



CHILD PROTECTION
OMBUDSMAN
of COLORADO

Office of Colorado's Child Protection Ombudsman
CASE PRACTICES AND OPERATING PROCEDURES

Stephanie Villafuerte, Child Protection Ombudsman

Effective July 1, 2017
Last Reviewed May 1, 2017
Next Review May 1, 2018

Table of Contents

Definitions.....	4
Introduction	8
1.000 Contacting the Office of Colorado’s Child Protection Ombudsman	8
1.100 Role of the Ombudsman	9
1.200 Responsibilities of the CPO	9
1.300 CPO Jurisdiction	9
1.400 CPO Complaint Process.....	10
2.000 Intake.....	11
3.000 Investigation.....	11
3.100 Role of Agency/Provider During Investigation.....	12
3.200 Investigation Length.....	13
3.300 Investigation Conclusions	13
4.000 CPO Document Requests to Outside Agencies or Providers.....	14
5.000 CPO Recommendations.....	14
6.000 Public Reporting	14
6.100 Case Announcements	15
6.101 Public Notifications	15
6.102 Investigative Briefing.....	16
6.200 Investigation Reports	17
7.000 Data Collection	18
7.100 CPO Dashboard	18
7.101 Monthly Updates.....	18
7.102 Recommendations	19
8.000 CPO Informational Reports	19
9.000 Open Meetings Laws	20
10.000 Colorado Open Records Act (CORA).....	20
10.100 Procedures for Handling Record Requests	20
10.200 Fees	21
10.300 Production of Documents	21
10.400 Format of Records Produced.....	21
10.500 CPO Contact for CORA Requests.....	22

11.000	Legal Advice.....	22
12.000	Confidentiality	22
13.000	Mandatory Reporting.....	23
14.000	Conflict of Interest.....	23
15.000	Filing a Grievance	23
16.000	Legislative Involvement.....	23
APPENDIX A: Grievance Policies		24

Definitions

The terms and phrases listed below will be used throughout this document to help explain the Office of Colorado's Child Protection Ombudsman's (CPO) case practices and operating procedures.

Absence of Law

An investigation will conclude with this finding if the CPO identifies deficits in law governing the functions of an agency/provider within the child protection system.

Absence of Policy

An investigation will conclude with this finding if the CPO identifies deficits in policy governing the functions of an agency/provider within the child protection system.

Affirmed Agency/Provider Actions:

This finding means the CPO found no policy and/or law compliance violations by an agency/provider as they relate to the complaint.

Affirmed Agency/Provider Actions with Recommendations:

This finding indicates that the agency/provider did not violate policy and/or law, but the CPO determines there are areas of practice that could be improved upon to ensure the highest level of service delivery to a child or family. In this instance, the CPO will make recommendations to the agency/provider.

Agency/Provider:

Any public agency/provider within the child protection system that *"receives public moneys"* and is responsible for providing services that impact the *"safety, permanency, or well-being of the child."* See C.R.S. §19-3.3-103(1)(a)(I)(A).

Agency/Provider Non-Compliance with Law:

This finding indicates that the agency/provider failed to follow state and/or federal child protection law.

Agency/Provider Non-Compliance with Policy:

This finding indicates that the agency/provider failed to follow policies regulating their practice in delivering services within the child protection system.

CMS (Case Management System):

The CPO maintains an internal case management system. This database includes all records related to the CPO's handling of citizens' inquiries and investigations.

Case Number:

Every inquiry received by the CPO will be assigned a unique identifying number in the CMS. Citizens may use the identifying number to locate case information on the CPO website.

Child Protection System:

Per Colorado Revised Statute §19-3.3-103(1)(a)(I)(A), Colorado's child protection system is comprised of *"any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of the child."*

Closed Lack of Information:

This finding indicates that the contact did not provide the CPO with sufficient information to proceed.

Closed Per Contact:

This finding is issued when a contact withdraws their inquiry and requests that the CPO take no further action.

Complaint:

An alleged action or inaction by an agency/provider that may have resulted in violation of policy and/or law in the delivery of services to children and families within the child protection system.

Complainant:

Any individual alleging an action and/or inaction by an agency/provider that may have resulted in violation of policy and/or law in the delivery of services to children and families within the child protection system.

Contact:

Any individual who engages the CPO with an inquiry about the child protection system. A contact becomes a complainant if the CPO determines their inquiry meets the definition of a complaint.

CPO (Office of Colorado's Child Protection Ombudsman):

The Office of Colorado's Child Protection Ombudsman will be referred to as the CPO. The CPO denotes the agency as a whole and does not refer to an individual employee.

Duplicate Inquiry:

If a contact makes repeated inquiries to the CPO and the CPO has previously resolved the inquiry or investigation, the CPO will issue this finding and close the inquiry without further services.

Evidence:

The available body of facts or information that support the CPO's finding(s) in an investigation.

Finding:

A determination made by the CPO at the conclusion of an inquiry or investigation.

Identification of Practice Concerns:

This finding indicates that the CPO identified practice(s) within an agency/provider's handling of a case which negatively affect the delivery of services to children and families. These concerns do not violate policy and/or laws.

Inquiry:

A concern or question about the child protection system.

Intake:

All inquiries the CPO receives from contacts will be subject to an intake process. During that process the CPO will gather information from the contact and determine which CPO service will be most beneficial in addressing their concern or question.

Investigation:

A comprehensive, independent study of relevant facts, records and witnesses' statements will be initiated after the CPO receives a complaint alleging that an agency/provider has violated policy and/or law in the delivery of services to children and families within the child protection system.

Investigative Briefing:

When the CPO identifies an investigation that requires additional study, time and resources, the CPO will release a report outlining why additional research is necessary, how the investigation will proceed and an estimated completion date. **(See Policy 6.102 Investigative Briefing).**

Investigation Report:

If, at the conclusion of the investigation, the CPO makes any finding **other than affirming the actions of the agency/provider** the CPO will complete and release a report. Details about the investigation report may be found in **Policy 6.200**.

Ombudsman:

The term Ombudsman refers to the head of the CPO who is responsible for the implementation and execution of these practices and procedures.

Ombudsman Discretion:

The Ombudsman, or his/her designee, has the authority to determine what service, if any, will be provided to a contact. The reasons for declination of services by the Ombudsman will be documented in the CPO case management system.

Recommendation:

A suggestion or proposal, *"to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado."* See C.R.S. §19-3.3-103(2)(e).

Resource Referral/System Navigation:

Services provided to a contact during the CPO's intake process that provides them with information to help resolve their questions or concerns regarding the child protection system.

Staffing:

A comprehensive analysis by the CPO staff in which details of an inquiry are presented. During this process the Ombudsman, or his/her designee, will assess any action needed and assign appropriate staff to the case. If the CPO does not open an investigation, staff will not be assigned.

Introduction

This document outlines general operating policies and procedures to guide the operations of the *Office of Colorado's Child Protection Ombudsman* (CPO).

In writing its procedures, the CPO completed a thorough study of policies and procedures practiced by child protection ombudsmen across the country and the world. CPO procedures were designed to mimic best practice standards set by the International Ombudsman Association, the United States Ombudsman Association and the American Bar Association.

These case practices and operating procedures have been developed to ensure that the *Ombudsman* is able to execute the functions and responsibilities of the CPO as mandated in statute.

1.000 Contacting the Office of Colorado's Child Protection Ombudsman

The business hours of the CPO are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays.

The CPO can be contacted in the following ways:

Mail: Office of Colorado's Child Protection Ombudsman
1300 Broadway, Suite 430
Denver, Colorado 80203

Email: Info@coloradocpo.org

Phone: 720-625-8640

Online Complaint Form: www.coloradocpo.org

Upon receipt of an email, letter or telephone message, CPO staff will respond within two business days.

In person appointments: Due to security restrictions at the Ralph L. Carr Judicial Center, the CPO is unable to meet with *complainants* in person.

1.100 Role of the Ombudsman

By design, the *Office of Colorado's Child Protection Ombudsman* (CPO) serves as an independent, neutral problem solver that helps citizens navigate a complex child protection system in an expert and timely manner. The *Ombudsman* has independent access to child protection records that are not otherwise available to the public. This allows the CPO to objectively review and investigate *complaints*, deliver *recommendations* and drive systemic reform through research and education. Through objective study the CPO works to improve the delivery of services to children and families within the *child protection system*.

1.200 Responsibilities of the CPO

The CPO was established pursuant to C.R.S. §19-3.3-101. The CPO's primary duties include:

- Provide citizens free and confidential services.
- Help citizens navigate the *child protection system* and direct them towards needed services and resources.
- Objectively research and investigate concerns about the delivery of services to children and families within the *child protection system*.
- Illuminate the strengths and weaknesses within the *child protection system* that are directly impacting the safety, permanency and well-being of children and families.
- Make *recommendations* to the public, child protection *agencies/providers*, the General Assembly and the Governor that help reform and improve outcomes for children and families.

1.300 CPO Jurisdiction

The CPO receives “*complaints concerning child protection services made by, or on behalf of, a child relating to any action, inaction, or decision of any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of a child. The ombudsman may, independently and impartially, investigate and seek resolution of such complaints, which resolution may include, but need not be limited to, referring a complaint to the state department or appropriate agency or entity and making a recommendation for action relating to a complaint.*” See C.R.S. §19-3.3-103(1)(a)(I)(A).

Examples of *agency/providers* the CPO has jurisdiction to review include: human services agencies, youth corrections, law enforcement, educators, medical professionals and treatment providers.

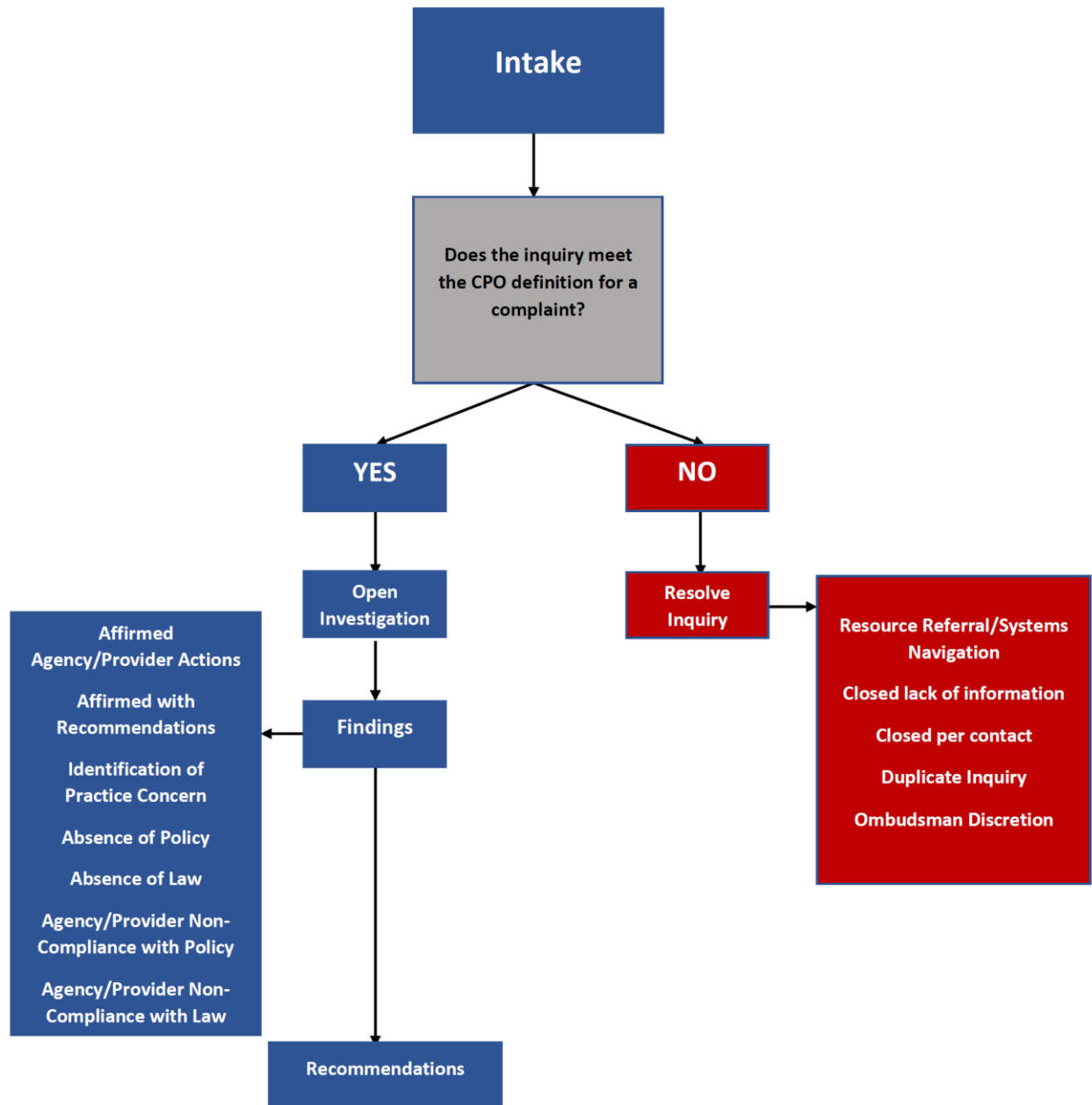
Pursuant to C.R.S. §19-3.3-101 to 110, the CPO does not have the authority to:

- Investigate allegations of abuse and/or neglect.
- Interfere or intervene in any criminal or civil court proceeding.
- Review or investigate *complaints* related to judges, magistrates, attorneys or guardians ad litem.

- Overturn any court order.
- Mandate the reversal of an agency/provider decision.
- Offer legal advice.

1.400 CPO Complaint Process

This chart may be used as a reference for **Policies 2.000 through 5.000**, which detail case process and resolution.



2.000 Intake

All *inquiries* the CPO receives from *contacts* will be subject to an *intake* process. During that process, the CPO will gather information from the *contact* and determine which CPO service is most appropriate. All information will be entered into the CMS.

Per the discretion of the *Ombudsman*, or his/her designee, assignment of *inquiries* will be prioritized based on the individual circumstances of the *inquiry*.

At the conclusion of the *intake* process, if the CPO determines that a *resource referral/systems navigation* is the appropriate service, the CPO will provide the *contact* with information to help resolve their question or *inquiry* regarding the *child protection system*. The CPO will document the *resource referral/system navigation* in the CMS.

The CPO may conclude the *intake* process without providing a *resource referral/service navigation* or *investigation* for one of the following reasons:

- Lack of information from the *contact*
- The *contact* withdraws their *inquiry*
- *Duplicate inquiry*
- *Ombudsman discretion*

At the conclusion of the *intake* process, if the CPO determines that the information provided by the *contact* is within the jurisdiction of the CPO and the *inquiry* meets the definition of a *complaint* an *investigation* will be initiated.

3.000 Investigation

The CPO will initiate a comprehensive, independent study of relevant facts, records and witnesses' statements when issues raised in a *complaint* involve allegations that:

- An *agency/provider* violated policy and/or law in the delivery of services to children and families and/or;
- The CPO identifies an absence of policy and/or law within the *child protection system*.
- The CPO identifies practice(s) within an agency/provider's handling of a case which negatively affect the delivery of services to children and families. These concerns do not violate policy and/or laws.

The *Ombudsman* or his/her designee will assign CPO staff members to the *investigation*. Staff assignments will be entered into the CMS and approved by the *Ombudsman* or his/her designee.

The CPO will provide the *complainant* with written notification that:

- An *investigation* has been opened.

- The name and contact information of the CPO staff member(s) assigned to the *investigation*.
- The estimated length of the *investigation*. **(See Policy 3.200 Investigation Length)**

The CPO will notify the *agency/provider* that:

- An *investigation* has been opened.
- Public notification of the *investigation* will be posted to the CPO website. **(See Policy 6.101 Public Notification)**

The *complainant* will also be encouraged to keep the CPO informed of any new information that may affect the *investigation*.

To maintain its impartiality – and in keeping with statute – the CPO will independently collect information, records and/or documents from an *agency/provider* when reviewing and/or investigating a *complaint*. “*In investigating a complaint, the ombudsman shall have the authority to request and review any information, records, or documents, including records of third parties, that the ombudsman deems necessary to conduct a thorough and independent review of a complaint so long as either the state department or a county department would be entitled to access or receive such information, records, or documents.*” See C.R.S. §19-3.3-103(1)(a)(II)(A). The CPO will incur reasonable expenses to photocopy relevant records.

The assigned CPO staff members will conduct a comprehensive and independent study of all records collected and may contact the *agency/provider* involved in the *investigation* and/or schedule a site visit to analyze any on-site records, as well as conduct interviews of *agency/provider* staff.

To ensure the integrity of the *investigation*, CPO staff members will submit all questions to the *agency/provider* involved in the *investigation* in writing via email. The CPO will require any response provided by an *agency/provider* to be submitted in writing via email.

All documents received from an *agency/provider*, or supplied by the *complainant*, will be scanned and electronically stored within the CMS.

At the conclusion of an *investigation*, the CPO may issue *recommendations* to the *agency/provider*. **(See Policy 7.102 Recommendations)**

3.100 Role of Agency/Provider During Investigation

An *agency/provider* involved in an *investigation* may expect the following:

- The CPO will submit all requests for information, documents or records to the *agency/provider* in writing via email. The CPO will require any response provided by an *agency/provider* to be submitted in writing via email.

- Prior to releasing its *investigation report* – including *recommendations* and *findings* – the *agency/provider* will be:
 - Provided a copy of the CPO’s *investigation report* prior to its public release.
 - Given **10 business days** to respond to any CPO *findings* and/or *recommendations*. All *agency/provider’s* response must be submitted in writing via email.
 - Advised that the CPO’s *findings, recommendations* and the *agency/provider’s* response will be made public through the release of its *investigation reports*.
(See Policy 6.200 Investigation Report)
- The CPO will consider any *agency/provider’s* response and – if appropriate based on the information provided – revise its *findings* and *recommendations* prior to publicly releasing its *investigation report*.

3.200 Investigation Length

It is the goal of the CPO to provide a timely response to all *investigations*. The length of time for an *investigation* to be completed will vary depending on internal CPO resources, the complexity of the issues, the length of time for outside reports to be obtained and, in some instances, for criminal or civil legal proceedings to be completed.

Investigations are generally completed within **60 business days** from the staffing date. Any delay outside of the above timeframes will be documented in the CMS and approved by the *Ombudsman*. The *complainant* and any relevant *agency/provider* will also be provided with written notification of any delay and expected completion date.

3.300 Investigation Conclusions

At the conclusion of an *investigation*, the CPO staff will reach one or more of the following *findings* (See Definitions):

- Affirmed Agency/Provider Actions
- Affirmed Agency/Provider Actions with Recommendations
- Identification of Practice Concerns
- Absence of Policy
- Absence of Law
- Agency/Provider Non-Compliance with Law
- Agency/Provider Non-Compliance with Policy

If the CPO affirms an *agency/provider’s* actions, the CPO will provide the *complainant* a written summary of the CPO’s *findings*. In instances where the *complainant* is the legal guardian or custodian, the CPO will provide an explanation of the facts which led to the decision made by the CPO. In instances where the *complainant* is not the legal guardian and/or custodian, limited information will be provided due to state and federal confidentiality laws pursuant to C.R.S. §19-3.3-103(III)(3). (See Policy 12.000 Confidentiality)

The CPO will produce and release an *investigation report* – to include *recommendations* – when a finding is made other than *Affirmed Agency/Provider Actions*. (See **Policy 6.200 Investigation Reports**)

If the CPO issues an *investigation report*, the *complainant* will be provided with a copy.

The *Ombudsman* may terminate an *investigation* at any time if the information presented no longer meets the criteria for an *investigation* as defined in **Policy 3.000**. This action will be documented in the CMS. If an *investigation* is terminated, a written explanation for the decision will be provided to the *complainant*, *agency/provider*, and all other relevant parties.

4.000 CPO Document Requests to Outside Agencies or Providers

Pursuant to C.R.S. §19-3.3-103(a)(II)(A), “*In investigating a complaint, the ombudsman shall have the authority to request and review any information, records, or documents, including records of third parties, that the ombudsman deems necessary to conduct a thorough and independent review of a complaint so long as either the state department or a county department would be entitled to access or receive such information, records, or documents.*”

When requesting records from an outside entity or agency, the CPO staff will submit a written request for records to the agency or entity that clearly defines the records needed.

If the CPO requests access to records, the CPO will submit a written request.

The CPO staff will limit their request for records to those that are related to the *complaint* or relevant to the circumstance surrounding the *complaint* which is under *investigation*. The CPO will also incur reasonable costs for the photocopying of all files.

5.000 CPO Recommendations

The CPO will issue *recommendations* pursuant to C.R.S. §19-3.3-103(2)(e), which mandates the CPO to, “*recommend to the general assembly, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.*”

6.000 Public Reporting

The CPO will provide citizens with clear and consistent reports detailing the CPO’s *findings* and *recommendations* to *agencies/providers* within the *child protection system*. **Policies 6.000 through 7.102** detail the CPO’s practice of releasing information. Below is a reference chart for the CPO’s public reporting.

CPO PROCESS	CPO ACTION	PUBLIC REPORTING	TYPE
INTAKE	The CPO resolves the inquiry.	YES	CPO Dashboard (See Policy 7.101)
INVESTIGATION	CPO opens an investigation.	YES	Public Notification (See Policy 6.101)
	The CPO identifies an investigation that requires additional study, time and resources.	YES	Investigative Briefing (See Policy 6.102)
FINDINGS	Affirmed Agency/Provider Actions	YES	CPO Dashboard (See Policy 7.101)
	<ul style="list-style-type: none"> • Affirmed with Recommendations • Identification of Practice Concerns • Absence of Policy • Absence of Law • Agency/Provider Non-Compliance with Policy • Agency/Provider Non-Compliance with Law 	YES	Investigation Report (See Policy 6.200) CPO Dashboard (See Policy 7.101)

6.100 Case Announcements

To hold the CPO accountable to the public and ensure transparency of the CPO’s work, the CPO will make information concerning all pending *investigations* available to the public through its website.

The CPO will communicate information about pending *investigations* in two ways:

- Public Notifications
- *Investigative Briefings*

6.101 Public Notifications

After the CPO opens an *investigation*, a public notification of that *investigation* will be posted on the “Pending Cases” page of the CPO’s website. Each *investigation* will be identified on the “Pending Cases” page by a unique *case number*.

Each public notification will include:

- The *case number*
- Service Area
 - Human Services

- Law Enforcement
- Mental Health
- Division of Youth Services
- Judicial
- Community Agencies
- Other
- Area of concern
 - Sufficiency of Response
 - Assessment of Needed Services
 - Service Delivery
 - Other
- Status
- Date the CPO opened the *investigation*

Below is an example of a public notification:

Case Number	Service Area	Area of Concern	Status	Date Investigation Opened
2017-XXXX	Example Service Area	Example of Area of Concern	Example Status	X/XX/2017

Once the CPO completes the *investigation*, the status on the public notification will be changed from “Ongoing” to “Completed.” After the status is changed to “Completed,” the public notification will remain on the “Pending Cases” page on the CPO’s website for 10 business days. If the CPO issues *recommendations* at the conclusion of an *investigation*, the *investigation report* will be posted on the “Investigation Reports” page of the CPO website.

6.102 Investigative Briefing

If, through its preliminary research, the CPO determines an *investigation* requires additional study, time and resources, the CPO will release an *investigative briefing* outlining why additional research is necessary, how the *investigation* will proceed and an estimated completion date. The *investigative briefing* is designed to act as a mechanism to hold the CPO accountable to the public and ensure transparency of the CPO’s work. The *investigative briefing* will outline why an *investigation* is warranted, how the *investigation* will proceed and an estimated completion date.

The *investigative briefing* will be completed and released no more than **60 business days** after the *investigation* was staffed.

Each *investigative briefing* will include:

- *Case number*
- *Service Area*

- Summary of the *complaint*
- Summary of preliminary research
- Summary of the CPO's decision to open an *investigation*
- Next steps by the CPO
- Estimated length of the *investigation* and reasoning

Investigative briefings will be posted on the “Investigative Briefings” page of the CPO’s website. A link to the *investigative briefing* will also be posted with the corresponding case on the “Pending Cases” page.

If the CPO determines it will not be able to meet the timeline set forth in the *investigative briefing*, the CPO will produce and release an updated *investigative briefing* explaining the reasons for the delay and will provide a new estimated date for completion.

Once an *investigation* is completed, the *investigative briefing* will be included in the appendix of the final *investigation report*.

6.200 Investigation Reports

In meeting its statutory requirements to “*improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system,*” as stated in C.R.S. §19-3.3-101(2)(a), the CPO will provide the public and stakeholders any *recommendations* it makes to an *agency/provider*. The CPO will do so by publicly releasing its *investigation reports*.

In absence of a finding of *affirmed agency/provider’s actions*, the CPO will complete and publicly release an *investigation report*.

If the CPO issues *findings* and *recommendations* to an *agency/provider*, a copy of the CPO’s *investigation report* will be provided to the *agency/provider* prior to the report’s public release. The *agency/provider* will have **10 business days** to respond to any CPO findings and/or *recommendations*. All *agency/provider’s* responses must be submitted in writing via email. Any response provided to the CPO will be included in the *investigation report*.

The CPO will consider any *agency/provider’s* response and – if appropriate based on the information provided – revise its *findings* and *recommendations* prior to publicly releasing its *investigation report*.

Each *investigation report* will include:

- Executive Summary
- Relevant *agency/provider*
- Summary of the *complaint*
- *Investigation* summary
- Conclusion
- Findings and *Recommendations*

- *Recommendation* summary
- *Agency/Provider* Response

All *investigation reports* will be posted to the “Investigation Reports” page on the CPO’s website.

In determining the release of any information, the “*ombudsman, employees of the office and any persons acting on behalf of the office shall comply with all state and federal confidentiality laws that govern the state department or a county department with respect to the treatment of confidential information or records and the disclosure of such information and records,*” as stated in C.R.S. §19-3.3-103(3). These laws include, but are not limited to, the Colorado Children’s Code, CAPTA, HIPPA and FERPA.

7.000 Data Collection

The CPO records all actions taken during the life of a case in the CMS.

7.100 CPO Dashboard

The CPO will maintain an interactive “Dashboard” page on its website. The “Dashboard” will serve as an information portal for stakeholders and citizens. Users will have the ability to search and sort CPO data. Data sets and *recommendations* will be updated monthly.

7.101 Monthly Updates

Using data documented in the CMS, the CPO will update the “Dashboard” during the first week of every month.

At a minimum, the “Dashboard” will include monthly updates of the following:

- Number of *inquiries* received
- Number of *resource referrals/system navigations* provided
- Number of *complaints* identified by the CPO
- Number of *investigations* opened
- Number of *investigations* closed
- Summary of dispositions for each closed *investigation*
 - Any CPO *findings of affirmed agency/provider actions*
 - Any CPO *findings of policy and/or law violations and the corresponding agency/provider*
 - Any CPO absence of law and/or policy identified by the CPO

7.102 Recommendations

The CPO's website will also include a running list of all CPO *recommendations*. The list will be updated during the first week of every month.

Each *recommendation* listed will include:

- *Case number*
- *Recommendation* tracking number
- Date the CPO issued the *recommendation*
- Full-text of the CPO's *recommendation*
- *Agency/provider* that received the *recommendation*
- *Agency/provider's* response (if applicable)

Below is an example of a *recommendation* on the "Recommendations" page:

Case Number	Recommendation Number	Date Issued	Agency/Provider	Recommendation	Agency/Provider Response
2017-XXXX	2017-XXXX-F1(R1)	XX/XX/2017	Example Agency/Provider	Full text of recommendation.	Agree/Disagree/Partially Agree

In determining the release of any information, the "*ombudsman, employees of the office and any persons acting on behalf of the office shall comply with all state and federal confidentiality laws that govern the state department or a county department with respect to the treatment of confidential information or records and the disclosure of such information and records,*" as stated in C.R.S. §19-3.3-103(3). These laws include, but are not limited to, the Colorado Children's Code, CAPTA, HIPPA and FERPA.

8.000 CPO Informational Reports

To ensure the CPO is effectively meeting its mandate to "*educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe,*" as stated in C.R.S. §19-3.3-103(2)(c), the CPO must provide citizens with a consistent and timely flow of information about issues within the *child protection system* and the overall functioning of the CPO.

The CPO will do this through the scheduled release of the following informational reports:

- Annual Report: Per C.R.S. §19-3.3-108, will be submitted on September 1 of every year.
- State Measurement for Accountable, Responsive and Transparent (SMART) Government Act: Per C.R.S. §2-7-201 to 207.
- Quarterly Reports

Each report will be released and posted on the “Informational Reports” page of the CPO’s website.

9.000 Open Meetings Laws

All CPO board meetings are open to the public pursuant to C.R.S. §24-6-401 to 402.

10.000 Colorado Open Records Act (CORA)

The CPO is committed to transparency. The CPO is subject to the CORA (C.R.S. §24-72- 201 to 206) and in accordance with the provisions outlined in C.R.S. § 19-3.3-103(1)(a)(I)(B). In adhering to this Act, the CPO will comply with all state and federal confidentiality laws with respect to the treatment of confidential information or records and the disclosure of such information and records.

10.100 Procedures for Handling Record Requests

All records requests submitted to the CPO by mail, courier or email shall be immediately provided to the *Ombudsman*. The *Ombudsman* will approve all responses to the CORA except in extraordinary circumstances he/she will authorize a designee.

The CPO will accept only records requests made in writing or electronically via email. Records request made via social media shall not be accepted and must be resubmitted. Record requests or requestors that cite the Freedom of Information Act (FOIA) will be treated as though they were made pursuant to the CORA.

When responding to a records request, the CPO shall make every effort to respond within three business days, as is required by C.R.S §24-72-203(3)(b). A request is received the day an email or letter containing the request is opened. The three-business day response time begins the first business day following receipt of the request. A request received after noon on any day the CPO is officially closed will be considered received as of the following business day.

No employee of the CPO may modify, redact or omit any records they are required to provide, pursuant to this policy, to the *Ombudsman* or his or her designee handling the request. Staff should never assume a document is exempt and should always consult the *Ombudsman* before making a final determination. Redactions and decisions about whether a record falls under an exemption to the CORA will be made by the *Ombudsman* in consultation with the Colorado Attorney General’s Office.

When feasible, the CPO will endeavor to provide electronic copies of files to requestors if such alternative is significantly less burdensome to provide than paper copies. When responsive records cannot be easily or cost effectively provided electronically to a requestor, the CPO will work with the requestor to schedule a time to inspect the records in person. The CPO is open from 8 a.m. to 5 p.m., Monday through Friday, except state holidays. The *Ombudsman* may

grant exceptions where the CPO, requestor or the records produced require special accommodations.

When a requestor (either an individual or organization) has an overdue balance for completing a prior request to the CPO, work on a new CORA request will not begin until the overdue bill is paid in full.

10.200 Fees

When a request requires the production of more than 25 pages of documents or more than one hour of staff time to locate or produce the records, the CPO will charge the requestor for all copying expenses and for staff time in accordance with C.R.S. §24-72-205(5)(a) and applicable law.

Any cost charged to a requestor shall not exceed the actual cost of producing the records, in accordance with C.R.S. §24-72-205(5)(a) and applicable law.

For requests where the CPO anticipates more than 25 pages will be produced and/or more than one hour of staff time will be consumed, the CPO will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made through the *Ombudsman*.

10.300 Production of Documents

When the number of pages produced in response to a records request exceeds 25 pages, the CPO will charge \$0.25 per page for all documents copied.

When researching the location of a document, retrieving or producing records consumes more than one hour of staff time, the CPO shall charge \$20 an hour for all staff time. An hourly rate not to exceed \$30 an hour when specialized document production or specialized skills are required to fully comply with a records request. In extraordinary circumstance, the use of a third-party contractor may be necessary and will be discussed with the requestor in advance.

By policy of the CPO, the requestor shall also be charged \$30 an hour for time spent by an attorney engaged in the practice of law directly related to a records request, including but not limited to, the review of documents for privilege or other exemptions to production; document redaction; creation of documents that articulate the privileged nature of the requested documents or conducting CORA related legal research.

Payment is due within 30 calendar days of the invoice date. Past due amounts will be referred to collections.

10.400 Format of Records Produced

The CORA guarantees that *“all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law,”*

as stated in C.R.S. §24-72-201. The CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of the CPO and staff, in accordance with C.R.S. §24-72-203(1)(a), or levy an undue burden upon the CPO, the *Ombudsman* will determine the appropriate format for the records to be produced. The CPO may require that members of the public only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the CPO, its staff or the production of original records could jeopardize the condition of the records.

10.500 CPO Contact for CORA Requests

For details on how to file a CORA request, please visit www.coloradocpo.org. Additionally, anyone seeking information may call the CPO at 720-625-8640 and ask to speak with the Communications and Policy Director.

11.000 Legal Advice

The CPO does not provide legal advice to *contacts* or *complainants*.

12.000 Confidentiality

Complainants must acknowledge electronically, through the web-based complaint form, or verbally with CPO staff, their understanding of the CPO's confidentiality policy. The *complainant's* acknowledgement of the CPO confidentiality policy will be documented in the CMS.

Pursuant to C.R.S. §19-3.3-103 (1)(a)(I)(B) the CPO treats all *complaints* as confidential, including the *"identities of complainants and individuals from whom information is acquired; except that disclosures may be permitted if the Ombudsman deems it necessary to enable the Ombudsman to perform his/her duties and to support any recommendations resulting from an investigation."*

Further, C.R.S. §19-3.3-103(3) states that *"the Ombudsman, employees of the office, and any persons acting on behalf of the office shall comply with all state and federal confidentiality laws that govern the state department or a county department with respect to the treatment of confidential information or records and the disclosure of such information and records."* These laws include, but are not limited to, the Colorado Children's Code, CAPTA, HIPPA and FERPA.

The CPO will release identifying information to the proper authorities for anyone that makes any statements of credible harm to themselves or to someone else.

13.000 Mandatory Reporting

CPO staff members are required under C.R.S. §19-3-304 to report known or suspected child abuse and/or neglect. CPO staff will inform the *Ombudsman* or his/her designee prior to reporting alleged abuse and/or neglect, unless doing so would place a child or adult at risk of harm. CPO staff shall immediately, upon receiving such information, report or cause a report to be made to the county department, local law enforcement or through the Colorado's statewide child abuse reporting hotline (1-844-CO4-KIDS).

14.000 Conflict of Interest

Staff must have the ability to act independently and impartially in order to perform the duties necessitated by their position. Staff must be above reproach in all relationships and must not maintain any appearance of a conflict of interest. The CPO has a conflict of interest policy within the personnel manual. Each staff member must certify annually that they have reviewed the policy and have no conflicts of interest that would impair their ability to carry out their duties.

15.000 Filing a Grievance

Should a *complainant* believe that any staff member performed their duties in an unsatisfactory manner, the *complainant* is entitled to file a written grievance with the *Ombudsman*. (See **Appendix A: Grievance Policies**)

Should a *complainant* believe that the *Ombudsman* performed his/her duties in an unsatisfactory manner, the *complainant* is entitled to file a written grievance with the CPO Board. (See **Appendix A: Grievance Policies**)

16.000 Legislative Involvement

The CPO will work to provide the General Assembly with thoughtful insight and comprehensive research concerning issues within the *child protection system*. Through its research, *investigations* and engagement with stakeholders and citizens, the CPO will provide legislators with *recommendations* concerning “*statutory, budgetary, regulatory and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.*” See C.R.S. §19-3.3-103(2)(e).

APPENDIX A: Grievance Policies

Complaints Regarding CPO Staff Member Performance

Should a complainant to the Office of Colorado's Child Protection Ombudsman (CPO) be dissatisfied with the performance of a CPO staff member during the course of their involvement with the CPO, the complainant may file a grievance with the Ombudsman. In order to do so, the complainant must submit their detailed concerns in writing to the Ombudsman.

Grievances should be addressed to the Ombudsman and can be mailed to:

Office of Colorado's Child Protection Ombudsman
Attn: Complaint Regarding CPO Staff Member Performance
1300 Broadway, Suite 430
Denver, Colorado 80203

Once received, the Ombudsman will thoroughly review the grievance and take the following steps to ensure resolution:

1. Review the written grievance and speak with the complainant should more information be necessary.
2. Meet with staff associated with the grievance.
3. Review the work completed by CPO staff.
4. Provide written feedback to the complainant regarding the findings of the grievance review and any plan necessary to resolve the complainant's concerns.

THE COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC COMPLAINT PROCESS

ARTICLE I: AUTHORITY

Section 19-3.3-102(3)(a)(IV), C.R.S., requires the Colorado Child Protection Ombudsman Board (the “Board”) to develop a public complaint process related to the Child Protection Ombudsman (the “Ombudsman”).

ARTICLE II: GENERAL GUIDELINES

Before filing a complaint, the following general guidelines should be considered:

1. The public complaint process addressed in this policy is only intended to address performance-related issues with the Ombudsman. Specifically, this policy addresses whether the Ombudsman acted ethically or complied with agency procedures.
2. The public complaint process addressed in this policy is not intended to appeal the outcome or result of a case submitted to the Office of the Child Protection Ombudsman (the “Office”).

ARTICLE III: PROCEDURES

Section 3.1 Procedure for Filing a Complaint.

Any person who has a complaint against the Ombudsman related to his or her performance, and who cannot resolve the issue through discussion directly with the Ombudsman, may file a complaint with the Board. The following procedures must be followed for submission of a public complaint:

1. The complaint must be in writing, and must include the name, address and telephone number of the person submitting the complaint.
2. The complaint shall set forth, as precisely as reasonably possible, the nature of the complaint and the efforts, if any, to resolve the complaint.

3. The complaint must be submitted with the following designated attention to the below address:

Office of the Colorado Child Protection Ombudsman
ATTN: PUBLIC COMPLAINT CONCERNING OMBUDSMAN
Ralph L. Carr Judicial Building
1300 Broadway, Suite 430
Denver, Colorado 80203

4. Once received, the Office of the Child Protection Ombudsman Staff ("Office") shall immediately forward the public complaint unopened to the Board Chair.

Section 3.2 Procedure for Resolution of Public Complaint.

Once a complaint is filed against the Ombudsman and received by the Board Chair, the following procedures address resolution of the matter:

1. The Chair or his or her designee will review the public complaint and determine, in his or her discretion, whether additional information is necessary from the individual. The Board Chair or designee shall send to the individual within thirty days an acknowledgment that the complaint was received.
2. The Chair or his or her designee shall notify the Ombudsman within the same thirty days that a complaint needs to be addressed at the next regularly scheduled meeting so the topic may be placed on the Board's agenda.
3. The public complaint will be distributed to the Board members in advance of the next regularly scheduled meeting for their review.
4. At the meeting, the Board shall discuss the complaint in public, unless the contents of the complaint addresses personnel issues related to the Ombudsman or the Chair, in his or her discretion, determines that the issue may cause potential embarrassment to the individual complainant.
5. If the complaint must be discussed in Executive Session, the Board Chair will call for a motion to enter into Executive Session.

6. In order to resolve the complaint, the Board may need to discuss the complaint with the Ombudsman or obtain additional information.
7. Following the Board's discussion concerning the grievance, whether in public or in Executive Session, the Board shall in public session and by majority vote determine what, if any action, should be taken in response to the complaint. The Board, as delegated to the Chair, shall provide a written response to the complainant notifying the complainant and the Ombudsman of the Board's determination.
8. The complaint shall be resolved as expeditiously as resources allow.

ARTICLE IV: AMENDMENTS

Section 4.1 Procedures.

This Public Complaint Process may be amended or repealed, in whole or in part, by a majority vote at any publicly noticed meeting of the Board and shall be effective upon adoption or amendment.

Section 4.2 Distribution.

The Chair, as may be delegated to the Ombudsman, shall provide a copy of the latest version of this Public Complaint Process to all new Board members upon their appointment, and to any other person who requests a copy. The latest version of the Public Complaint Process shall be made available to the public via the Office website.

Section 4.3 History.

Adopted and effective by the Board on July 13, 2017.

CHILD PROTECTION OMBUDSMAN BOARD:


KENNETH PLOTZ
Board Chair


SIMONE JONES
Board Vice-Chair