORPC) requests \$2,671,199 to pay increased Court-appointed Counsel and Mandated Costs based on the most recent projection of increases in the number of case filings.

Background:

C.R.S. 13-92-101 established the ORPC and transferred all existing and new state paid respondent parent counsel appointments to the Office effective July 1, 2016. The ORPC is responsible for paying contract attorneys who are appointed to represent respondent parents (Court-appointed Counsel). The ORPC is also responsible for paying for case-related costs which are required by statutory or Constitutional law to ensure due process (Mandated Costs). For the ORPC, mandated costs include fees and travel reimbursements for expert witnesses and interpreters as well as fees for transcripts and mental health evaluations.

Based on data received from the Colorado Judicial Department, Dependency and Neglect case filings for the period July through September, 2016 have increased 6.5% over the period July through September, 2015 (see table below). Although the ORPC does not yet have enough data to correlate case filings with appointments of respondent parent counsel, it is reasonable to assume that a 6.5% increase in filings will result in a commensurate increase in appointments, which will increase Court Appointed Counsel and Mandated costs by the same percentage.

FY17 Judicial Filings per District							
Expedited Permanency Planning and Dependency and Neglect Filings							
Judicial District	Jul	Aug	Sep	FY17 YTD Total	FY16 YTD Total	# Change	% Change
1	25	38	23	86	107	-21	-19.6%
2	37	43	37	117	125	-8	-6.4%
3	0	1	2	3	9	-6	-66.7%
4	43	63	55	161	125	36	28.8%
5	2	2	3	7	5	2	40.0%
6	1	1	5	7	5	2	40.0%
7	2	6	10	18	17	1	5.9%
8	13	16	15	44	31	13	41.9%
9	1	2	6	9	8	1	12.5%
10	7	9	17	33	37	-4	-10.8%
11	8	9	5	22	24	-2	-8.3%
12	4	4	3	11	12	-1	-8.3%
13	5	10	10	25	17	8	47.1%
14	0	2	1	3	5	-2	-40.0%
15	2	2	1	5	2	3	150.0%
16	1	3	5	9	8	1	12.5%
17	21	35	30	86	83	3	3.6%
18	23	29	43	95	83	12	14.5%
19	11	23	12	46	40	6	15.0%
20	12	13	6	31	21	10	47.6%
21	19	15	15	49	50	-1	-2.0%
22	1	1	1	3	3	0	0.0%
Totals	238	327	305	870	817	53	6.5%
Source: SCAO, Judicial Monthly Reports							

Anticipated Outcomes:

If approved, the increase will make it possible for the ORPC to fulfill its mandate to pay respondent parents' counsel and related mandated costs.

Assumptions and Calculations:

As noted above, information on the number of new case filings is received from the Colorado Judicial Department. We assume that the percentage increase of case appointments will create an equal percentage increase in costs for Court-appointed Counsel and Mandated Costs in FY2016-17 and that the same percentage increase will apply in FY2017-18.

Court-Appointed Counsel

Though we do not yet have enough data to project actual Court-appointed Counsel expense for FY 2016-17, we assume that current year Court-appointed Counsel expense will be equal to the FY2015-16 expense incurred by the Judicial Department multiplied by the percentage increase in filings.

Mandated Costs

The FY 2014-15 expenditures incurred by the Judicial Department for Mandated Costs related to RPC cases were \$274,467 and formed the basis for the FY2015-16 appropriation to the ORPC. However, the FY 2015-16 Judicial expenditures recorded in CORE were \$194,591, a decrease of over 29%, as shown below. We believe that the FY 2014-15 Judicial expenditures were and continue to be the most accurate basis for estimating the Mandated Costs of the ORPC.

Comparison of Judicial Mandated Costs for Respondent Parents' Counsel Cases Fiscal Years 2014-15 and 2015-16		
Activity	FY 2014-15 Expense	FY 2015-16 Expense
Discovery	\$10,961	\$7,525
Expert Witness	64,855	72,183
Mental Health Evaluation	77,584	41,857
Service Of Process	12,777	9,776
Transcript - Appeal - Court Reporter	36,661	24,342
Transcript - Appeal - Ftr	50,413	32,164
Transcript - Non-Appeal - Court Reporter	16,226	974
Transcript - Non-Appeal - Ftr	4,356	5,637
Other RPC Court Costs	634	133
Total	\$274,467	\$194,591
Percentage Change		-29.1%

In addition, as recommended by the Respondent Parents' Counsel Work Group, the ORPC is approving appropriate requests by RPC to use expert witnesses earlier and more often, in accordance with best practices of conducting thorough and early investigations and frontloading services to improve outcomes for families.

As of mid-October, the ORPC approved requests totaling \$77,000 for expert fees. If requests and approvals continue at that rate throughout the year, expert fees alone would be \$264,000 for the fiscal year. The ORPC does not yet have enough data to reliably predict the Expert fees alone or the Mandated Costs in total, but it is clear that using the FY 2015-16 Judicial expenses will understate our expense. For these reasons, we used the FY2016-17 appropriation for RPC Mandated Costs as the basis of the estimate of FY2017-18 expense below.

Projected Changes in Court Appointed Counsel and Mandated Costs

	Court- appointed Counsel	Mandated Costs	Total
Actual FY2015-16 expenditures incurred by Judicial Department for respondent parents' counsel cases	\$11,814,211		\$11,814,211
FY2016-17 appropriation		\$294,122	
Estimated FY2016-17 increase in filings of dependency and neglect cases (6.5%)	767,924	19,118	787,042
Estimated FY2016-17 expenditures	12,582,135	313,240	12,601,253
Estimated FY2017-18 increase in filings of dependency and neglect cases (6.5%)	817,839	20,361	838,200
FY2017-18 request	13,399,974	333,601	13,733,575
FY2016-17 appropriation	10,768,254	294,122	11,062,376
FY2017-18 change requested	\$2,631,720	\$39,479	\$2,671,199

Consequences if Not Funded:

If not funded, the Office of Respondent Parents' Counsel will not be able to fulfill its mandate to pay respondent parents' counsel and related mandated costs.

Impact to Other State Government Agencies:

None.

Office of Respondent Parents' Counsel								
FY 2017-18 RECONCILIATION OF DEPARTMENT REQUEST								
Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds	
Personal Services								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$1,177,365	10.0	\$1,177,365	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$1,177,365	10.0	\$1,177,365	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$1,177,365	10.0	\$1,177,365	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$1,177,365	10.0	\$1,177,365	\$0	\$0	\$0	\$0	\$0
Health Life and Dental								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$90,389	0.0	\$90,389	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$90,389	0.0	\$90,389	\$0	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	(\$4,458)	0.0	(\$4,458)	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$85,931	0.0	\$85,931	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$85,931	0.0	\$85,931	\$0	\$0	\$0	\$0	\$0
Short Term Disability								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$1,739	0.0	\$1,739	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$1,739	0.0	\$1,739	\$0	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	(\$130)	0.0	(\$130)	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$1,609	0.0	\$1,609	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$1,609	0.0	\$1,609	\$0	\$0	\$0	\$0	\$0
AED								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$43,930	0.0	\$43,930	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$43,930	0.0	\$43,930	\$0	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	(\$1,598)	0.0	(\$1,598)	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$42,332	0.0	\$42,332	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$42,332	0.0	\$42,332	\$0	\$0	\$0	\$0	\$0
SAED								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$43,472	0.0	\$43,472	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$43,472	0.0	\$43,472	\$0	\$0	\$0	\$0	\$0
Total Compensation Common Policy (incremental change)	(\$1,140)	0.0	(\$1,140)	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$42,332	0.0	\$42,332	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$42,332	0.0	\$42,332	\$0	\$0	\$0	\$0	\$0

Office of Respondent Parents' Counsel								
FY 2017-18 RECONCILIATION OF DEPARTMENT REQUEST								
Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds	
Salary Survey								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
Total Compensation Common Policy (full amount for FY18)	\$23,045	0.0	23,045	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$23,045	0.0	\$23,045	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$23,045	0.0	\$23,045	\$0	\$0	\$0	\$0	\$0
Merit Pay								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
Operating Expenses								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$60,800	0.0	\$60,800	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$60,800	0.0	\$60,800	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$60,800	0.0	\$60,800	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$60,800	0.0	\$60,800	\$0	\$0	\$0	\$0	\$0
Legal Services								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$1,901	0.0	\$1,901	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$1,901	0.0	\$1,901	\$0	\$0	\$0	\$0	\$0
Common Policy Adjustment	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$1,901	0.0	\$1,901	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$1,901	0.0	\$1,901	\$0	\$0	\$0	\$0	\$0
Case Management System								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$337,500	0.0	\$337,500	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$337,500	0.0	\$337,500	\$0	\$0	\$0	\$0	\$0
Annualization for FY 2017-18	(\$337,500)	0.0	(\$337,500)	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$0	0.0	\$0	\$0	\$0	\$0	\$0	\$0

Office of Respondent Parents' Counsel								
FY 2017-18 RECONCILIATION OF DEPARTMENT REQUEST								
Long Bill Line Item	Total Funds	FTE	General Fund	General Fund Exempt	Cash Funds	Reappropriated Funds	Federal Funds	
Training								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0	\$0
FY 2017-18 Base Request	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$60,000	0.0	\$30,000	\$0	\$30,000	\$0	\$0	\$0
Court-Appointed Counsel								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$10,768,254	0.0	\$10,768,254	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$10,768,254	0.0	\$10,768,254	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$10,768,254	0.0	\$10,768,254	\$0	\$0	\$0	\$0	\$0
R-1 - Conversion to Hourly Billing	\$785,902	0.0	\$785,902	\$0	\$0	\$0	\$0	\$0
R-2 - Increase in Case Filings	\$2,631,720	0.0	\$2,631,720	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$14,185,876	0.0	\$14,185,876	\$0	\$0	\$0	\$0	\$0
Mandated Costs								
FY 2016-17 Long Bill Appropriation, H.B. 16-1405	\$294,122	0.0	\$294,122	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation	\$294,122	0.0	\$294,122	\$0	\$0	\$0	\$0	\$0
FY 2017-18 Base Request	\$294,122	0.0	\$294,122	\$0	\$0	\$0	\$0	\$0
R-2 - Increase in Case Filings	\$39,479	0.0	\$39,479	\$0	\$0	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$333,601	0.0	\$333,601	\$0	\$0	\$0	\$0	\$0
FY 2016-17 Total Appropriation (Long Bill plus Special Bills)	\$12,879,472	10.0	\$12,849,472	\$0	\$30,000	\$0	\$0	\$0
FY 2017-18 Base Request	\$12,557,691	10.0	\$12,527,691	\$0	\$30,000	\$0	\$0	\$0
FY 2017-18 November 01 Request	\$16,014,792	10.0	\$15,984,792	\$0	\$30,000	\$0	\$0	\$0
Change FY 2016-17 Appropriation to FY 2017-18 Base Request	(\$321,781)	0.0	(\$321,781)	\$0	\$0	\$0	\$0	\$0
Change FY 2016-17 Appropriation to FY 2017-18 November 01 Request	\$3,135,320	0.0	\$3,135,320	\$0	\$0	\$0	\$0	\$0
Percentage Change from FY 2016-17	24.3%	0.0%	24.4%	0.0%	0.0%	0.0%	0.0%	0.0%
<i>Change FY 2016-17 Appropriation to FY 2017-18 Base Request - FROM ANNUALIZATIONS</i>	<i>(\$337,500.00)</i>	<i>-</i>	<i>(\$337,500.00)</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
<i>Percent Changes - FROM ANNUALIZATIONS</i>	<i>-2.6%</i>	<i>0.0%</i>	<i>-2.6%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Change FY 2016-17 Appropriation to FY 2017-18 Base Request - FROM COMMON POLICY</i>	<i>\$15,719.00</i>	<i>0.0</i>	<i>\$15,719.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
<i>Percent Changes - FROM COMMON POLICY</i>	<i>0.1%</i>	<i>0.0%</i>	<i>0.1%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>
<i>Change FY 2016-17 Appropriation to FY 2017-18 Base Request - FROM DECISION ITEMS</i>	<i>\$3,457,101.00</i>	<i>0.0</i>	<i>\$3,457,101.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
<i>Percent Changes - FROM DECISION ITEMS</i>	<i>26.8%</i>	<i>0.0%</i>	<i>26.9%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>	<i>0.0%</i>

Office of Respondent Parents' Counsel FY 2017-18

Schedule 2

Department Summary

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16 Actual Expenditures	2.7	786,564	786,564	-	-	-
FY 2016-17 Appropriation	10.0	12,879,472	12,849,472	30,000	-	-
FY 2017-18 Request	10.0	16,014,792	15,984,792	30,000	-	-

Office of Respondent Parents' Counsel FY 2017-18 - Summary

Long Bill Line Item	Total Funds	FTE	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Summary						
FY 2015-16 Appropriation						
FY 2015-16 Long Bill, S.B. 15-234	\$6,736,570	6.90	\$6,714,070	\$22,500	\$0	\$0
Special Bill, H.B. 15-1149	(\$5,778,577)	(4.20)	(5,763,577)	(15,000)	\$0	\$0
FY 2015-16 Appropriation	\$957,993	2.70	\$950,493	\$7,500	\$0	\$0
FY 2016-17 Appropriation						
FY 2015-16 Long Bill, H.B. 16-1405	\$12,879,472	10.00	\$12,849,472	\$30,000	\$0	\$0
FY 2016-17 Appropriation	\$12,879,472	10.00	\$12,849,472	\$30,000	\$0	\$0
FY 2017-18 Request						
FY 2016-17 Appropriation	\$12,879,472	10.00	\$12,849,472	\$30,000	\$0	\$0
Common policy adjustment, Salary Survey	\$23,045	-	\$23,045	\$0	\$0	\$0
Common policy adjustment, HLD	(\$4,458)	-	(\$4,458)	\$0	\$0	\$0
Common policy adjustment, STD	(\$130)	-	(\$130)	\$0	\$0	\$0
Common policy adjustment, AED	(\$1,598)	-	(\$1,598)	\$0	\$0	\$0
Common policy adjustment, SAED	(\$1,140)	-	(\$1,140)	\$0	\$0	\$0
Annualization, Case Management System	(\$337,500)	-	(\$337,500)	\$0	\$0	\$0
R1 - Conversion to Hourly Billing	\$785,902	-	\$785,902	\$0	\$0	\$0
R2 - Increase in Case Filings	\$2,671,199	-	\$2,671,199	\$0	\$0	\$0
FY 2017-18 Request	\$16,014,792	10.00	\$15,984,792	\$30,000	\$0	\$0
<i>annual change</i>	\$3,135,320	-	\$3,135,320	\$0	\$0	\$0
Total Change (FY 2015-16 to FY 2017-18)						
Dollar amounts and FTE	\$15,056,799	7.3	\$15,034,299	\$22,500	\$0	\$0
Percent	1571.7%	270.4%	1581.7%	300.0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Personal Services						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	6.9	842,361	842,361	-	-	-
Special Bill, HB 15-1149	(4.2)	(479,386)	(479,386)	-	-	-
Final FY 2015-16 Appropriation	2.7	362,975	362,975	-	-	-
FY 2015-16 Allocated Pots	-	34,339	34,339	-	-	-
Year End Transfers	-	(23,950)	(23,950)	-	-	-
Rollforward to FY 2016-17	-	(4,500)	(4,500)	-	-	-
FY 2015-16 Total Available Spending Authority	2.7	368,864	368,864	-	-	-
FY 2015-16 Expenditures	2.7	354,358	354,358	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	14,506	14,506	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	10.0	1,177,365	1,177,365	-	-	-
FY 2016-17 Total Appropriation	10.0	1,177,365	1,177,365	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	1,177,365	1,177,365	-	-	-
FY 2017-18 Base Request	-	1,177,365	1,177,365	-	-	-
FY 2017-18 Total Request	-	1,177,365	1,177,365	-	-	-
FY 2016-17 Total Appropriation	-	1,177,365	1,177,365	-	-	-
FY 2017-18 Base Request	-	1,177,365	1,177,365	-	-	-
FY 2017-18 Total Request	-	1,177,365	1,177,365	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Health, Life and Dental						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	30,579	30,579	-	-	-
Special Bill, HB 15-1149	-	(18,790)	(18,790)	-	-	-
Final FY 2015-16 Appropriation	-	11,789	11,789	-	-	-
Year End Transfers		(11,789)	(11,789)			
FY 2015-16 Total Available Spending Authority	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	90,389	90,389	-	-	-
FY 2016-17 Total Appropriation	-	90,389	90,389	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	90,389	90,389	-	-	-
Total Compensation Common Policy	-	(4,458)	(4,458)	-	-	-
FY 2017-18 Base Request	-	85,931	85,931	-	-	-
FY 2017-18 Total Request	-	85,931	85,931	-	-	-
FY 2016-17 Total Appropriation	-	90,389	90,389	-	-	-
FY 2017-18 Base Request	-	85,931	85,931	-	-	-
FY 2017-18 Total Request	-	85,931	85,931	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	-5%	-5%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Short-term Disability						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	1,430	1,430	-	-	-
Special Bill, HB 15-1149	-	(868)	(868)	-	-	-
Final FY 2015-16 Appropriation	-	562	562	-	-	-
Year End Transfers	-	(461)	(461)	-	-	-
FY 2015-16 Total Available Spending Authority	-	101	101	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	101	101	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	1,739	1,739	-	-	-
FY 2016-17 Total Appropriation	-	1,739	1,739	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	1,739	1,739	-	-	-
Total Compensation Common Policy	-	(130)	(130)	-	-	-
FY 2017-18 Base Request	-	1,609	1,609	-	-	-
FY 2017-18 Total Request	-	1,609	1,609	-	-	-
FY 2016-17 Total Appropriation	-	1,739	1,739	-	-	-
FY 2017-18 Base Request	-	1,609	1,609	-	-	-
FY 2017-18 Total Request	-	1,609	1,609	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	-7%	-7%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 04-257 AED						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	28,598	28,598	-	-	-
Special Bill, HB 15-1149	-	(17,362)	(17,362)	-	-	-
Final FY 2015-16 Appropriation	-	11,236	11,236	-	-	-
Year End Transfers		(11,236)	(11,236)	-	-	-
FY 2015-16 Total Available Spending Authority	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	43,930	43,930	-	-	-
FY 2016-17 Total Appropriation	-	43,930	43,930	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	43,930	43,930	-	-	-
Total Compensation Common Policy	-	(1,598)	(1,598)	-	-	-
FY 2017-18 Base Request	-	42,332	42,332	-	-	-
FY 2017-18 Total Request	-	42,332	42,332	-	-	-
FY 2016-17 Total Appropriation	-	43,930	43,930	-	-	-
FY 2017-18 Base Request	-	42,332	42,332	-	-	-
FY 2017-18 Total Request	-	42,332	42,332	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	-4%	-4%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
S.B. 06-235 SAED						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	27,623	27,623	-	-	-
Special Bill, HB 15-1149	-	(16,770)	(16,770)	-	-	-
Final FY 2015-16 Appropriation	-	10,853	10,853	-	-	-
Year End Transfers		(10,853)	(10,853)			
FY 2015-16 Total Available Spending Authority	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	43,472	43,472	-	-	-
FY 2016-17 Total Appropriation	-	43,472	43,472	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	43,472	43,472	-	-	-
Total Compensation Common Policy	-	(1,140)	(1,140)	-	-	-
FY 2017-18 Base Request	-	42,332	42,332	-	-	-
FY 2017-18 Total Request	-	42,332	42,332	-	-	-
FY 2016-17 Total Appropriation	-	43,472	43,472	-	-	-
FY 2017-18 Base Request	-	42,332	42,332	-	-	-
FY 2017-18 Total Request	-	42,332	42,332	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	-3%	-3%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Salary Survey						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
FY 2016-17 Total Appropriation	-	-	-	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	-	-	-	-	-
Total Compensation Common Policy	-	23,045	23,045	-	-	-
FY 2017-18 Base Request	-	23,045	23,045	-	-	-
FY 2017-18 Total Request	-	23,045	23,045	-	-	-
FY 2016-17 Total Appropriation	-	-	-	-	-	-
FY 2017-18 Base Request	-	23,045	23,045	-	-	-
FY 2017-18 Total Request	-	23,045	23,045	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Merit						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
FY 2016-17 Total Appropriation	-	-	-	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	-	-	-	-	-
Total Compensation Common Policy	-	-	-	-	-	-
FY 2017-18 Base Request	-	-	-	-	-	-
FY 2017-18 Total Request	-	-	-	-	-	-
FY 2016-17 Total Appropriation	-	-	-	-	-	-
FY 2017-18 Base Request	-	-	-	-	-	-
FY 2017-18 Total Request	-	-	-	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Operating						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	38,546	38,546	-	-	-
Special Bill, HB 15-1149	-	(13,113)	(13,113)	-	-	-
Final FY 2015-16 Appropriation	-	25,433	25,433	-	-	-
Year End Transfers		1,113	1,113			
FY 2015-16 Total Available Spending Authority	-	26,546	26,546	-	-	-
FY 2015-16 Expenditures	-	24,106	24,106	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	2,440	2,440	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	60,800	60,800	-	-	-
FY 2016-17 Total Appropriation	-	60,800	60,800	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	60,800	60,800	-	-	-
FY 2017-18 Base Request	-	60,800	60,800	-	-	-
FY 2017-18 Total Request	-	60,800	60,800	-	-	-
FY 2016-17 Total Appropriation	-	60,800	60,800	-	-	-
FY 2017-18 Base Request	-	60,800	60,800	-	-	-
FY 2017-18 Total Request	-	60,800	60,800	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Legal Services						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	47,505	47,505	-	-	-
Final FY 2015-16 Appropriation	-	47,505	47,505	-	-	-
FY 2015-16 Total Available Spending Authority	-	47,505	47,505	-	-	-
FY 2015-16 Expenditures		460	460	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	47,045	47,045	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	1,901	1,901	-	-	-
FY 2016-17 Total Appropriation	-	1,901	1,901	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	1,901	1,901	-	-	-
FY 2017-18 Total Request	-	1,901	1,901	-	-	-
FY 2016-17 Total Appropriation	-	1,901	1,901	-	-	-
FY 2017-18 Base Request	-	1,901	1,901	-	-	-
FY 2017-18 Total Request	-	1,901	1,901	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

**Office of Respondent Parents' Counsel FY 2017-18 Line
Item by Year**

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Capital Outlay						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	435,140	435,140	-	-	-
Final FY 2015-16 Appropriation	-	435,140	435,140	-	-	-
Rollforward to FY2016-17	-	(85,266)	(85,266)	-	-	-
FY 2015-16 Total Available Spending Authority	-	349,874	349,874	-	-	-
FY 2015-16 Expenditures	-	340,260	340,260	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	9,614	9,614	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	-	-	-	-	-
FY 2016-17 Total Appropriation	-	-	-	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	-	-	-	-	-
FY 2017-18 Total Request	-	-	-	-	-	-
FY 2016-17 Total Appropriation	-	-	-	-	-	-
FY 2017-18 Base Request	-	-	-	-	-	-
FY 2017-18 Total Request	-	-	-	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Case Management System						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	253,125	253,125	-	-	-
Special Bill, HB 15-1149	-	(215,625)	(215,625)	-	-	-
Final FY 2015-16 Appropriation	-	37,500	37,500	-	-	-
Year End Transfers		22,838	22,838	-	-	-
FY 2015-16 Total Available Spending Authority	-	60,338	60,338	-	-	-
FY 2015-16 Expenditures	-	60,098	60,098	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	240	240	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	337,500	337,500	-	-	-
FY 2016-17 Total Appropriation	-	337,500	337,500	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	337,500	337,500	-	-	-
Annualization of Case Mgmt System	-	(337,500)	(337,500)	-	-	-
FY 2017-18 Base Request	-	-	-	-	-	-
FY 2017-18 Total Request	-	-	-	-	-	-
FY 2016-17 Total Appropriation	-	337,500	337,500	-	-	-
FY 2017-18 Base Request	-	-	-	-	-	-
FY 2017-18 Total Request	-	-	-	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	-100%	-100%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Training						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	45,000	22,500	22,500	-	-
Special Bill, HB 15-1149	-	(30,000)	(15,000)	(15,000)	-	-
Final FY 2015-16 Appropriation	-	15,000	7,500	7,500	-	-
FY 2015-16 Expenditures	-	7,282	7,282	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	7,718	218	7,500	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	60,000	30,000	30,000	-	-
FY 2016-17 Total Appropriation	-	60,000	30,000	30,000	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	60,000	30,000	30,000	-	-
FY 2017-18 Total Request	-	60,000	30,000	30,000	-	-
FY 2016-17 Total Appropriation	-	60,000	30,000	30,000	-	-
FY 2017-18 Base Request	-	60,000	30,000	30,000	-	-
FY 2017-18 Total Request	-	60,000	30,000	30,000	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	0%	0%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Court Appointed Counsel						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	4,986,663	4,986,663	-	-	-
Special Bill, HB 15-1149	-	(4,986,663)	(4,986,663)	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	10,768,254	10,768,254	-	-	-
FY 2016-17 Total Appropriation	-	10,768,254	10,768,254	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	10,768,254	10,768,254	-	-	-
FY 2017-18 Base Request	-	10,768,254	10,768,254	-	-	-
R1 - Conversion to Hourly		785,902	785,902	-	-	-
R2 - Increase in Case Filings		2,631,720	2,631,720	-	-	-
FY 2017-18 Total Request	-	14,185,876	14,185,876	-	-	-
FY 2016-17 Total Appropriation	-	10,768,254	10,768,254	-	-	-
FY 2017-18 Base Request	-	10,768,254	10,768,254	-	-	-
FY 2017-18 Total Request	-	14,185,876	14,185,876	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	32%	32%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18 Line Item by Year

Schedule 3

Long Bill Line Item	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
Mandated Costs						
FY 2015-16 Actual						
FY 2015-16 Long Bill, SB 15-234	-	-	-	-	-	-
Final FY 2015-16 Appropriation	-	-	-	-	-	-
FY 2015-16 Expenditures	-	-	-	-	-	-
FY 2015-16 Reversion/(Overexpenditure)	-	-	-	-	-	-
FY 2016-17 Appropriation						
FY 2016-17 Long Bill, HB 16-1405	-	294,122	294,122	-	-	-
FY 2016-17 Total Appropriation	-	294,122	294,122	-	-	-
FY 2017-18 Request						
FY 2016-17 Appropriation	-	294,122	294,122	-	-	-
FY 2017-18 Base Request	-	294,122	294,122	-	-	-
R2 - Increase in Case Filings		39,479	39,479	-	-	-
FY 2017-18 Total Request	-	333,601	333,601	-	-	-
FY 2016-17 Total Appropriation	-	294,122	294,122	-	-	-
FY 2017-18 Base Request	-	294,122	294,122	-	-	-
FY 2017-18 Total Request	-	333,601	333,601	-	-	-
Percentage Change FY 2016-17 to FY 2017-18	-	13%	13%	0%	0%	0%

Office of Respondent Parents' Counsel FY 2017-18	Schedule 4
Funding Source	

	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY2015-16 Actual	786,564	786,564	-	-	-
FY2016-17 Appropriation	12,879,472	12,849,472	30,000	-	-
FY2017-18 Request	16,014,792	\$15,984,792	30,000	-	-

Office of Respondent Parents' Counsel FY 2017-18

Schedule 5

Line Item to Statute

Following passage of S.B. 14-203 and H.B. 15-1149, and pursuant to sections 13-92-101 through 103, C.R.S. (2015), the Office of Respondent Parents' Counsel was established as an independent agency in the Judicial Branch beginning January 1, 2016. This Long Bill Group funds the activities of the Office of Respondent Parents' Counsel, which include ensuring provision of uniform, high-quality legal representation for parents involved in judicial dependency and neglect proceedings and who lack the financial means to afford legal representation; to assume all existing Respondent Parent Counsel appointments; and to make all new Respondent Parent Counsel appointments.

Long Bill Line	Line Item Description	Programs Supported by Line Item	Statutory Cite
Personal Services	Funds all staff within the Office of Respondent Parents' Counsel.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Health/Life/Dental	Funds all health/life/dental costs for Office of Respondent Parents' Counsel employees.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Short-term disability	Funds all short-term disability costs for Office of Respondent Parents' Counsel employees.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
SB 04-257 AED	Funds Office of Respondent Parents' Counsel's disbursement towards amortizing the unfunded liability in the PERA trust fund.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
SB 06-235 Supplemental AED	Funds Office of Respondent Parents' Counsel's disbursement towards amortizing the unfunded liability in the PERA trust fund.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Operating Expenses	Funds general operating expenses for the Office of Respondent Parents' Counsel.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Capital Outlay	Funds the space build-out and acquisition of furniture and equipment for the Office of Respondent Parents' Counsel.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Legal Services	Funds payments to the Attorney General's office for legal representation.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Case Management System	Funds the development of an Attorney Payment System to schedule, pay and manage attorneys acting as respondent parents' counsel.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Training	Funds training for attorneys providing respondent parents' counsel.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Court-appointed Counsel	Funds the payment of attorneys appointed to represent indigent Respondent Parents' in Dependency and Neglect cases.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S
Mandated Costs	Funds the payment of case-related costs which are required by statutory or Constitutional law to ensure due process. Mandated costs include fees and travel reimbursements for expert witnesses and interpreters and fees for mental health evaluations and transcripts.	Office of Respondent Parents' Counsel	13-92-101 to 104, C.R.S

**Office of Respondent Parents' Counsel FY 2017-18 Special
Bills Summary**

Schedule 6

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16						
H.B. 15-1149: Concerning the RPC						
Personal Services	(4.2)	(479,386)	(479,386)	-	-	-
HLD		(18,790)	(18,790)	-	-	-
STD		(868)	(868)	-	-	-
AED		(17,362)	(17,362)	-	-	-
SAED		(16,770)	(16,770)	-	-	-
Operating		(13,113)	(13,113)	-	-	-
Case Management System		(215,625)	(215,625)	-	-	-
Training		(30,000)	(15,000)	(15,000)	-	-
Court-appointed Counsel		(4,986,663)	(4,986,663)	-	-	-
H.B. 15-1149: Concerning the RPC	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-
FY 2015-16 Department Total	(4.2)	(5,778,577)	(5,763,577)	(15,000)	-	-

**Office of Respondent Parents' Counsel FY 2017-18
Supplemental Bills Summary**

Schedule 7

Bill Number & Short Title	FTE	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds
FY 2015-16						
n/a	-	-	-	-	-	-
	-	-	-	-	-	-
FY 2015-16 Department Total	-	-	-	-	-	-

Office of Respondent Parents' Counsel		FY 2017-18			Schedule 8	
Common Policy Summary						
	Total Funds	General Fund	Cash Funds	Reappropriated Funds	Federal Funds	
PERA Employer Share						
Appropriation FY2015-16	28,925	28,925	-	-	-	
Appropriation FY2016-17	103,669	103,669	-	-	-	
Request FY2017-18	83,837	83,837	-	-	-	
AED						
Appropriation FY2015-16	11,236	11,236	-	-	-	
Appropriation FY2016-17	43,930	43,930	-	-	-	
Request FY2017-18	42,332	42,332	-	-	-	
SAED						
Appropriation FY2015-16	10,853	10,853	-	-	-	
Appropriation FY2016-17	43,472	43,472	-	-	-	
Request FY2017-18	42,332	42,332	-	-	-	
Salary Survey						
Appropriation FY2015-16	-	-	-	-	-	
Appropriation FY2016-17	-	-	-	-	-	
Request FY2017-18	23,045	23,045	-	-	-	
Merit						
Appropriation FY2015-16	-	-	-	-	-	
Appropriation FY2016-17	-	-	-	-	-	
Request FY2017-18	-	-	-	-	-	
Health, Life, and Dental						
Appropriation FY2015-16	11,789	11,789	-	-	-	
Appropriation FY2016-17	90,389	90,389	-	-	-	
Request FY2017-18	85,931	85,931	-	-	-	
Short-term Disability						
Appropriation FY2015-16	562	562	-	-	-	
Appropriation FY2016-17	1,739	1,739	-	-	-	
Request FY2017-18	1,609	1,609	-	-	-	
Legal Services						
Appropriation FY2015-16	47,505	47,505	-	-	-	
Appropriation FY2016-17	1,901	1,901	-	-	-	
Request FY2017-18	1,901	1,901	-	-	-	

Office of Respondent Parents' Counsel FY 2017-18

Schedule 14

Personal Services

Position Type	FY2015-16 Actual		FY2016-17 Appropriation		FY2017-18 Request	
	Expenditures	FTE				
Executive Director	92,936	0.6				
Executive Management	84,286	0.8				
Professional Staff	60,313	0.7				
Administrative Staff	26,149	0.6				
Total Full and Part-time Employee Expenditures	263,684	2.7				
PERA Contributions	26,099					
Medicare	3,731					
Merit Pay						
Shift Differential Wages						
Temporary Employees						
Sick and Annual Leave Payouts						
Contract Services	17,126					
Other Expenditures (specify as necessary)						
Total Temporary, Contract, and Other Expenditures	310,640	2.7				
POTS Expenditures (excluding Salary Survey and Performance-based Pay already included above):						
Health, Life, and Dental	19,978					
Short-term Disability	461					
S.B. 04-257 AED	11,775					
S.B. 06-235 SAED	11,504					
Total Expenditures for Line Item	354,358	2.7	1,356,895	10.0	1,372,614	10.0
Total Spending Authority / Request for Line Item	368,965	2.7				
Amount Under/(Over) Expended	14,607	-				

Office of Respondent Parents' Counsel Operating		Schedule 14		
Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request	
2252 - State Fleet	\$650			
2510 - General Travel	\$309			
2512 - Meals	\$131			
2513 - Mileage Reimbursement - Employee	\$326			
2520 - General Travel	\$142			
2523 - Mileage Reimbursement - Nonemployee	\$1,183			
2530 - General Travel	\$24			
2531 - Common Carrier Fares	\$100			
2532 - Meals	\$134			
2631 - Communication Services	\$4,321			
2680 - Printing & Reproduction Services	\$210			
2820 - Purchased Services	\$4,431			
3110 - Identification & Safety Supplies	\$392			
3118 - Food & Food Services Supplies	\$2,407			
3120 - Books / Periodicals / Subscriptions	\$3,873			
3121 - Office Supplies	\$4,725			
3140 - Noncap - Software and Hardware	\$27			
4100 - Other Operating Expenditures	\$71			
4220 - Registration Fees	\$650			
Total Expenditures Denoted in Object Codes	\$24,106			
Total Spending Authority / Request for Line Item	\$26,545	\$60,800	\$60,800	
Amount Under/(Over) Expended	\$2,439			

Office of Respondent Parents' Counsel		Schedule 14	
Legal Services			
Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request
2690 - Legal Services	\$460		
Total Expenditures Denoted in Object Codes	\$460		
Total Spending Authority / Request for Line Item	\$47,505	\$1,901	\$1,901
Amount Under/(Over) Expended	\$47,045		

**Office of Respondent Parents' Counsel
Capital Outlay**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request
1920 - Personal Services - Professional	\$297,099		
3128 - Noncapitalized Non-IT Equipment	\$6,549		
3132 - Noncapitalized Office Furn & Fixtures	\$5,951		
3140 - Noncapitalized IT - Software and Hdwe	\$24,527		
6211 - Capitalized Information Technology	\$6,135		
Total Expenditures Denoted in Object Codes	\$340,261		
Total Spending Authority / Request for Line Item	\$349,874	\$0	\$0
Amount Under/(Over) Expended	\$9,613		

**Office of Respondent Parents' Counsel
Case Management System**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request
2520 - General Travel	\$1,407		
2521 - Common Carrier Fares	\$2,274		
2522 - Meals	\$158		
2631 - Communication Services	\$10		
6211 - Capitalized Information Technology	\$11,280		
6511 - Capitalized IT Professional Services	\$44,969		
Total Expenditures Denoted in Object Codes	\$60,098		
Total Spending Authority / Request for Line Item	\$60,338	\$337,500	\$0
Amount Under/(Over) Expended	\$240		

**Office of Respondent Parents' Counsel
Training - General Fund**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request
2513 - Mileage Reimbursement	\$143		
2520 - General Travel	\$212		
2680 - Printing & Reproduction Services	\$83		
2820 - Purchased Services	\$700		
3118 - Food & Food Services Supplies	\$1,518		
3120 - Books / Periodicals / Subscriptions	\$663		
3121 - Office Supplies	\$701		
3123 - Postage	\$84		
3140 - Noncapitalized IT - Software and Hdwe	\$2,843		
4100 - Other Operating Expenditures	\$75		
4220 - Registration Fees	\$260		
Total Expenditures Denoted in Object Codes	\$7,282		
Transfers			
Roll Forwards	\$0		
Total Expenditures for Line Item	\$7,282		
Total Spending Authority / Request for Line Item	\$7,500	\$30,000	\$30,000
Amount Under/(Over) Expended	\$218		

**Office of Respondent Parents' Counsel
Training - Cash Fund**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2017-18 Request
Total Expenditures Denoted in Object Codes	\$0		
Transfers			
Roll Forwards	\$0		
Total Expenditures for Line Item	\$0		
Total Spending Authority / Request for Line Item	\$7,500	\$30,000	\$30,000
Amount Under/(Over) Expended	\$7,500		

**Office of the Respondent Parents' Counsel
Court-appointed Counsel**

Schedule 14

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2016-17 Request
Total Expenditures Denoted in Object Codes	\$0		
Transfers	\$0		
Roll Forwards	\$0		
Total Expenditures for Line Item	\$0		
Total Spending Authority / Request for Line Item	\$0	\$10,768,254	\$14,185,876
Amount Under/(Over) Expended	\$0		

Office of the Respondent Parents' Counsel

Schedule 14

Mandated Costs

Object Code & Description	FY 2015-16 Actual	FY 2016-17 Appropriation	FY 2016-17 Request
Total Expenditures Denoted in Object Codes	\$0		
Transfers	\$0		
Roll Forwards	\$0		
Total Expenditures for Line Item	\$0		
Total Spending Authority / Request for Line Item	\$0	\$294,122	\$333,601
Amount Under/(Over) Expended	\$0		

Office of Respondent Parents' Counsel					Transfers
Long Bill Line Item	Spending Authority before Transfers	Use of 2.5% Transfer Authority	Benefits Transfers	Rollforward to Subsequent Year	Spending Authority after Transfers
<u>FY 2015-16 Transfers</u>					
Personal Services	362,975	(23,950)	34,339	(4,500)	368,864
Health, Life, and Dental	11,789		(11,789)		-
Short-term Disability	562		(461)		101
SB 04-257 AED	11,236		(11,236)		-
SB 06-235 SAED	10,853		(10,853)		-
Operating Expenses	25,433	1,112			26,545
Legal Services	47,505				47,505
Capital Outlay	435,140			(85,266)	349,874
Case Management System	37,500	22,838			60,338
Training - General Fund	7,500				7,500
Training - Cash Fund	7,500				7,500
Court-appointed Counsel					-
Mandated Costs					
FY 2015-16 Spending Authority	957,993	-	-	(89,766)	868,227
Percentage of appropriation allowed as additional transfer authority per Long Bill footnote	2.5%				
Additional Transfer Authority allowed per Long Bill footnote	23,950				

Salary Pots Request Template, Fiscal Year 2017-18

ORPC	TOTAL FUNDS/FTE FY 2016-17	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	MEDICAID CASH FUNDS	MEDICAID GENERAL FUND	NET GENERAL FUND
I. Continuation Salary Base for FY 2017-18								
Total Appropriated FTE for FY 2016-17	10.0							
Sum of Filled FTE as of July 2016 (two positions unfilled - see notes on Position by Position detail)	10.0	100.0000%	0.0000%	0.0000%	0.0000%	0.0000%	0.0000%	100.0000%
July 2016 Salary X 12	\$25,983	\$25,983	-	-	-	-	-	\$25,983
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$3,837	\$3,837	-	-	-	-	-	\$3,837
Medicare @ 1.45%	\$11,977	\$11,977	-	-	-	-	-	\$11,977
Subtotal Continuation Salary Base =	\$21,797	\$21,797	-	-	-	-	-	\$21,797
II. Salary Survey Adjustments								
System Maintenance Studies	\$0	\$0	-	-	-	-	-	\$0
Across the Board - Base Adjustment	\$20,262	\$20,262	-	-	-	-	-	\$20,262
Across the Board - Non-Base Adjustment	\$388	\$388	-	-	-	-	-	\$388
Movement to Minimum - Base Adjustment	\$0	\$0	-	-	-	-	-	\$0
Subtotal - Salary Survey Adjustments	\$20,650	\$20,650	-	-	-	-	-	\$20,650
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$2,096	\$2,096	-	-	-	-	-	\$2,096
Medicare @ 1.45%	\$299	\$299	-	-	-	-	-	\$299
Request Subtotal =	\$23,045	\$23,045	-	-	-	-	-	\$23,045
III. Merit Pay Adjustments								
Merit Pay - Base Adjustments	\$0	\$0	-	-	-	-	-	\$0
Merit Pay - Non-Base Adjustments	\$0	\$0	-	-	-	-	-	\$0
Subtotal - Merit Pay Adjustments	\$0	\$0	-	-	-	-	-	\$0
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$0	\$0	-	-	-	-	-	\$0
Medicare @ 1.45%	\$0	\$0	-	-	-	-	-	\$0
Request Subtotal =	\$0	\$0	-	-	-	-	-	\$0
IV. Shift Differential								
FY 2015-16 ACTUAL EXPENDITURES for All Occupational Groups	\$0	\$0	-	-	-	-	-	\$0
Total Actual and Adjustments @ 100%	\$0	\$0	-	-	-	-	-	\$0
PERA (Standard, Trooper, and Judicial Rates) - 10.15%	\$0	\$0	-	-	-	-	-	\$0
Medicare @ 1.45%	\$0	\$0	-	-	-	-	-	\$0
Request Subtotal =	\$0	\$0	-	-	-	-	-	\$0
V. Revised Salary Basis for Remaining Request Subtotals								
Total Continuation Salary Base, Adjustments, Performance Pay & Shift	\$846,633	\$846,633	-	-	-	-	-	\$846,633
VI. Amortization Equalization Disbursement (AED)								
Revised Salary Basis * 5.0%	\$42,332	\$42,332	-	-	-	-	-	\$42,332
VII. Supplemental AED (SAED)								
Revised Salary Basis * 5.0%	\$42,332	\$42,332	-	-	-	-	-	\$42,332
VIII. Short-term Disability								
Revised Salary Basis * 0.19%	\$1,609	\$1,609	-	-	-	-	-	\$1,609
IX. Health, Life, and Dental								
100% Health, 85% Dental, and \$50k Life coverage	\$85,931	\$85,931	-	-	-	-	-	\$85,931

Common Policy Line Item	FY 2016-17 Appropriation	GF	CF	RF	FF
Salary Survey	\$0	\$0			
Merit Pay	\$0	\$0			
Shift	\$0	\$0			
AED	\$43,930	\$43,930			
SAED	\$43,472	\$43,472			
Short-term Disability	\$1,739	\$1,739			
Health, Life and Dental	\$90,389	\$90,389			
TOTAL	\$179,530	\$179,530	\$0	\$0	\$0
Common Policy Line Item	FY 2017-18 Total Request	GF	CF	RF	FF
Salary Survey	\$23,045	\$23,045	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	\$42,332	\$42,332	\$0	\$0	\$0
SAED	\$42,332	\$42,332	\$0	\$0	\$0
Short-term Disability	\$1,609	\$1,609	\$0	\$0	\$0
Health, Life and Dental	\$85,931	\$85,931	\$0	\$0	\$0
TOTAL	\$195,249	\$195,249	\$0	\$0	\$0
Common Policy Line Item	FY 2017-18 Incremental	GF	CF	RF	FF
Salary Survey	\$23,045	\$23,045	\$0	\$0	\$0
Merit Pay	\$0	\$0	\$0	\$0	\$0
Shift	\$0	\$0	\$0	\$0	\$0
AED	-\$1,598	-\$1,598	\$0	\$0	\$0
SAED	-\$1,140	-\$1,140	\$0	\$0	\$0
Short-term Disability	-\$130	-\$130	\$0	\$0	\$0
Health, Life and Dental	-\$4,458	-\$4,458	\$0	\$0	\$0
TOTAL	\$15,719	\$15,719	\$0	\$0	\$0