

Office of Colorado's
**CHILD PROTECTION
OMBUDSMAN**



2011-2012 Annual Report
September 1, 2012

Office of Colorado's
**CHILD PROTECTION
OMBUDSMAN**

I am pleased to present the 2011-2012 Annual Report detailing the Office of Colorado's Child Protection Ombudsman's ("Ombudsman Office") first 13 months of operation (June 1, 2011, to June 30, 2012).

I am proud of all that the Ombudsman Office accomplished in our first year. We established the office and developed a work plan, detailed policies and procedures, and a data tracking infrastructure. These tasks were completed after researching and speaking to ombudsmen in 28 other states. The office is also fully staffed and has a 20-person, interdisciplinary Advisory Council. Further, we have a comprehensive public education and outreach plan. To date, the Ombudsman Office staff has spoken with or presented at more than 70 events throughout Colorado, in addition to meeting or visiting with 10 county departments of human services and 19 county directors from across the state.

The Ombudsman Office also began accepting contacts from referring parties immediately after opening. We accepted 156 contacts from individuals, reviewed 95 cases, and opened 5 investigations. Based on these contacts and the outreach work done by the Ombudsman Office staff, we have identified 12 issues that we plan on researching and pursuing in our second year.

All of these first-year accomplishments were the result of hard work and effort from a number of different people. I would like to thank the following individuals for their contributions to our successes so far:

National Association of Counsel for Children
Relish Studio
Ground Floor Media
Kendra Dunn, Prevent Child Abuse Colorado
Maureen Farrell Stevenson
Stacey Read and Sabrina Byrnes, Associate Ombudsmen
Jessica Pearson and Rasa Kaunelis, Center for Policy Research
Ashley Emerson, Intern and Research Assistant, and Kathleen VanVoorhis, Research Assistant
Darcie Bolton Weiser, DBR Consulting
Celeste Quinones, Quinones Consulting

We would like to extend special thanks to:

- Senator Linda Newell, for her leadership on Senate Bill 10-171, and all of the Colorado legislators who unanimously supported the bill;
- Our partners from the State Department of Human Services, including Director Reggie Bicha; Dee Martinez, Deputy Executive Director of Enterprise Partnerships; Julie Krow, Director, Office of Children, Youth and Families; Mary McGhee, Division Director, Boards & Commissions; and Margery Bornstein, Manager, Child Abuse Records and Appeals, Boards & Commissions Division;
- Members of the Child Welfare Action Committee whose vision and groundwork has been instrumental in our development;
- Our Advisory Council, for your willingness to volunteer your time and expertise to our office;
- Our county partners, for your willingness to work with us so that we may better serve children and families; and
- Families and stakeholders who contacted our office. We are grateful and honored to have your trust.

As we begin the second year of the Colorado Children's Ombudsman program, we look forward to building on our lessons and successes to move forward in making a valuable contribution to the overall child protection community. I look forward to and appreciate the honor of serving the State of Colorado and our children. On behalf of the entire Ombudsman Office staff, thank you for your support and interest in our office.

Respectfully Submitted,



Becky Miller Updike
Ombudsman

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Executive Summary

This is the first report of the Office of Colorado's Child Protection Ombudsman, as we celebrate the successful completion of our inaugural year.

The Office of Colorado's Child Protection Ombudsman ("Ombudsman Office") officially opened June 1, 2011, and is managed and hosted by the National Association of Counsel for Children (NACC). The Ombudsman Office was established through the passage of Senate Bill 10-171 in 2010, which passed both the Colorado State House and Senate by a unanimous vote.

The Ombudsman Office was created to be an independent, trusted intermediary between the public and child protective services in Colorado. Its purpose is to help identify and provide feedback regarding concerns within the child protection system, and to look into individual complaints to ensure no children in the child welfare or youth corrections systems fall through the cracks.

Becky Miller Updike was chosen to serve as the Colorado Child Protection Ombudsman. The office also has two Associate Ombudsmen, Stacey Read and Sabrina Byrnes. During the first year, the office contracted with Celeste Quinones to conduct community outreach; Ground Floor Media for public relations assistance; and the Center for Policy Research for assistance with program design, survey design and administration, the development of a Management Information System, data analysis, and the preparation of reports.

I. Year 1 Accomplishments

Established Operations. Since June 2011, the Ombudsman Office established a work plan; website; job descriptions; database; staff of three full-time employees; policies and procedures; bilingual marketing materials; media outreach; a 20-person, interdisciplinary Advisory Council; reporting and case research protocols; and data tracking infrastructure. The Ombudsman Office interviewed and researched ombudsman programs in 28 other states to guide the development of the office.

Public Education and Outreach. Ombudsman staff have outreached to more than 3,500 people. Staff members have spoken with or presented to more than 70 groups or events throughout Colorado, in addition to meeting or visiting with 10 county departments of human services and 19 county directors from across the state. The office also has a strong online presence. Its website (protectcoloradochildren.org) has received 1,842 total visits from September 20, 2011, to June 30, 2012; the Facebook page received 227 "Likes"; and the Twitter feed has 77 "followers." The Ombudsman Office also launched an effort to outreach in ethnically and geographically diverse communities statewide.

Responding to Public Concerns. In the first year of operations, the Ombudsman Office received 156 contacts. Twenty-one of these contacts address systemic issues, while the remaining 135 deal with reviews of specific cases. The Ombudsman Office was the first place that 65 percent of the referring parties turned to for help in the case-specific contacts. Most referring parties in case-specific contacts were biological parents (54%) or other relatives (29%). Most learned about the office through the media. Half (51%) of the case-specific contacts were resolved with an affirmation that the agency and/or caseworker followed the correct protocol, rules, or laws. Most of the remainder were resolved with a resource referral or closed at the request of the contacting parties or the Ombudsman Office, typically for lack of information. Five case-specific reviews were elevated to the level of Investigation. On average, case-specific contacts were resolved in an estimated 42 business days with time frames for case resolution shrinking in every calendar quarter. During the fourth quarter of Year 1, non-systemic cases were resolved in an average of 16 business days. The Ombudsman Office was in compliance with the Work Group's time frames for case resolution (30 business days) during Quarters 3 and 4.

Reporting to the Colorado Department of Human Services. Since opening, Ombudsman staff have met monthly (except November 2011) with executive and management level staff of the Colorado Department of Human Services. The office continues to provide monthly reporting about the development of the office and other emerging issues.

II. Other Year 1 Initiatives

Identified 12 Issues to Research in Year 2. The qualitative and quantitative data collected during the first year reveal recurrent issues regarding systems navigation; concerns or fear of retribution; allegations of child abuse and lack of representation in civil divorce cases; Child Fatality Review Team; intake inconsistencies; risk and safety assessments; adoption subsidies; mandatory reporting of child abuse; substance abuse and implications for parenting; child protection teams; grievance processes; and training. The office actively seeks opportunities to monitor and examine these issues with counties and the Colorado Department of Human Services (CDHS).

Special Projects. The Ombudsman Office is reviewing the child welfare complaint processes already in place across Colorado, using literature reviews, law and policy reviews, online surveys, and telephone interviews. The Ombudsman Office also surveyed Colorado county DHS directors about mandatory reporting laws and needed outreach and education. Inspired by survey results, the Ombudsman Office co-sponsored a webinar training for clergy about mandatory reporting laws.

Feedback from Multiple Stakeholders. The Ombudsman Office aggressively sought and obtained feedback from several key constituencies including county representatives, County DHS directors, and referring parties. The office retained the Center for Policy Research to conduct telephone interviews with the referring parties. The Ombudsman Office received very high marks for courtesy and professionalism from all audiences. County respondents and referring parties identified timely follow-up as an area for improvement. Most county directors expressed that it is too soon to rate the office's performance.

III. Year 2 Goals

Year 2 goals reflect an unwavering commitment to ensure that no children fall through the cracks. They also reflect the ombudsman's commitment to improve effectiveness and to address recurring concerns. Year 2 goals include:

- Conducting roundtable discussions with county representatives;
- Creating a standard complaint template that counties may chose to incorporate in their current complaint processes; and
- Exploring systemic issues identified in Year 1 and any new issues identified in Year 2.

The Ombudsman Office will continue to:

- Improve timeliness through established protocols;
- Conduct outreach to counties, child-serving professionals, policy makers, with a focus on reaching families and youth; and
- Maximize utilization of the comprehensive Management Information System for case tracking.

The first year was filled with predictable challenges and informative discoveries. In a short time, the Ombudsman Office became an important resource for those seeking information and expressing concerns, while also providing an opportunity for an independent and comprehensive perspective. Beginning Year 2 with full operational capacity, the Ombudsman Office is well positioned to better serve the public in the best interest of children and families.

Overview of the Ombudsman Office: Year 1

The Office of Colorado's Child Protection Ombudsman ("Ombudsman Office") was created to be an **independent, trusted intermediary between the public and child protection** (also called child welfare) in Colorado. The ombudsman's purpose is to help identify and provide feedback regarding concerns and to look into individual complaints to ensure no children fall through the cracks.



The Ombudsman Office investigates complaints, tracks themes and trends, and makes system improvement recommendations to the Colorado Department of Human Services, the governor, and the state legislature through an annual report.

The critical issues surrounding child welfare, such as child safety and well-being, evoke strong emotions among families, communities, and professional stakeholders. The ombudsman works closely with county and state child welfare stakeholders, foster care, adoption, children's advocates, juvenile justice, policy makers, faith communities, and others to further the collective mission of ensuring that every child has the opportunity to grow and develop safely and with the promise of a healthy future.

Legislative History and Authority

The Ombudsman Office opened in June 2011, and is managed and hosted by the National Association of Counsel for Children (NACC), the Colorado-based non-profit selected as the vendor for the contract with the Colorado Department of Human Services. The Ombudsman Office was established through the passage of Senate Bill 10-171 in 2010. (See Appendix A.) The bill passed by a unanimous vote of both the Colorado House and Senate. The bill was brought to the governor and legislature by the Child Welfare Action Committee as a top priority among 29 recommendations offered to improve the child protection system.

Pursuant to C.R.S. Sections 19-3.3-101 through 109, the Ombudsman has the power and duty to facilitate a process of independent, impartial review of family and community concerns; to request independent, accurate information; and conduct case reviews to help resolve child protection and overall systemic issues. Anyone may file a confidential complaint or concern with the Ombudsman. The office must report annually to the governor, legislature, and executive director of Colorado Department of Human Services regarding systemic issues, data trends, and recommendations for improvements. The Ombudsman Office also serves as a resource and "systems navigator" to stakeholders and the general public by assisting with individual cases while also providing ongoing public education and resources to promote the best interest of children and families.

"The Office of the Child Protection Ombudsman has the power and duty to facilitate a process of independent, impartial review of family and community concerns; request independent, accurate information and to conduct case reviews to help resolve child protection issues and overall systemic issues.

The ombudsman shall also be a key advisor concerning issues relating to child safety and protection in Colorado by virtue of his or her responsibility and authority to make advisory recommendations to the state department, county departments, county commissioners, the governor, and the general assembly based upon the ombudsman's experience and expertise."

-Senate Bill 10-171 Establishing the Ombudsman Program

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The Colorado Department of Human Services (CDHS) is required to manage and monitor the Ombudsman Office contract and associated performance and program responsibilities, and to administer the contract independent of the divisions of the department that are responsible for child welfare, youth corrections, or child care. CDHS is responsible for developing policies and procedures and, as necessary, to facilitate the operation of the Ombudsman Office and training to the Ombudsman Office staff to ensure compliance with Colorado and federal laws and regulations. CDHS is also responsible for providing for the availability of legal counsel to the extent specified in the budget and for the purposes specified by law.

Goals, Accomplishments, and Challenges

This is the first child protection ombudsman in Colorado. The first year contract included the expectation and understanding that the Ombudsman Office would be required to conduct the necessary research and utilize national expertise to create the infrastructure, operating procedures, and daily operations for the office. To that end, the office partnered with Center for Policy Research (CPR) of Denver, Colorado, to conduct interviews with and research on 28 child protection ombudsman programs in other states across the U.S. to gather information about operations, infrastructure, and data collection and analysis. Information from other state ombudsman programs, and the United States Ombudsman Association, the American Bar Association supplemented the recommendations set forth by the Child Welfare Action Committee for the creation of Colorado's Office.

Goals

Goals for the first year of operation included:

- Creating office infrastructure and operations;
- Creating policies and procedures (see Appendix B) and hiring staff;
- Establishing website, marketing plan, and bilingual outreach materials;
- Addressing concerns from the public;
- Selecting a 20-person advisory council;
- Building and utilizing a database and data tracking systems;
- Participating in the policy arena, as needed;
- Conducting outreach, giving presentations to and holding "listening sessions" with stakeholder groups statewide, including county Departments of Human Services, Department of Youth Corrections, and community stakeholders including foster care providers, adoptive parents, foster youth, guardians *ad litem*, CASA, law enforcement, residential and community-based treatment providers, advocates, policy makers, elected officials, and others;
- Participating in the Child Fatality Review Team;
- Engaging with media, as needed;
- Participating in and receiving ongoing training from the United States Ombudsman Association and other resources; and
- Compiling the first annual report and planning for and negotiating Year 2 contract and operations.

Accomplishments

All of the above-listed goals were achieved in the first year of operations. A detailed list of accomplishments is included in Appendix C. Highlights include:

- **Respond to Public Concerns:** Between June 1, 2011, and June 30, 2012, the Ombudsman Office received 156 contacts. Twenty-one of these contacts address systemic issues, while the remaining 135 deal with reviews of specific cases. Five reviews were elevated to the level of investigation.

- **Education and Outreach:** The Ombudsman Office staff have spoken with or presented to more than 70 groups or events throughout Colorado, in addition to meeting or visiting with 10 county departments of human services and 19 county directors from across the state. The office also established a strong online presence, using a website, Facebook, and Twitter.
- **Establishing Operations:** Since June 2011, the Ombudsman Office established a work plan; website; job descriptions; database; staff of three full-time employees; policies and procedures; bilingual marketing materials; media outreach; a 20-person, interdisciplinary Advisory Council; reporting and case research protocols; and data tracking infrastructure. The ombudsman has also completed ombudsman training through the United States Ombudsman Association (USOA). The ombudsman serves as co-chair of the Children & Families Committee of the USOA.
- **Reporting:** Since June 2011, the Ombudsman Office staff has met with executive and management level staff of the CDHS every month except for November 2011. The Ombudsman Office has and continues to provide monthly reporting about the development of the office and other emerging issues.

Challenges

1. **A commitment to respond to the public prior to the full development of full infrastructure.** The Ombudsman Office faced several challenges throughout the first year. The Ombudsman Office began accepting calls and complaints from the public immediately upon opening despite not having an infrastructure in place. This created unintended backlogs and delays in the office's ability to conduct timely reviews and research regarding cases. This also caused delays in meeting other self-imposed deadlines throughout the year, including a three-month delay in establishing the advisory council. While some start-up challenges are to be expected, ombudsman staff members have worked diligently to prevent future delays in services.
2. **Authority to investigate.** The State and ombudsman interpreted the statute differently regarding the ombudsman's authority to investigate child fatalities. This issue arose in February 2012, when the Ombudsman Office received its first complaint questioning county actions in a case that resulted in a child fatality. Upon review of the complaint, the Ombudsman Office determined the need to investigate the case. Because the ombudsman is legislated to participate on the State Child Fatality Review Team, there was some question about whether the office could launch an independent investigation outside the purview of the Child Fatality Review Team. In May 2012, it was determined that the Ombudsman Office has the authority to investigate such cases. As of the publication of this report, the Ombudsman Office is seeking legal counsel and working with the State to explore any potential legislative changes that may be necessary to address the ombudsman's most effective and appropriate role and involvement with the Child Fatality Review Team.
3. **Independence of the Ombudsman Office.** During the course of the first year, some of the aforementioned challenges caused a group of legislators to explore whether the Ombudsman Office could indeed function independently, as intended by the enabling legislation. The question arose with regard to the opening of investigations in early 2012, and whether the office would have the ability to conduct a truly independent investigation into County and or State practice, given that CDHS holds and oversees the contract for the Ombudsman Office. Research into the governing structure of other states' ombudsman programs revealed a variety of governance and oversight arrangements, with only a few being governed by the entity they are tasked with investigating. However, since the time this concern was raised and

considered, the Ombudsman Office and the State have reached agreement regarding the importance of autonomy and independence of the office. CDHS has expressed support of the Ombudsman Office and publically supports the concept of independence for the Ombudsman Office as essential to its effectiveness and success in contributing to systemic improvement.

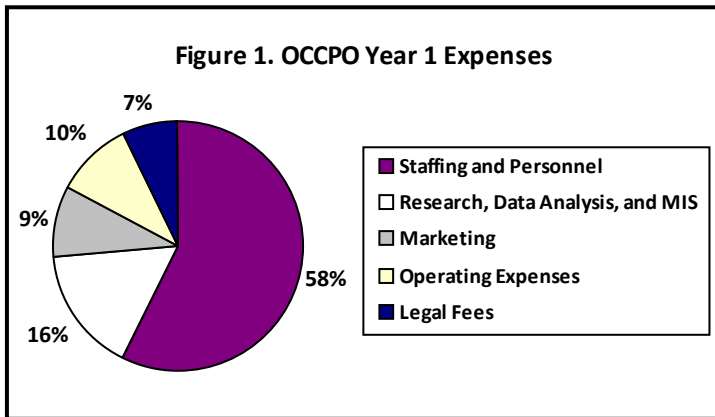
Budget

The Ombudsman Office is funded by state general fund dollars as determined by the enabling legislation in 2010. The allocation is based on the State's fiscal year, which begins July 1 of every year. Therefore, FY 10-11 would have funded any operations launched between July 1, 2010, and June 30, 2011. The contract for the Ombudsman Program was not awarded until the tenth month of the first fiscal year, thus the Ombudsman Office did not use the full allocation of FY 10-11. The general fund allocation is explained in Table 1.

Table 1. Estimated Contract Costs Under SB 10-171 (all numbers are rounded)*		
	FY 10-11	FY 11-12
Contract Services	\$143,000	\$343,000
Operating Expenses/Legal Services	32,000	27,000
Total	\$175,000	\$370,000

*Table from the fiscal note for SB 10-171.

The total Ombudsman Office budget from July 1, 2011, through June 30, 2012, was \$369,903. Figure 1 details the office's expenses in Year 1. As anticipated in the fiscal note, the majority of the allocation is spent on staffing capacity, as the primary function of the Ombudsman Office is to provide intake, interviewing, research, and investigatory functions. Indeed, 58 percent of the Ombudsman Office's Year 1 expenses went toward staffing and personnel expenses. Sixteen percent of the Ombudsman Office's expenses went toward research services, data analysis, and the development of a Management Information System (MIS) to track all contacts to the office. This cost will decrease in Year 2 since many of the research and MIS needs for the Ombudsman Office are one-time expenses. The Ombudsman Office spent 10 percent of its budget on operating costs (e.g., rent, office supplies, insurance, etc.) and 9 percent on marketing (e.g., website development, outreach to counties, creation of marketing materials, etc.). The remaining 7 percent of the office's budget (or \$27,000) was reserved for legal expenses as required in the fiscal note.



Given the steady increase in calls and complaints that the Ombudsman Office has seen in its first year, it is anticipated that an increase in funding will be necessary to maintain an effective staffing capacity. For this reason, the Ombudsman Office may seek grants and donations in FY 12-13, consistent with legislative intent.

Advisory Council

In accordance with the recommendations of the Child Welfare Action Committee, the Ombudsman Office created an advisory council during Year 1. The process for establishing the advisory council included determining the various sectors from which council members should come in order to represent the variety of stakeholders in the child welfare system. The Ombudsman Office's community outreach consultant and staff worked to prioritize geographic and demographic diversity among council members. Applications were made available to all members

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of the public in January 2012, via the office's website and emailed through a wide variety of stakeholder networks statewide, including Colorado Department of Human Services, County Human Services Director's Association, Colorado Foster Parent Association, Colorado Adoptive Parents Association, the Ombudsman Office's Facebook page, and various other advocacy groups. Applications were vetted by a three-member selection team comprised of the ombudsman, the community outreach consultant, and the executive director of the National Association of Counsel for Children. The advisory council members were announced in March 2012, and the first quarterly advisory council meeting was held later the same month.

The Child Protection Ombudsman Advisory Council serves as an advisory body to the Ombudsman Office, ensuring the Ombudsman Office's compliance with the applicable laws and notifying the ombudsman of any public policy concerns that may arise regarding child welfare. The council operates with the goal of improving the child protection system and the services provided to children in general. The council also assists the Ombudsman Office with community outreach, and all council members should use their unique experiences and connections to advance those outreach efforts. The advisory council is comprised of individuals who are passionate about ensuring that the Colorado child welfare system operates in the best interest of Colorado's children and who are committed to the improvement of the system. The Ombudsman Office advisory council members, as well as their affiliation, are listed in Table 2.

**Table 2. Office of Colorado's Child Protection Ombudsman
Advisory Council Members 2012-2013**

First name	Last name	Representing	City	Stakeholder Category
Sister Michael Delores	Allegri	President, Colorado Foster Parent Association/ Mt. St. Vincent Home/ Current foster parent	Denver	Foster Care and Provider
Latisha	Alvarado	Former foster youth/ Current college student	Lakewood	Former Foster Youth
Terraine	Bailey	GAL, Bailey Law Firm/ Board of Directors of Office of the Child's Representative	Denver	Guardian <i>Ad Litem</i>
Jim	Barclay	CEO, Lutheran Family Services of CO	Denver & Colorado Springs	Child Placement Agencies (CPA)/ Foster Care
Deb	Brillo	Foster Parent	Greeley	Foster Parent
Judge Diane	Briscoe	Judge	Denver	Judicial
Deborah	Cave	President, Colorado Coalition of Adoptive Families/ Adoptive parent	Louisville	Adoption
Christine	C de Baca	School Psychologist, Adams County School District 50	Denver	Education
John	Ciccaella	President, Ciccaella Family Law, P.C. and Board of Directors of National Association of Counsel for Children	Colorado Springs	Family Law
Brian	Cotter	Denver Police Department and Foster Parent	Denver	Law Enforcement
Eliza	Hicks	Rites of Passage/ Ridge View	Denver	Division of Youth Corrections/ Provider
Kim	Johnson	Social Worker, Indian Family Resource Center	Denver	Indian Child Welfare
Martha	Johnson	Deputy Director of La Plata County Department of Human Services	Durango	County Department of Human Services
Julie	Krow	Colorado Department of Human Services	Denver	State Department of Human Services
Lori	Moriarty	Board of Directors and Co-Founder, National & Colorado Alliance for Drug Endangered Children/ Former law enforcement/ Current foster adopt parent	Arvada	Substance Abuse and Law Enforcement
Janet	Rowland	Mesa County Commissioner / Former County Department of Human Services	Grand Junction	County Commissioner

**Table 2. Office of Colorado's Child Protection Ombudsman
 Advisory Council Members 2012-2013**

First name	Last name	Representing	City	Stakeholder Category
Dr. Jim	Ryan	Council Executive, Colorado Council of Churches / Clergy	Denver/ Statewide	Faith Community
Shari	Shink	Founder and President Emeritus, Rocky Mountain Children's Law Center	Denver	Legal Advocate
Dr. Kathi	Wells	Physician, Denver Health and Denver Department of Human Services	Denver	Medical Professional
Tom	Westfall	Parent Educator/Trainer / Former County Department of Human Services Director	Sterling	Consultant

Staff Member Biographies

In its original proposal to the state RFP for the ombudsman contract, the National Association of Counsel for Children (NACC) applied in partnership with Center for Policy Research for research and expertise in creating the office, data collection, and analysis, and included Becky Miller Updike to serve as the ombudsman. CDHS selected NACC's proposal as it was submitted, thus naming Ms. Miller Updike ombudsman upon award of the contract. The ombudsman is a full-time employee of NACC. NACC provides contract management and program expertise through 10 to 20 percent of its executive staff time each month. Two associate ombudsmen were hired on a part-time basis in October 2011. One associate ombudsman left for personal reasons in November 2011, and the position was re-posted and interviews conducted in December. In January 2012, a new associate ombudsman was hired on a full-time basis, and the other associate ombudsman increased from part- to full-time.

Becky Miller Updike, Ombudsman, has been a voice for vulnerable children and families in the political and public policy arena for 17 years. Becky worked as a legislative aide in the U.S. Congress and as finance director for the Indiana House Democratic Caucus. She has provided government relations consultation and public policy research services for the Indiana Health Care Association and several foster care and child welfare treatment agencies in Colorado. Becky served as co-founder of Center for Systems Integration (CSI) in Denver, served as executive director for Colorado Judicial Institute, and also directed the Colorado office of the national Every Child Matters campaign. Her recent government relations and political advocacy consulting clients included Colorado Council of Churches, Tennyson Center for Children, and Qualistar Colorado. Becky's notable research projects and publications include co-authoring recommendations for the mentally ill in the Criminal Justice System Task Force of the Colorado Legislature, co-author of the Children's Action Agenda, and sole researcher and author of two studies for Colorado Judicial Institute regarding the court experience of foster youth and parents involved in dependency and neglect proceedings. She has frequently testified on state legislative matters and has presented and provided keynote addresses at several state and national conferences and events focusing on advocacy for children and families.

Becky completed training through and is a voting member of the US Ombudsman Association, and co-chairs its Children and Families Committee. Becky earned a bachelor's degree in Early Childhood Education from Indiana University, a master's degree in Child and Family Studies from the Morgridge College of Education at the University of Denver, and is currently a Ph.D. candidate (all but dissertation, currently in progress) in Child and Family Leadership in the same program at the University of Denver, focusing on child welfare advocacy and child and family policy. She currently serves on the Board of Directors for Colorado Alliance for Drug Endangered Children and the Denver Foundation's Human Services Grants Selection Committee. Becky was recognized as a finalist in 2010 and again in 2012 by the Denver Business Journal as an Outstanding Woman in Business in the Education, Government and Non-Profit category.

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Stacee Read, Associate Ombudsman, holds a bachelor's degree in psychology from the University of Iowa and a master's in social work from the University of Illinois where she graduated with honors. Stacee has over seven years of experience in the child welfare field, both at the state and county levels. She most recently came from the Division of Child Welfare, where she was the child protection safety specialist. While there, she oversaw institutional abuse/neglect assessments, facilitated the Institutional Abuse Review Team (IART), and provided training and technical assistance to counties. She also has extensive knowledge and experience in the areas of mental health, children and youth residential treatment facilities, child welfare training, and drug endangered children. Stacee is currently and has been a part of the Colorado Alliance for Drug Endangered Children, the Substance Exposed Newborn Steering Committee, the Rural Law Enforcement Methamphetamines Initiative, the Legal Substances Workgroup, the CDHS Fatality Review Team, and the CDHS Prone Restraint Workgroup. Stacee has a passion for and interest in collaboration between systems, substance use in families, and necessary changes in child welfare to facilitate safety and well-being.

Sabrina Byrnes, Associate Ombudsman, has been involved in public and private child welfare since 1994. Sabrina held positions as ongoing child welfare case manager, adoptions case manager, and intake case manager at Jefferson County Division of Children, Youth and Families over an eight-year period. She also served as a child protection intake supervisor, supervising a split team of day and night child protection intake staff. In 2009, Sabrina was the recipient of the Excellence in Practice Award through CDHS for her work on the development and implementation of the Family Integrated Treatment Court in Jefferson County. Most recently, Sabrina worked for the Butler Institute for Families as a child welfare trainer, where she assisted with the creation and implementation of the state Child Welfare New Caseworker Training Academy, as well as advanced supervisor trainings. She also traveled the state training foster parents on issues around helping traumatized children heal in placement. Sabrina currently serves on the planning committee for the West Coast Child Welfare Trainer's Conference. She is a certified CORE DEC (Drug Endangered Children) Trainer and will be working in conjunction with the local and national DEC offices on the delivering of CORE DEC and discipline specific materials. Her expertise are in the areas of safety and risk assessment, domestic violence, forensic interviewing of latency age children, and substance abuse.



From left to right: ombudsman Becky Miller Updike; Senator Linda Newell, SB 10-171 lead sponsor; associate ombudsman Sabrina Byrnes; and associate ombudsman Stacee Read at the Colorado Child Welfare Conference in May 2012.

Maureen Farrell-Stevenson, Advisor to Ombudsman Office and Executive Director of NACC,¹ joined NACC in 2009. She is a co-founder of the Colorado Center on Law and Policy, where she was executive director from 1998 to 2009. Her legal career has been dedicated to advocating for impoverished children and families as a litigator and policy advocate. Before moving to policy advocacy, Maureen litigated public benefits and welfare reform issues for the Legal Aid Society of Metropolitan Denver (*i.e.*, Colorado Legal Services). Her areas of practice included representing children and families in domestic relations proceedings involving domestic violence, child sexual abuse, public benefits, and child support enforcement. Early in her career, Maureen represented children

¹ As of mid-June 2012, Maureen Farrell-Stevenson is no longer employed with NACC or serving as an advisor to the Ombudsman Office.

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and parents in dependency and neglect proceedings. Maureen graduated from Antioch School of Law in Washington, D.C., in 1983, and she has a bachelor's of science (honors) in criminal justice from Rutgers University.

Celeste M. Quinones (formerly C de Baca), Community Outreach Consultant,² recently completed a term as a gubernatorial appointee to the Colorado Board of Parole. Prior to appointment to the board, Celeste was a contract administrative hearing officer for the parole board. Celeste also served in the private sector as a human resources manager for Coors Distributing Company and in private legal practice with the firm of C de Baca & C de Baca. After six years of private practice, she was appointed to the Denver County Court, a position she held for 10 years. Celeste received her undergraduate degree *cum laude* from Regis University in political science, with a minor in Spanish, and her juris doctorate from the University of Denver Law School. Throughout her professional career, Celeste maintained a significant commitment to community service, serving in a variety of capacities to non-profit, community, and fraternal organizations. She has been given numerous awards and commendations acknowledging this commitment.

The Center for Policy Research (CPR) partnered with the Ombudsman Office to assist with program design, survey design and administration, the development of a Management Information System, data analysis, and the preparation of reports on the activities and accomplishments of the Ombudsman Office. CPR, a Colorado non-profit research organization established in 1981, has a strong track record in child welfare and child protection and has conducted an extensive array of Colorado and national research projects funded by the National Institute of Justice, the Children's Bureau, the State Justice Institute, and foundations. CPR has conducted research and evaluations on topics including, but not limited to, dependency mediation programs, maternal substance abusers, and juvenile court case management. Researchers at CPR regularly present at national conferences targeted to the judiciary, court administrators, mediators, child support personnel, and child protection professionals, and have published articles in a variety of journals in the field of child welfare. The key CPR researchers involved with the Ombudsman Office are Jessica Pearson, Ph.D. (Princeton University) and Rasa Kaunelis, M.P.A. (University of Colorado).

² Celeste Quinones was retained by the Ombudsman Office on a contract basis during Year 1 and is not currently consulting with the Ombudsman Office.

Outreach Efforts

The legislation that created the Office of Colorado's Child Protection Ombudsman mandated that the office educate the public about child maltreatment and the role of the community in strengthening families and keeping children safe. The Ombudsman Office created a four-part Outreach Plan for Year 1, which successfully reached more than 3,500 people.

The Ombudsman will educate the public about child maltreatment and the role of the community in strengthening families and keeping children safe.

—Senate Bill 10-171

The four-part Outreach Plan included:

- 1) Ombudsman Office Internal Outreach Efforts;
- 2) Ombudsman Office Inclusivity and Community Outreach;
- 3) Partnership with Prevent Child Abuse Colorado; and
- 4) Media Communication and Engagement.

The Ombudsman Office crafted its Outreach Plan to include internal efforts and projects of staff members, and also incorporated subcontracting partners to maximize intentional and targeted avenues of outreach. This chapter contains highlights of the office's Year 1 outreach efforts. A more comprehensive list of outreach venues is in Appendix D.

Internal Outreach Efforts

The Ombudsman Office Internal Outreach Efforts included trainings, presentations, participation in community collaborations, and partnerships for special projects. Highlights of these efforts include:

- Presentation to the Colorado Human Services Directors Association, Aurora;
- Presentation as keynote speaker, Colorado Foster Parent Association Annual Conference, Breckenridge;
- Presentation as a featured speaker, Colorado Alliance for Drug Endangered Children Statewide Conference, Colorado Springs;
- Presentation to the Children's Legislative Caucus, Colorado State Capitol;
- Training/free webinar for clergy on mandatory reporting of child abuse, in partnership with the Colorado Council of Churches and the Rocky Mountain Children's Law Center, Denver and online;
- Featured speaker at the Our Kids Your Kids rally for Prevent Child Abuse Month, Colorado State Capitol (see photo);
- Member, participant, and presenter in Collaboration 2012 and Beyond;
- Featured speaker, Our Kids Your Kids Foster Care Forum, Denver;
- Presentation, University of Colorado School of Medicine, Aurora;
- Presentation, San Luis Valley Peace Officers Association, Alamosa;
- Presentation, University of Denver Graduate School of Social Work, Denver; and



Becky Miller Updike speaking to a crowd of more than 275 people at the Our Kids Your Kids Prevent Child Abuse Month Rally, Colorado State Capitol, April 2012.

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- Visits, individual meetings and presentations in the following County Departments of Human Services: Denver, Adams, Boulder, Jefferson, Arapahoe, Larimer, Alamosa, Mesa, San Miguel.

In Year 1, the Ombudsman Office presented to more than 70 groups or individuals about the office and the ombudsman was featured as the keynote speaker at 9 of those events.

Inclusivity and Community Outreach

The Ombudsman Office subcontracted with bilingual consultant and former judge Celeste Quinones to strategize and lead outreach in ethnically and geographically diverse communities statewide. Through individual visits, collaborations, and presentations, the Ombudsman Office Inclusivity and Community Outreach Effort increased awareness of the office and concept of an ombudsman, while also disseminating general information and public education about child protection and well-being. The Inclusivity and Community Outreach effort also helped to broaden the application and selection process used to generate members of the Ombudsman Office Advisory Council in Winter 2012.

Highlights of this effort include presentations and speaking engagements for:

- Cesar Chavez Luncheon, Pueblo;
- Denver Public Schools;
- Aurora Mental health;
- Weld County Latino Luncheon;
- Metro Organizations for People;
- Indian Family Resource Center;
- Servicios de la Raza; and
- Greeley Rotary Club.

Partnership with Prevent Child Abuse Colorado

The Ombudsman Office also subcontracted with the Colorado chapter of Prevent Child Abuse (PCA) America to expand outreach and networking throughout the prevention and treatment networks statewide. PCA Colorado's board of directors consists of several advocacy and treatment providers from all over Colorado, each offering a different and important network of contacts through which to distribute Ombudsman Office materials and information.

Highlights of the Ombudsman Office/Prevent Child Abuse Colorado Joint Outreach:

- Ombudsman featured speaker in Prevent Child Abuse America Denver and Grand Junction townhalls;
- Ombudsman and PCA director guest speakers for Rural Solutions meeting (11 county collaboration in northeast Colorado);
- Ombudsman Office materials distributed at PCA events and meetings statewide; and
- Mentions of the Ombudsman Office on PCA's email newsletter, which went out to 872 recipients; on PCA's Facebook page (PCA has 1,112 followers); and in its mail newsletter, which goes out to 750 recipients.

Online Presence

During Year 1, the Ombudsman Office set up an online presence. In partnership with Relish Studios, the office developed a website at protectcoloradochildren.org. The site launched on September 20, 2011. The Ombudsman Office continually updated the website when necessary throughout the first year of operations. The website includes:

- Links to file a complaint, send the office suggestions, or report ombudsman successes on every page on the website.
- A homepage giving an overview of the Ombudsman Office and providing Twitter, blog, and news updates about the office. It also provides links to connect to the Ombudsman Office on Twitter, Facebook, and its RSS feed.
- The “About Us” tab gives more details about the Ombudsman Office, including the office’s history, duties, powers and authorities, what the office cannot do, and who may complain to the Ombudsman Office. The “About Us” tab has several subpages, including a contact information page, links to an overview of the Ombudsman Office Advisory Council, a brief history of the office, the Ombudsman Office policies and procedures, and an overview of the Ombudsman Office staff members.
- A “Filing Complaints” tab providing information on ways to file a complaint with the Ombudsman Office and an explanation of the call process in narrative and flowchart form.
- A “Resources” tab that describes the Ombudsman Office’s resource referral and information services. This tab has definitions, helpful links, frequently asked questions, and a link to the enabling statute.
- A “Reports” tab with links to news reports. The Ombudsman Office will publish additional types of reports on this page (e.g., annual reports and investigation findings) as they are drafted.
- Finally, the Ombudsman Office has a “Blog” tab that provides news and updates about the office (e.g., establishment of the advisory council, findings from surveys, etc.).

Since launching, the Ombudsman Office’s website has received 1,842 visits.



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The Ombudsman Office also established profiles on the social networking sites Facebook (OmbudsmanCO) and Twitter (@OmbudsmanCO). The Facebook page has 227 “likes,” while the Twitter feed has 77 “followers.” Both the Facebook page and Twitter feed provide up-to-date information on the office and other child welfare news. For example, the Ombudsman Office posted information about a juvenile justice webinar, the Colorado Alliance for Drug Endangered Children, and the ombudsman’s meetings with several county partners.

Media Communications and Engagement

The Ombudsman Office had a variety of interactions with the media during the course of Year 1. With the assistance of Ground Floor Media, the ombudsman had introductory or general information interviews in Fall 2011 with the Denver Post, Huffington Post, The Villager, Pueblo Chieftain, Westword, and Univision. Other non-initiated media interviews have occurred with Channel 7, Fox 31, and the Colorado Springs Gazette.

Outreach to Colorado Counties

The Ombudsman Office also reached out to the child welfare agencies in Colorado counties. In Year 1, Ombudsman Office staff members met with 10 county departments of human services and 19 county directors from across the state, including Alamosa, Boulder, Denver, Jefferson, and San Miguel counties.

Overview of Contacts to the Ombudsman Office: Inquiries, Reviews, and Investigations

The Office of Colorado's Child Protection Ombudsman ("Ombudsman Office") maintains information on each individual who contacts the office. When someone contacts the office, a staff member enters an extensive array of information into a computerized database. All contacts are sorted as needing "non-systemic" help versus having a "systemic" issue.

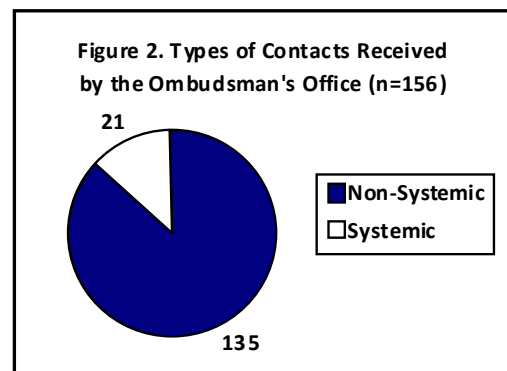
If someone needs help that is **non-systemic**, the individual typically is calling about actions taken on a specific child welfare or youth corrections case or for general information. Non-systemic contacts can sometimes lead to the identification of a systemic issue, but they enter the ombudsman's database first as a non-systemic contact.

Systemic contacts are those that involve an issue or issues concerning how the child welfare or youth corrections systems work in Colorado. Systemic contacts tend to involve the entire state, although they can sometimes be county specific. These contacts often deal with a law or policy in child welfare or youth corrections.

From June 1, 2011 (when the Ombudsman Office began accepting contacts from the public) to June 30, 2012 (the end of the office's first fiscal year), the office received 156 total contacts. All of the contacts from these first 13 months of operations dealt with the child welfare system, not with youth corrections. Of these:

- 135 contacts (86%) were non-systemic; and
- 21 contacts (14%) involved systemic issues.

This chapter provides details on the non-systemic contacts to the Ombudsman Office in the 13 months since it began accepting contacts from the public. The systemic issues found in the remaining 21 cases are discussed in the next section ("Issues Tracked by the Ombudsman's Office in Year 1"). As previously noted, all of the non-systemic contacts received to date deal with child welfare cases and none focus on the Department of Youth Corrections.



Contact: Any contact to the Ombudsman Office, including inquiries and complaints. In this report, if an individual contacts the ombudsman multiple times about the same issue, all of those are treated as a single contact.

Referring Party: The individual who contacts the Ombudsman Office for either an inquiry or a complaint.

This chapter includes data on:

- The race or ethnicity of the child on the case;
- The familial circumstances of the child on the case;
- Contacts received and resolved by month;
- The nature of the contacts to the Ombudsman Office;
- Timeliness of case resolution;
- The office's response to contacts; and
- The disposition or results of the contacts.

It also includes information on how those contacting the Ombudsman Office:

- Heard about the office;
- Are related to the child welfare case they are looking for help with; and
- Tried contacting other complaint or help mechanisms before calling the ombudsman.

More detailed information about these data is in Appendix E.³

Information about Referring Parties

When an individual contacts the ombudsman for an inquiry or complaint, Ombudsman Office staff members collect some basic information about the referring individual. Table 3 shows what is known about these individuals.⁴

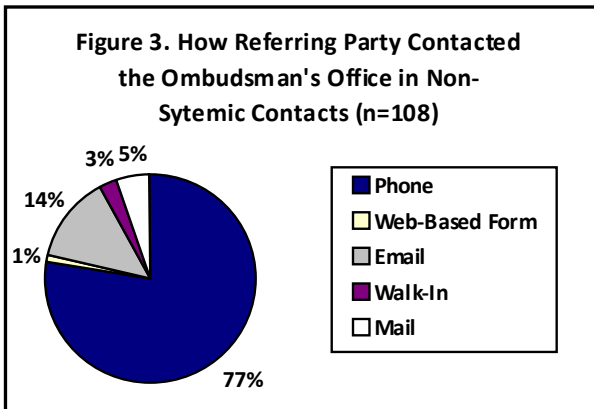
Most of the parties contacting the Ombudsman Office are related to a child in the child welfare system. Just over half of the parties are the biological parent, and 29 percent are another relative. Only a few are DHS employees or another community professional.⁵

When asked how they heard about the office, the most frequently cited source was the media (19%). Other frequently cited referral sources were a friend or family member or a legislator, with about 15 percent of contacting parties hearing about the office through one of these sources. Fewer than 10 percent of respondents heard about the Ombudsman Office from a county or state DHS office, an attorney, another child welfare agency (e.g., supervised visitation center, domestic violence shelter), an online search, or their previous contact with the ombudsman.

Table 3. Details about the Referring Parties in Non-Systemic Cases

Relationship of Referring Party to the Family or Child on the Case:	
Biological Parent	54%
Child's Grandparent	1%
Foster/Adoptive Parent	3%
Other Relative	28%
Friend/Neighbor	2%
DHS Employee	2%
Community Professional	2%
Legal Guardian	1%
Legislator	1%
Other	7%
Number	(106)
How the Referring Party Heard about the Ombudsman Office:	
Friend or Family Member	13%
Legislator	17%
Media	19%
Attorney	7%
State DHS	4%
County DHS	4%
Other child welfare agency	7%
Online	7%
Previous Contact to Office	7%
Medical professional	4%
School	2%
Conference	2%
Other	7%
Number	(53)

Figure 3. How Referring Party Contacted the Ombudsman's Office in Non-Systemic Contacts (n=108)



The Ombudsman Office accepts contacts from individuals through a variety of methods. Referring parties can call the office using a local number or a 1-800 number, complete and submit a complaint form on the ombudsman website, email an office staff member (the email addresses are available on the website), download a complaint form and fax it to the office, use regular mail, or set an appointment and meet with an ombudsman office staff member in

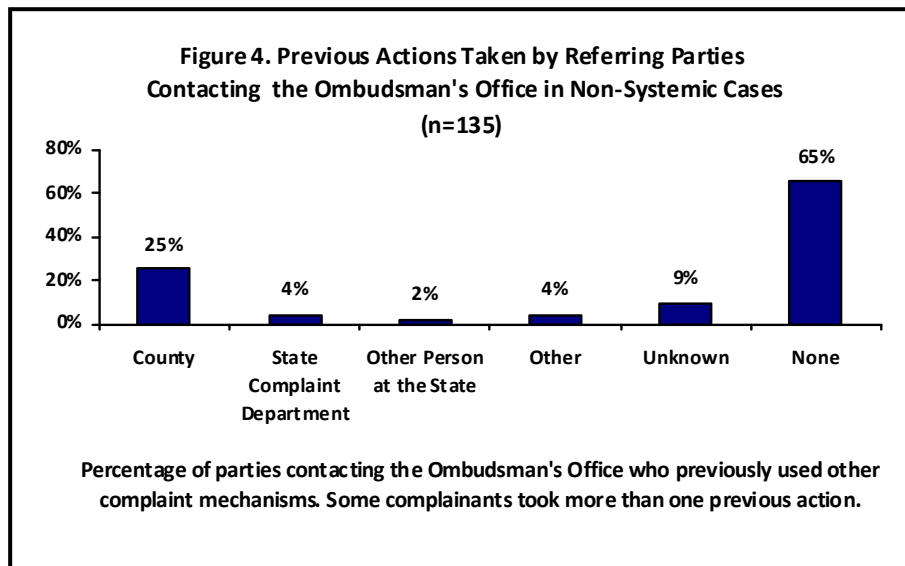
³ The items covered in this chapter are required by the Child Protection Ombudsman Program Work Group.

⁴ The number of respondents varies among the tables and figures because some referring parties did not provide responses to all items.

⁵ The numbers in the tables and figures presented in this report may not add up to 100 percent due to rounding.

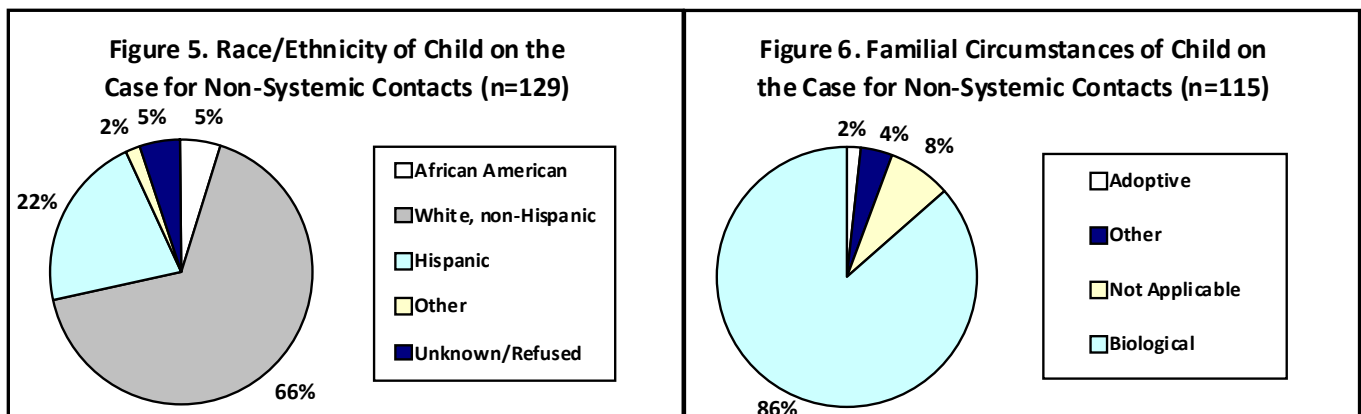
person. Most of the referring parties (77%) called the Ombudsman Office with their complaint or inquiry. Fourteen percent emailed the office, 5 percent used regular mail, 2 percent spoke to the Ombudsman Office in person, and 1 percent used the online form. No referring parties faxed an inquiry or complaint.

For more than two-thirds of the referring parties, the Ombudsman Office was the first place that they went for help with their complaint or inquiry. The Ombudsman Office regularly suggests that callers contact counties or agencies to file their complaints, if appropriate. Figure 4 displays other previous actions taken by referring parties prior to contacting the Ombudsman Office.



Information about the Child on the Case

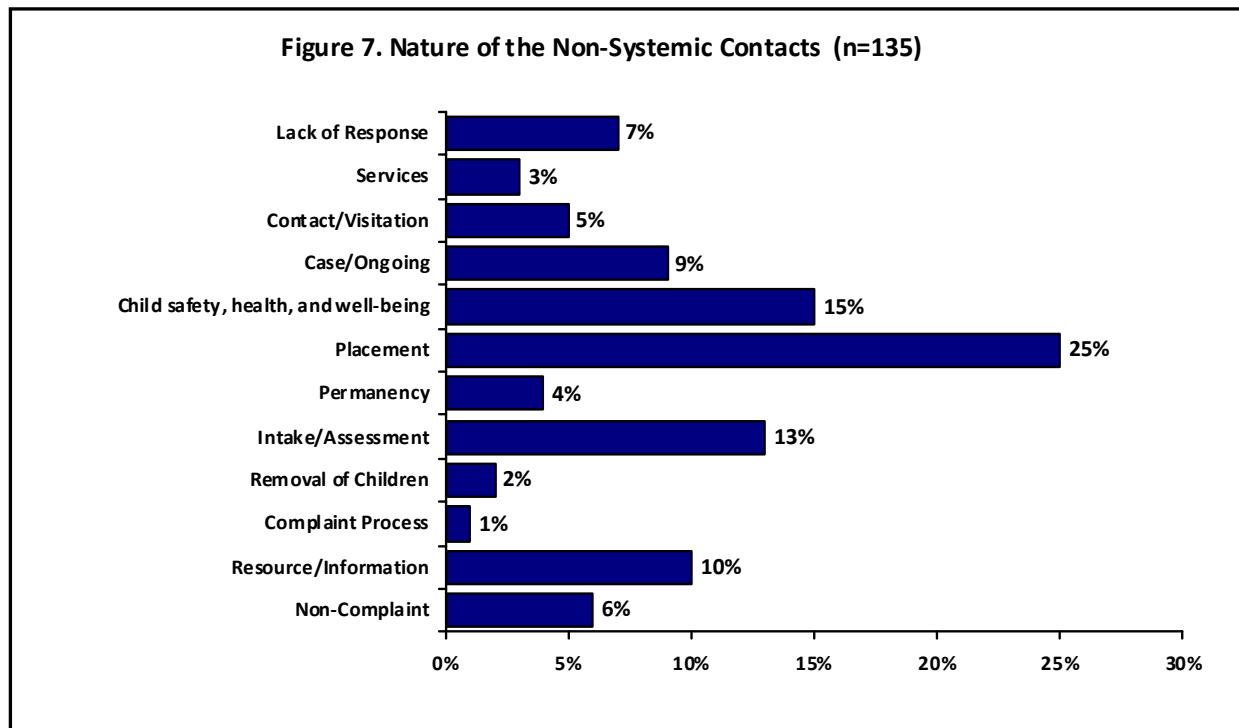
The Ombudsman Office also collects limited information on the child about whom the referring party is calling. Two-thirds of the cases (66%) involved a white, non-Hispanic child; 22 percent involved a Hispanic child; and 5 percent involved an African-American child. Almost 90 percent of the contacts made to the Ombudsman Office included cases where the child was living with one or both biological parents or other relative. Only 2 percent of the children were living with an adoptive family when the contact came in about their case, and no children were living with a foster family. See Figures 5 and 6 for more details.



Nature of Contacts

Ombudsman Office staff members ask parties who contact the office to describe their concerns. If the referring party has several, then the staff member asks the party to identify his or her top three issues. This helps the Ombudsman Office focus its actions on the referring party's priorities. After staff members speak to the referring parties and/or conduct a review, the Ombudsman Office narrows down the referring parties' concerns and classifies it. This is referred to as the **Nature of the Contact**.

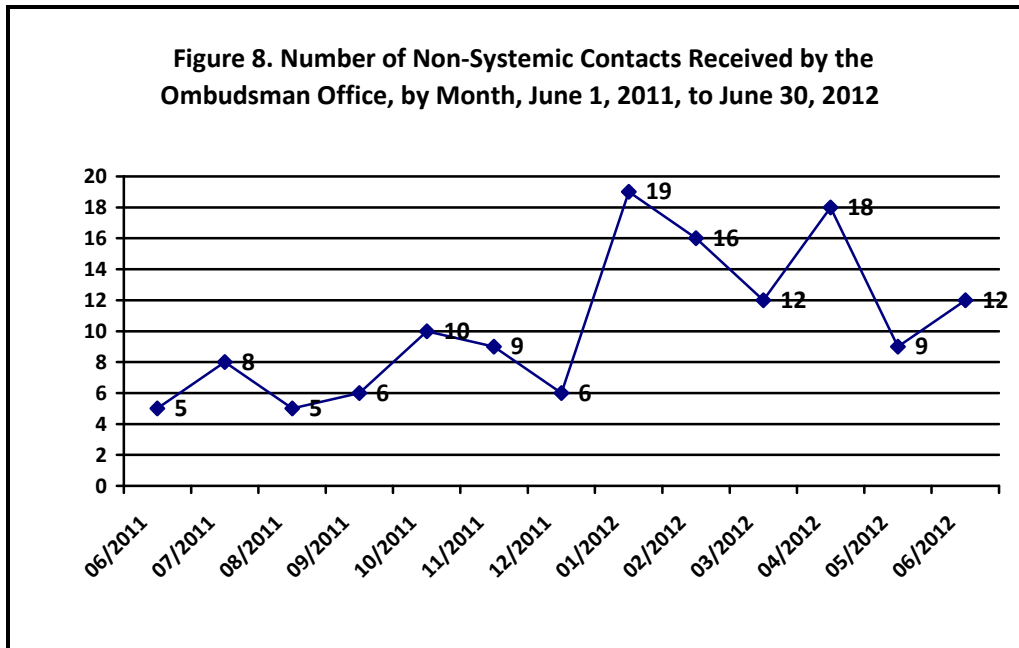
As shown in Figure 7, one-quarter of the non-systemic contacts dealt with placement issues (e.g., Interstate Compact on the Placement of Children, kinship placement, non-kinship placement, etc.). Between 10 and 15 percent of the contacts were about child health, safety, and well-being; intake and assessment; and referring parties needing resources or information. Fewer than 10 percent of the contacts were in regard to case and ongoing case work (e.g., a concern with the management, decisions, services, being offered to a party during their child welfare case); a lack of response from an agency; a non-complaint; contact or visitation; permanency; services; or the complaint process.



Contacts to the Ombudsman Office by Month

The next figure shows the number of individuals who contacted the Ombudsman Office by month. As shown in Figure 8, contacts to the office were modest during the initial months of operation. From June to December 2011, there were 10 or fewer contacts per month. The number of contacts to the office jumped to 19 in January 2012. This increase may have been due to publicity surrounding a high profile child fatality that month. Some of the media coverage of that story referenced the Ombudsman Office. The call volume stayed high in February, perhaps due to the continued effect of the January event and also because the Ombudsman Office received even more media coverage in February. It is also likely that, after more than six months of operations, the early outreach efforts that the Ombudsman Office put into place when the office was created began to yield results and

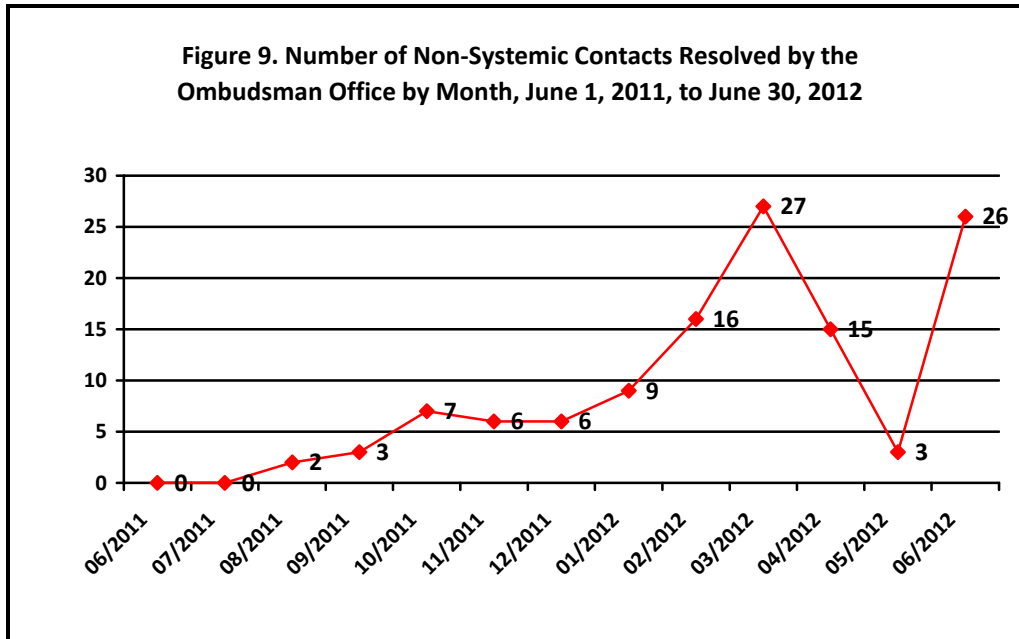
professionals in the child welfare system came to view the Ombudsman Office as a regular resource to which they could refer their clients. Contacts remained high in 2012 (over 10 per month), with the exception of May, when the number of monthly contacts fell to nine.



Contacts Resolved by Month

In the first 13 months of operation, the Ombudsman Office resolved 120 of the 135 case-specific contacts it received. This is a resolution rate of 89 percent. The cases that are open and have not been resolved will be worked in Year 2.

Figure 9 shows the number of contacts that the Ombudsman Office resolved by month. The number of cases resolved was low (under three) for the first four months of the Ombudsman Office operations. This is consistent with the low number of contacts that the office received in those months. Further, the Ombudsman Office was not operating at its full staffing level during these initial months. The number of resolved cases slowly increased in subsequent months. The Ombudsman Office resolved between seven and nine cases per month from October 2011 to January 2012. By January 2012, the Ombudsman Office had two full-time investigators on staff. In February 2012, the number of cases resolved increased to 16, then jumped to 27 in March, and fell back down to 15 in April. In May 2012, the Ombudsman Office only resolved three cases. In June 2012, the Ombudsman Office resolved 26 cases.



Time Frames of Ombudsman Office Contact Resolution

The Child Protection Ombudsman Program Work Group set specific timeliness standards for the Ombudsman Office. It stated that “The Office will finalize reviews/investigations within 30 working days for routine referrals; seven (7) working days for urgent and emergency referrals.”

For the first 13 months, the average amount of time that the Ombudsman Office spent resolving a contact was an estimated 42 business days.⁶ Over time, the Ombudsman Office began resolving contacts much more quickly. In the first quarter of operations (which also includes June 2011), the average number of estimated business days from the date the case opened to the date the case was resolved was 113. This average fell to 37 business days in the second quarter. It decreased to 25 business days in the third quarter, and decreased even more to 16 business days in the final quarter. The differences between the average number of business days for Quarter 1 and the average number of business days for Quarters 2, 3, and 4 are statistically significant. (These data only include the 120 resolved cases.) Thus, the speed with which contacts were resolved was significantly faster after the first quarter, and continued to improve throughout the first fiscal year. (See Appendix E for more details.)

Routine Referral: Contacts that pose no immediate risk to any child of a child protection concern. Those contacts may involve but are not limited to quality of care; issues concerning the working relationship with various entities involved in the child protection matter; issues involving placement of children in out of home care.

Urgent Referral: Situations that do not pose an imminent risk of harm but allege areas of immediate concern.

Emergency Referral: Complaints that allege immediate risk of harm to a child due to abuse; medical emergency or other type of emergency shall be handled and reported in an emergent fashion.

⁶ The estimated number of business days was calculated by subtracting the estimated number of weekend days from the Total Number of Days. For example, cases that took a total of 1 day to resolve remained the same, cases that took a total of 7 days to resolve were converted to 5 business days, cases that took a total of 14 days to resolve were converted to 10 business days, etc. Using this methodology results in an estimate that will be higher than the actual number of business days.

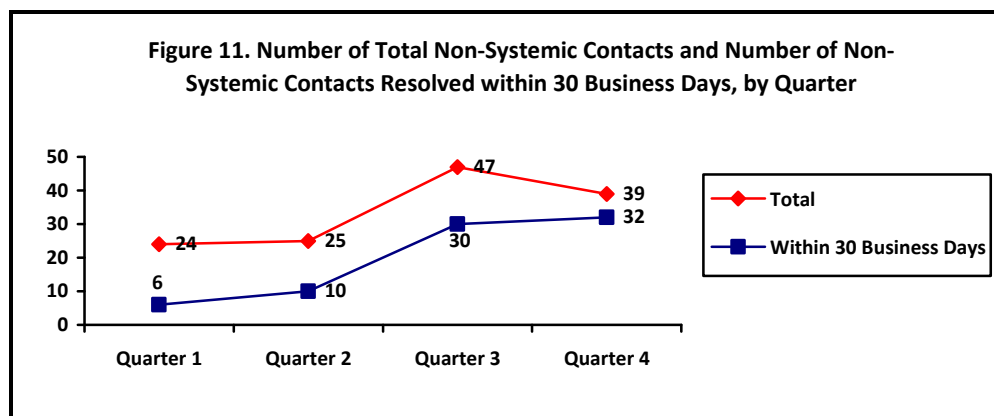
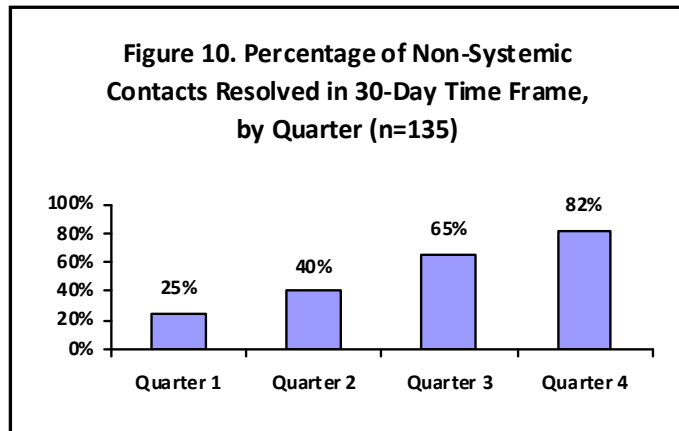
Because all of the contacts that came into the Ombudsman Office during the first 13 months were routine referrals, the Ombudsman Office's contact resolution average complied with the Work Group time frames in Quarters 3 and 4. It is important to mention that, during the Quarters 1 and 2, when the office was out of compliance, the Ombudsman Office was not fully operational and did not have full levels of staffing.

Of the 15 open contacts:

- None came in during the first quarter of operations;
- Two came into the office during the second quarter. As of June 30, 2012, these contacts had been open for an average of 164 business days;
- Five came in during the third quarter. As of June 30, 2012, these five contacts had been open for an average of 119 business days; and
- Eight were received during the fourth quarter. As of the end of the first year, these contacts had been open for an average of 17 business days.

Of the 135 non-systemic contacts that came into the Ombudsman Office during the first 13 months of operation, 58 percent or 78 contacts were resolved within an estimated 30 business days. Figures 10 and 11 give more details by quarter. As shown in the two figures:

- In Quarter 1, 25 percent or six contacts were resolved within the 30 business day requirement;
- Ten (or 40%) of the contacts that came into the Ombudsman Office during the second quarter of operations were resolved within the 30-business day standard;
- Timeliness improved during the third quarter. The Ombudsman Office resolved about two-thirds or 30 of the contacts within 30 business days; and
- The Ombudsman Office is within the 30-business day range for 82 percent, or 32, of the contacts that came into the office during the fourth quarter. (6 of these cases were still open as of the writing of this report.)



Classification of Contacts

The Ombudsman Office classifies the non-systemic contacts as either a “complaint” or a “non-complaint:”

A **non-complaint** does not allege a concern, problem or issue with a specific case or individual or the child welfare system; rather, non-complaints may involve requests for materials, assistance or other information that is relevant for tracking but is not considered a complaint.

Complaints are defined as an alleged concern, problem or issue that the Ombudsman Office records and documents in writing. Complaints may be specific to an individual person or may involve general issues affecting multiple participants in the child protection system. Complaints may be filed on a written form, verbally or through electronic media.

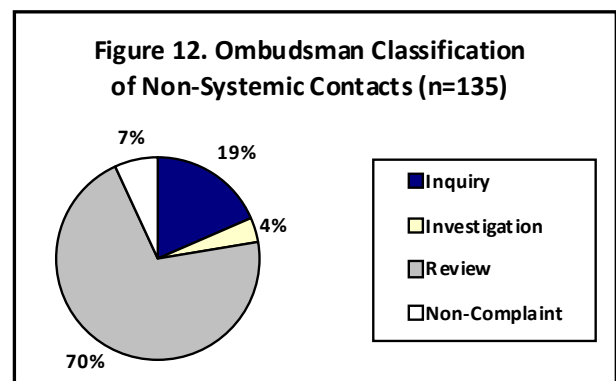
Based on the ombudsman’s response, a complaint can be classified in one of three ways: Inquiry, Review, or Investigation:

- **Inquiry.** An inquiry contact involves questions or requests for information or a referral. Inquiries are not related to Ombudsman Office business or administrative operations and are not related to a specific, open complaint.
- **Review.** The review refers to the research stage of looking into an issue raised by a complainant. Typically, the Ombudsman Office will do an initial search of TRAILS and Colorado Court Database and gather any other information necessary to determine whether the complaint warrants an investigation by the ombudsman. Every complaint that falls under the Ombudsman Office’s jurisdiction will proceed as an ombudsman review.
- **Investigation.** After the initial review, ombudsman staff members determine whether the complaint necessitates an investigation. A Child Protection Ombudsman “investigation” is a comprehensive independent inquiry into relevant facts, records, and statements of witnesses, considering the best interests of the child. Investigations include a review of records and actions or inactions, and may also include assessing additional facts, additional testimony, to include the re-interview of previous witnesses or reporting parties. An investigation will always result in a written report of findings to the state DHS director. An abbreviated and redacted version of the report is also released to the public.

In the first 13 months of operation, most (93%) of the non-systemic contacts made to the Ombudsman Office were complaints, while the remaining 7 percent were non-complaints. As shown in the chart, the most frequent response to the non-systemic contacts was a review (70%). After conducting the reviews, only 4 percent of the non-systemic contacts, or 5 contacts, resulted in a full-scale investigation. Nineteen percent of the non-systemic contacts were classified as an inquiry.

Of the 120 resolved contacts, 20 percent (or 24) were inquiries, 73 percent (or 87) were reviews, and 8 percent (or 9 contacts) were non-complaints. All of the investigations (5) undertaken by the Ombudsman Office in the first 13 months were still open as of June 30, 2012.

In three of the 135 non-systemic contacts (2%), the Ombudsman Office consulted with outside parties while conducting a review. These consultations included contacting the guardian *ad litem* on the child welfare case,

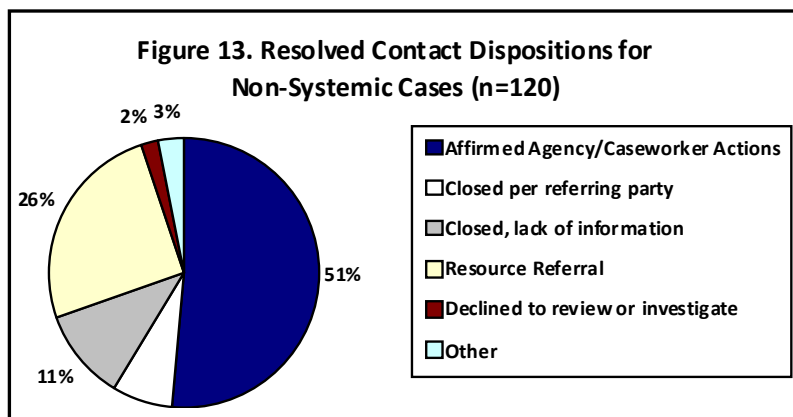


Urban Peak (a local non-profit that provides services to homeless and runaway youth), and the Department of Human Services in another state.

Contact Outcomes

There are several ways that the Ombudsman Office can resolve a case. For complaints, these resolutions can include:

- **Affirming Agency or Caseworker Actions.** In these reviews or investigations, the Ombudsman Office finds that the agency or caseworker handling the child welfare or youth corrections case followed the correct protocol, rules, or law.
- **Agency of Caseworker Non-Compliance with Policy or Law.** This means that either the agency handling the child welfare or youth corrections case or the caseworker did not follow the correct protocol, rules, or law.
- **Closed per referring party.** If a referring party contacts the Ombudsman Office about a case and later asks the contact to be closed, the Ombudsman Office will classify the case in this way.
- **Closed due to a lack of information.** In these cases, the Ombudsman Office does not have enough information to research a contact. This may be because the referring party is not very familiar with a case or because the referring party is not available to answer follow-up questions from the Ombudsman Office staff members.
- **Systems problem identified.** A systems problem may be identified by the Ombudsman Office staff members while investigating or reviewing a non-systemic contact. In these cases, the Ombudsman Office has the authority to open a systemic investigation.
- **Declined to review or investigate.** The Ombudsman Office may decline any request for review or investigation based on their determination of the validity of the request or situation.
- **Not Applicable.** These contacts may include an individual looking to volunteer or a party looking for the Ombudsman Office to conduct an interview.



Of the 120 resolved contacts, just over half were resolved with the Ombudsman Office affirming the child welfare agency and/or caseworker actions. About one-quarter of the contacts were resolved with a resource referral, 11 percent were closed due to a lack of information, and 7 percent were closed at the request of the referring party. The Ombudsman Office declined to review or investigate just 2 percent (or 2) of these contacts. This was due to lack of cooperation from

the referring party in one case and in the second case, the re-initiation of an identical complaint by a referring party within two months after the Ombudsman Office had conducted a review and affirmed the agency or caseworker.

During the first 13 months of operations, none of the Ombudsman Office's 120 resolved non-systemic contacts found agency or caseworker non-compliance with law or policy and no non-systemic contacts led to the identification of a systemic problem.

Open Investigations

The Ombudsman Office opened five investigations in the first 13 months of operation. Two of these investigations are in Logan County, one is in Adams County, one is in Montezuma County, and the last is in Park County. These investigations deal with intake and/or assessment; placement; child health, safety, and well-being; and a lack of response.

A situation warrants an Ombudsman Office investigation when the ombudsman staff members determine that:

- An agency's acts or omission appear to potentially represent conduct that is recurring and/or may seriously harm children and/or their parents/caregivers; or
- An issue or problem in the service delivery system appears to be systemic or chronic and adversely affects children and/or their parents/caregivers.

In an investigation, the Ombudsman Office collects information from a variety of professionals, including law enforcement, coroners, and doctors. It can often take several contact attempts to reach these professionals and schedule a time to talk. In a similar fashion, requests for reports or other documentation (*e.g.*, police reports, court report, medical reports, coroner's report) can also be a lengthy process. Further, the Ombudsman Office may have to restrict the completion of an investigation and the release of its findings due to court orders.

Conclusions

The following are key findings of a statistical analysis of information recorded by ombudsman office staff on all contacts to the office during June 1, 2011, to June 30, 2012:

- The Ombudsman Office received 156 contacts, 135 non-systemic contacts and 21 systemic contacts, all of which dealt with the child welfare system rather than youth corrections.
- The Ombudsman Office was the first place that 65 percent of complaining parties turned for help, with smaller fractions reporting that they had used a county (25%) and/or state (2%) complaint process.
- During the 13-month study period, contacts averaged 12 per month, with referral activity increasing after January 2012.
- Most contacting parties were biological parents (54%) or other relatives (29%).
- Most contacting parties learned about the Ombudsman Office through the media, followed by friends and family, with few referred by child welfare agencies or service providers.
- Nearly all contacts (86%) involved case-specific matters rather than systemic issues (14%).
- Most cases (70%) were classified by ombudsman staff as needing a review. Only 4 percent were slated for investigation.
- Overall, 58 percent of cases referred during Year 1 were resolved within 30 business days, with the rate of resolution within this time frame steadily rising from 25 percent during the first quarter to 82 percent in Quarter 4.
- During Quarters 3 and 4, the Ombudsman Office met the timeliness standards set by the Child Protection Ombudsman Work Group for reviews.
- Half (51%) of all cases were resolved with an affirmation of agency and/or caseworker policy. Most of the remainder were resolved with a resource referral or closed at the request of the parties or the Ombudsman Office, typically for lack of information.



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- None of the Ombudsman Office's resolved contacts found agency or caseworker non-compliance with law or policy, and no non-systemic contacts led to the identification of a systemic problem.
- The Ombudsman Office initiated investigations in five cases during Year 1.
- The lengthy nature of the investigation process reflects the time required to contact and interview various professionals and/or obtain reports and documents from them as well as court orders that restrict the completion of the ombudsman investigation and/or the release of its reports.

Issues Tracked by the Ombudsman Office in Year 1

The Ombudsman Office has been operational for one year. Therefore, the data pool collected is not yet large enough to identify and discuss significant trends or issues. The Ombudsman Office and State began operations with the shared understanding that it would likely take two or more years of data collection before trends or themes would emerge with some measure of reliability. Even so, the qualitative and quantitative data collected during the first year contains some areas of potential themes or issues. In Year 2, Ombudsman Office staff will work to systematically track any qualitative or quantitative data dealing with these issues.

The following list of issues has been extracted from the first year's observations and data collection during case research and review, or from direct input from large stakeholder groups. This list identifies areas of concern staff will continue to monitor and track for trends and themes. These issue areas are currently being discussed by the Ombudsman Office and the Colorado Department of Human Services to determine level of concern, actions needed or actions already being taken to achieve systemic improvement, and effectiveness in child protection.



Issue Areas:

- Risk and Safety Assessment;
- Intake Inconsistencies or Issues;
- Mandatory Reporting of Child Abuse;
- Substance Abuse and Implications for Parenting;
- Systems Navigation Issues;
- Concerns/Fear of Retribution;
- Training Issues;
- Adoption Subsidies;
- Child Fatality Review Team;
- Child Protection Teams;
- Grievance Processes; and
- Allegations of Child Abuse and/or Lack of Representation in Divorce (Civil) Cases.

Below is a summary of the issue areas that emerged in Year 1 and the corresponding action steps the Ombudsman Office plans to take in Year 2:

- 1. Risk and Safety Assessment:** Risk and Safety Assessment tools are used to provide caseworkers with a basis from which to make decisions about and manage cases involving child abuse, neglect, and risk. The Ombudsman Office notes that in approximately 85 percent of its reviews involving a completed assessment on the family, there were errors in the utilization of both the safety and risk assessment tools within the actual assessment as well as during the process of open child welfare cases. These errors have included misuse of the tool, lack of documentation, or failing to complete the tools altogether. The Ombudsman Office is working with CDHS to identify county agencies and staff that may be in need of further training on the utilization of the Safety and Risk Assessment tools. In recent meetings with CDHS, the Ombudsman Office was advised that county DHS staff members are being trained on the current Safety Assessment tool and that a new Safety Assessment tool will be implemented in the near future.

Action Step: Risk and safety assessment tools and the correct utilization of these tools are pertinent to determining child safety within their families. Therefore, the Ombudsman Office will continue to look at

the utilization of these tools as relevant during inquiries, reviews, and investigations. Further, the Ombudsman Office will closely monitor the implementation and utilization of the new Safety Assessment tool.

- 2. Intake Inconsistencies or Issues:** The Ombudsman Office continues to monitor and track concerns and complaints that involve or are indirectly associated with the way the intake of a case occurred at the county level. Each of Colorado's 64 counties is responsible for receiving calls and reports and allegations of child abuse from the public, and manages such calls through its own intake process. In reviewing complaints, the Ombudsman Office found that on several occasions, mandated reporters filed reports of concern to local county departments; however, those complaints were not entered into the TRAILS database. On numerous occasions, these reports were added as notes to prior reports rather than entered as a new report of concern regarding abuse or neglect. Issues that arise around this process include mandated reporters not being able to follow up or gain access to information per Colorado Children's Code (C.R.S. § 19-1-307). Further, this practice hinders the ability to accurately track trends of concern within a particular family that would otherwise be noted if each specific call was documented exclusively in a new referral.

Action Step: The Ombudsman Office will continue to explore this issue with CDHS and counties. Further, the ombudsman will begin to formally track this issue in Year 2.

- 3. Mandatory Reporting of Child Abuse:** The Ombudsman Office has received concerns about mandatory reporting of child abuse from county DHS staff, physicians, clergy, legislators, advocates, and concerned citizens. Concerns range from interest in clarifying or changing Colorado's existing mandatory reporting laws to the need for increased education about existing mandatory reporting laws. The Ombudsman Office has received reports from frustrated physicians, educators, and community social workers who report child abuse but never know if the report was acted upon, and sometimes assume their report was not investigated and thus wasted.

The Ombudsman Office conducted a survey of county DHS Directors in late 2011, which is further described in the next section of this report ("Special Projects Pursued by the Ombudsman Office in Year 1"). The survey results supported a need for education targeting mandatory reporters outside county and state Human Services structures, including medical, education and child care, law enforcement, and others. The Ombudsman Office partnered with Colorado Council of Churches and Rocky Mountain Children's Law Center to co-sponsor and lead a free webinar for clergy, explaining Colorado's mandatory reporting laws and when and how clergy are mandated to report child abuse. The Ombudsman Office recognizes that CDHS also offers some training and outreach to community members regarding mandatory reporting.

Action Step: In Year 2, the Ombudsman Office will continue to seek opportunities to supplement existing outreach and education statewide to all mandatory reporters. Further clarification of processes and follow up are needed for professionals who are frustrated with or losing confidence in Colorado's mandatory reporting process.

- 4. Substance Abuse and Implications for Parenting:** Of the inquiries received and complaints reviewed over the past year, the Ombudsman Office recognizes what seems to be a strong relationship between substance abuse/misuse by caregivers and child welfare involvement. According to the National Center on Substance Abuse and Child Welfare, "Estimates range from 40% to 80% of families involved with child welfare having substance abuse problems, although no established methods are available to measure this nationally" (NCSACW, undated). During review of complaints that have involved substance use issues, as well as discussions with numerous county DHS staff (including directors), there appears to be a need for

more current and comprehensive trainings surrounding implications of substance abuse as it relates to parenting practices. During multiple reviews and investigations, it has been noted that county DHS staff seems to have struggled in assessing safety and risk surrounding this particular area. On occasion, county DHS staff has stated to the Ombudsman Office that they are uncertain how particular substances impact parenting and have been unable to articulate how substance use can impact children that are exposed, both directly and indirectly, by parents.

Action Step: The Ombudsman Office supports increasing the availability of training by subject matter experts in the areas of substance use and how to assess for child safety and risk around this issue, as it is imperative to the safety and well-being of children across Colorado. Further training around this issue will assist in the accurate utilization of the assessment tools, as will further case planning and interventions necessary to assist in reunification efforts, as well as keeping families intact while addressing risk concerns associated with substance use. The Ombudsman Office will also work to more closely monitor substance abuse issues and prevalence, and will seek to obtain more detailed data regarding specific substances involved in cases.



- 5. Systems Navigation Issues:** About 70 percent of the contacts/complaints received by the Ombudsman Office have some element of misunderstanding about “the system” (*i.e.*, child welfare, the courts, other stakeholder systems). Many complainants fail to understand the decisions that have been made regarding their case or family, or need assistance navigating the system to achieve what is expected of them. In these cases, the Ombudsman Office explains Colorado law and/or child welfare practice as needed, which sometimes alleviates or resolves the original concern or complaint. In other cases, the Ombudsman Office recommends resources that the complainant may utilize for further information or assistance.

Action Step: The Ombudsman office is considering what public education materials may be useful in assisting child welfare clients and stakeholders in better understanding and navigating the system.

- 6. Concerns and/or Fear of Retribution:** A larger number of calls than anticipated imply or state fear of retribution from some entity for registering a complaint or concern. Protection of confidentiality is a primary pillar of ombudsman work, which may be why the office has received such contacts from parents, foster parents, adoptive parents, county and state workers, and contract treatment providers. Each of the aforementioned stakeholders has registered a complaint or concern for which they seek assistance, some directly with the entity and some not, and are seeking advice or assistance from the Ombudsman Office in an attempt to minimize or avoid perceived or real threat of retribution. The Ombudsman Office handles these contacts on a case-by-case basis, and confidentially shares the concern with the entity in question for more information or exploration in most cases. The ombudsman has discussed this issue with individual counties and CDHS, and both parties agree to discuss such complaints as frequently as appropriate, as the county or CDHS may be able to assist or intervene while still protecting confidentiality in some instances. This issue is a long standing concern, which the Child Welfare Action Committee discussed in great length.

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Action Step: In Year 2, the Ombudsman Office will continue to monitor and begin to more formally track such complaints and associated outcomes and discuss these complaints with CDHS and counties on a regular basis.

- 7. Training Issues:** The Ombudsman Office has received general complaints and concerns regarding caseworker training from staff members of eight county Departments of Human Services (both rural and urban). Concerns include geographic proximity to training sites, availability of staff for coverage while other staff are involved in training, as well as the lack of new and innovative trainings addressing current child welfare issues. Many concerns were raised in the urban communities that the trainings have not changed or diversified for multiple years and that they no longer address the most relevant child welfare issues. Concerns about geographic proximity have been raised by the more rural communities. Further, rural staff have requested specific training topics that are uniquely faced by rural DHS staff, as often times assessing these families differs significantly from urban communities. The Ombudsman Office has also received complaints from five DHS staff that the Child Welfare Training Academy is not adequate to meet the needs of the county or their staff. For example, the Ombudsman Office received suggestions from DHS staff that one potential improvement would involve the development of specialized training for workers handling a new position or specialty. Should their position change during their employment, County staff have suggested that they then return to the academy to be trained in their new area of specialty. The Ombudsman Office has shared these concerns with CDHS. The Ombudsman Office is pleased that Governor John Hickenlooper and CDHS Executive Director Reggie Bicha announced an overhaul of the child welfare training academy in a press conference on February 16, 2012.

Action Step: The Ombudsman Office will continue to monitor and track issues related to training. Further, the Ombudsman Office will monitor the implementation of the state's improvements of the child welfare training academy. As the Ombudsman Office's data continues to grow, the ombudsman will monitor these data to determine whether caseworkers would benefit from additional training around any topic areas.

- 8. Adoption Subsidies:** The Ombudsman Office received concerns from Colorado Coalition of Adoptive Families (COCAF), regarding adoption subsidies and post-adoption services statewide. COCAF provides outreach, advocacy, and information to more than 700 adoptive families and professionals statewide. Among the concerns is an interest in exploring the differences in adoption subsidies from county to county. Counties have the ability to negotiate adoption subsidy rates based on several variables. Those rates and negotiation standards vary depending on county, and adoptive parents are concerned about the implications of the inconsistencies. In addition, adoptive parents have varying levels of understanding about adoption subsidies and ability to negotiate, and express interest in gaining more information about navigating the adoption process in the best interest of the children and their specific needs and challenges.

Action Step: The Ombudsman Office has begun to explore these topics with CDHS, and in Year 2, plans to survey adoption stakeholders to better assess specific concerns about adoption and post adoption processes and services.

- 9. Child Fatality Review Team/Ombudsman Office's Role:** The Ombudsman Office is currently listed as a participant in the State Child Fatality Review Team (CFRT) per House Bill 11-1181. The Ombudsman Office has participated in CFRT over the course of this year until they voluntarily recused themselves from the CFRT process in late Spring 2012, when the CFRT was reviewing a fatality that the Ombudsman Office was also reviewing independently as a child welfare practice complaint. The question arose regarding the Ombudsman Office's ability to perform an independent investigation of the case if it also participates in the CFRT process. It should be noted that the ombudsman's review and investigation process is not

parallel or duplicative of that of CFRT because CFRT only reviews fatalities that meet specific guidelines for review. The Ombudsman Office may receive a complaint to review a case that would not have qualified for review by the CFRT. The investigations of CFRT and the Ombudsman Office are conducted differently and serve different purposes, and each process has a utility and purpose in improving systems if done properly.

The Ombudsman Office is currently researching other state ombudsman programs to assess how best to maintain independence and objectivity in such reviews and investigation, and may propose a modified or different manner through which to participate in the Child Fatality Review Team process. The Ombudsman Office and CDHS are in communication on this issue and continue to work toward finding a solution that supports the most effective and productive processes and investigations for both CFRT and the Ombudsman Office.

Action Step: As of the publication of this report, the Ombudsman Office is seeking legal counsel and working with the State to explore any potential legislative changes that may be necessary to address the ombudsman's most effective and appropriate role and involvement with the Child Fatality Review Team.

- 10. Child Protection Team Issues:** Under current Colorado law, counties review cases and practice on a regular basis with their Community Child Protection Team. Ombudsman Office staff have observed Child Protection Team sessions in three counties and have also received input and concern from counties regarding the effectiveness of the Child Protection Team structures. The Ombudsman Office is concerned about the time caseworkers spend preparing for and participating in Child Protection Team meetings and questions the value gained for the time, resources, and effort spent. The Ombudsman Office has shared this concern with CDHS.

Action Step: The Ombudsman Office supports further exploration and research of methods to increase effectiveness and efficiency for Child Protection Teams at the local level.

- 11. Grievance Processes:** The Ombudsman Office is mandated to research the various grievance processes in the child welfare system in Colorado, and explore potential avenues for streamlining or increasing effectiveness of these grievance processes. Input received from county DHS employees, advisory council members, and complainants further validates the need to clarify and streamline grievance processes that are currently duplicative and generally confusing to all stakeholders involved.

The Ombudsman Office reviewed existing research on this topic from the Child Welfare Action Team, CDHS, counties, and other sources and conducted a survey of county DHS directors to gain further insight regarding existing grievance processes and potential ways for improving and streamlining grievance processes. (This is further described in the next section of this report "Special Projects Pursued by the Ombudsman Office in Year 1".)

Action Step: The Ombudsman Office will continue researching this topic area in Year 2 and provide guidance to the state and counties on best practices. Specifically, the Ombudsman Office will develop a standard grievance form that counties may choose to incorporate in their grievance processes. The Ombudsman Office will also create opportunities for representatives from the counties to share ideas and information about their grievance process.

- 12. Allegations of child abuse and/or lack of representation in divorce (civil) cases:** The Ombudsman Office receives a large number of complaints and concerns from parents alleging child abuse or neglect in the home of their current or former spouse, many times during the civil (divorce) proceedings. The Ombudsman Office, by law, has no purview or jurisdiction in any judicial matter and refers complainants

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to the appropriate judicial complaint processes when judicial complaints are received. However if a judicial complaint is received by the Ombudsman Office and also contains a potential child welfare issue or complaint, the office often considers the child welfare component of the complaint for review as long as doing so in no way interferes with any pending judicial matters. Complainants very often need assistance with systems navigation (of court processes as well as child welfare processes), and while the Ombudsman Office is able to provide some basic information and resources, complainants often report they cannot access or afford attorney representation and feel they and their children are potentially compromised or disenfranchised as a result. The Ombudsman Office has shared these concerns with State Judicial and CDHS and agrees that there may be a shortage or lack of low-fee or pro bono representation available to parents in such cases statewide.

Action Step: In Year 2, the Ombudsman Office will further explore this issue and review it with the State Judicial branch, Court Improvement Project, and community legal or advocacy groups.

Special Projects Pursued by the Ombudsman Office in Year 1

The Office of Colorado's Child Protection Ombudsman ("Ombudsman Office") pursued two special projects during its first 13 months of operation:

- **Special Project I: Review of Current Child Welfare Complaint Mechanisms in Colorado:** The first project, which is required by the Senate Bill 10-171 Work Group Plan, is a review of the current child welfare complaint mechanisms in place across Colorado. The Ombudsman Office will use this review to make recommendations regarding a statewide grievance process in Year 2.
- **Special Project II: Survey about Mandatory Reporters and Clergy Training:** The Ombudsman Office also conducted a survey of Colorado County Department of Human Services directors about the state's mandatory reporting laws. Legislators and other child welfare advocates prompted this review to determine whether the laws were adequate, easy to understand, and if any groups needed additional training on the laws. The 33 respondents generally felt that the mandatory reporting laws in Colorado were adequate, but that various professional groups (excluding human services staff members) and community organizations needed more information and training around the mandatory reporting laws. This feedback moved the Ombudsman Office to create a training webinar for clergy regarding mandatory reporting laws. The Ombudsman Office plans on expanding this training to additional professional groups in Year 2.

Special Project I: Colorado Child Welfare Complaint Processes

Once established by the state legislature, one of the ombudsman's duties, as outlined in the Senate Bill 10-171 Work Group Plan and the Child Welfare Action Committee recommendations, was to review existing child welfare complaint mechanisms that are used across the state and make recommendations about improving and streamlining the grievance process. This included the possible "creation of a statewide grievance policy that is transparent, accountable, and accessible by children and families within the child protection system."

Prior to the establishment of the Ombudsman Office, there were 21 different accountability mechanisms in place in Colorado to overlook services provided by the Colorado Department of Human Services, Child Welfare Services Division. Some examples are:

- The State Fatality Review Team, a team of medical and child protection professionals responsible for reviewing child fatalities across the state;
- CDHS, Division of Child Welfare and Division of Youth Corrections, which each have an internal process for handling complaints; and
- Citizen Review Panels (or CRPs) that review grievances concerning the conduct of county Department of Human Services personnel.



There are also processes in place to oversee the various parties who may have contact with a child or child welfare case throughout the life of a case. These include:

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- The Office of the Child Representative (OCR), which is charged with overseeing complaints regarding state-paid guardian *ad litem*s, child and family investigators who are attorneys, or child attorneys under contract with the OCR.
- Court Appointed Special Advocates, volunteers appointed by the court to serve as advocates for families and children's best interests;
- Board of Psychologist Examiners who investigate complaints about mental health professionals.
- Citizen Review Panels (or CRPs) that review grievances concerning the conduct of county Department of Human Services personnel.
- The Colorado Commission on Judicial Discipline, which monitors the conduct of the judiciary of the state.
- The Colorado Commission on Judicial Performance, which evaluates judges and their ability to perform their duties.
- The Supreme Court Office of Attorney Regulation Counsel, which investigates allegations against attorneys, magistrates, and municipal court judges.

Counties may also have additional mechanisms for investigating complaints. For example, the City and County of Denver has an Office of the Independent Monitor to investigate complaints against the police or sheriff's department.

Each of these services is limited in its ability to comprehensively respond to concerns that impact children. These services also are not focused on overall systems issues as the Ombudsman Office. Furthermore, as an independently run, neutral, non-profit organization, the ombudsman would be able to uphold a level impartiality and objectivity that no other service already in place and under the purview of state departmental agencies could provide.

In January 2009, the State of Colorado commissioned the Child Welfare Action Committee (CWAC) of Child Welfare Services to produce a report on quality improvement and accountability practices. This committee was responsible for producing the initial research that called for the institution of the Child Protection Ombudsman office in the State of Colorado. The Governor's Child Action Committee outlined the purpose and duties of the proposed ombudsman in its Second Interim Report to the Governor (2009). It specified that the purpose of the ombudsman would be "to provide families, mandatory reporters, state and county employees, other employees who work with children and families, and concerned citizens, an alternative place to voice their concerns about the response to children in the child welfare system without fear of reprisals." CWAC based this recommendation on information from the American Bar Association, Minnesota Department of Human Services, the Missouri Office of the Child Advocate, the Center on Children and the Law, the Rocky Mountain Children's Law Center, and the Adams County Department of Human Services Administrative Review Division.

Overview of Literature

As part of the Ombudsman Office's review of grievance processes, the ombudsman conducted a literature review of research dealing with complaint processes. (The full literature can be viewed in Appendix F.) Highlights from this review include:

- The best practices literature on complaint procedures offers some guidelines, although they differ by audience. Programs administered at the county level emphasize the benefits of handling complaints at the local level. Clients and their advocates, on the other hand, emphasize the importance of complaint processes being visible to the public and easy to access.
- Timeliness is a consistent theme in literature. Many jurisdictions incorporate minimum requirements such as a call back within two business days, a review within 30 days, and that the outcome of the review will be provided within 60 days.

- Other literature stresses that public complaints should be seen as a gauge for program weaknesses and shortcomings in service delivery (Commonwealth Ombudsman, 2009). Complaints serve as helpful checkpoints for improving government agencies' responsibility to their constituents.
- A common recommendation is that those handling complaints should have a clearly defined procedure for investigating and managing complaints (Parliamentary and Health Service Ombudsman, 2009; Commonwealth Ombudsman, 2009).
- Others emphasize that ombudsmen "should have systems to record, analyze and report on the learning from complaints" (Parliamentary and Health Service Ombudsman, 2009) and should inform complainants when lessons have been learned as a result of their complaints.

Survey of County Directors

To determine how Colorado counties address child welfare complaints and how the Ombudsman Office might help counties with complaints in the future, the Ombudsman Office contracted with the Center for Policy Research (CPR) to design a survey that it administered to Colorado counties. CPR also conducted telephone interviews with child protection personnel in three counties to obtain further information about their complaint procedures and their perceived strengths and limitations. CPR created a survey for county Department of Human Services directors across Colorado. The Ombudsman Office emailed a link to the survey to the 64 county directors and reminded the county directors of the survey at an in-person meeting.

The **Complaint Processes in Colorado Counties Survey** asked questions regarding the methods, policies and procedures, by which different Colorado counties handle incoming child welfare complaints. The survey was administered through Survey Monkey's online platform to Department of Human Services County Directors across Colorado. A total of 34 respondents began the survey and 29 respondents completed the entire survey. The full survey can be viewed in Appendix G.

Survey respondents represented 34 Colorado counties, including Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Broomfield, Clear Creek, Costilla, Crowley, Delta, Denver, Douglas, Gilpin, Grand/Jackson, Gunnison/Hinsdale, Jefferson, Kiowa, La Plata/San Juan, Larimer, Logan, Mesa, Moffat, Morgan, Otero, Ouray/San Miguel, Rio Blanco, Rio Grande/Mineral, Routt, Sedgwick, and Teller counties. One respondent chose to take the survey without identifying his or her county location.

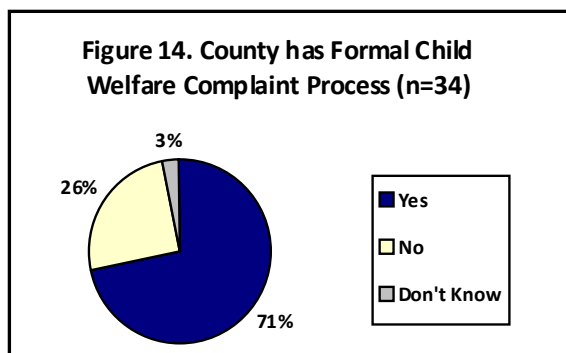


Figure 14 shows whether directors reported having a formal complaint process in place for the child welfare division in their counties. The majority (71%) reported that they did have a formal complaint process, while almost a quarter (26%) reported not having a formal process. Three percent of directors did not know whether a formal complaint process was in place in their counties.

Table 4 shows what staff member is responsible for handling child welfare complaints across the counties. In the majority of counties (56%), county directors were responsible for handling complaints. The next most common party responsible were DHS administrators (26%) who were also charged with other duties. Fifteen percent of county directors reported that they had a dedicated staff person within their county responsible for handling complaints. Three percent of respondents reported that child welfare directors and grievance committees were each responsible for handling complaints.

Table 4. County Staff Member Handling Child Welfare Complaints*

Dedicated Staff Person	15%
County Director	56%
DHS Administrator (who also handles other duties)	21%
Child Welfare Director	3%
Grievance Committee	3%
Unknown	3%
Other	15%
Number	(34)

*Some respondents gave multiple answers.

Respondents were asked whether complainants were given specific instructions for filing a complaint or if they were permitted to file complaints at any level of the department (see Table 5). Typically, complainants (56%) were able to file complaints at any departmental level and at any time. In 42 percent of cases, complainants were required to follow a specific process, and in 18 percent of those cases, complainants were required to first submit their complaints to a caseworker and then work their way up through the system.

Table 5. Child Welfare Complaint Process

Do complainants have to follow a specific process, or can they file a complaint at any level of the department?	
Yes, they have to start with a caseworker and work their way up.	18%
Yes, they have to follow a specific process.	24%
No, they can file a complaint at any level at any time	56%
Don't know	3%
Number	(34)

The survey then asked respondents if their county had a method for avoiding the duplication of efforts when investigating complaints. Nearly all respondents (91%) reported that their county did have a method for avoiding duplicative efforts. Of those who lacked a method, one-third (33%) reported that duplicative efforts were not a problem in their counties. Another 33 percent of respondents were unaware of whether duplicative efforts posed any problem at all. Table 6 gives more details.

The survey inquired further asking respondents what specific methods they used in their counties to ensure that duplication did not occur and multiple people did not investigate the same complaint. Thirty-two percent reported having a systematic process for handling complaints. Nineteen percent reported that their counties had small offices in which complaints were handled and workers communicated clearly and directly to avoid duplicative efforts. Another 13 percent reported that all complaints were first reviewed by the departmental director or a supervisor and were then delegated to others for exclusive investigation.

Table 6. Avoiding Duplicative Efforts in Complaint Investigations

County has way of ensuring that multiple people do not investigate the same case, to avoid duplicative efforts	
Yes	91%
No	6%
Don't know	3%
Number	(34)

Table 6. Avoiding Duplicative Efforts in Complaint Investigations

Please describe how you ensure that multiple people are not investigating the same complaint.*	
Distinct complaints are delegated by a supervisor/director for investigation	13%
Systematized complaint handling process	32%
Director investigates all complaints	6%
Small office with clear communication	19%
Complaint coordinator handles complaints	6%
DHS Welfare Administrator investigates complaints	3%
Other	19%
Number	(31)

*Some respondents gave multiple answers.

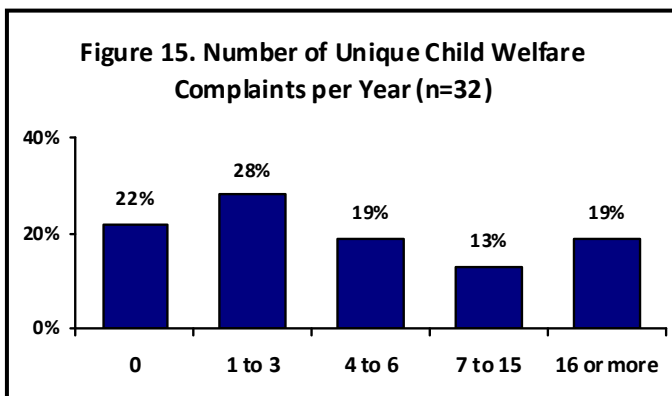
As demonstrated in Table 7, respondents reported on the various methods used in their counties to inform clients and stakeholders about their complaint processes. Sixty-three percent of those surveyed reported that information about the complaint process was included in papers that were given to clients when DHS first opened a case involving a child. In nearly 30 percent of cases, complaint forms were made available in DHS office lobbies. Thirteen percent of respondents said that information about the complaint process was made available to clients and stakeholders on a website, and 13 percent said information was made available by staff members. Nine percent of respondents said that information was made visible on a poster at DHS.

Table 7. Methods of Informing Clients and Stakeholders about the Child Welfare Complaint Process*

Information included in papers that clients receive when case is opened	63%
Complaint forms in lobbies	28%
Poster at agency	9%
Website	13%
Staff	13%
Don't know	0%
None of these methods	13%
Other	31%
Number	(32)

*Some respondents gave multiple answers.

The surveys asked the county DHS respondents if their offices solicited complainant satisfaction surveys after the county completed an investigation. Nearly all (94%) respondents answered "No." Three percent of respondents said that their offices did use complainant satisfaction surveys, and another 3 percent did not know.



size and the urban and rural profile of various counties.

Next, the survey asked respondents about the frequency and nature of complaints that they received. Figure 15 depicts the number of unique child welfare complaints that are received each year across the counties. For the most part, county offices receive 1 to 3 complaints per year (28%). About one-fifth (22%) of respondents said that they receive zero complaints each year, 19 percent reported receiving 4 to 6 complaints and another 19 percent reported receiving more than 16 complaints annually. Thus, there was a large variation in the volume of complaints received at different county offices that probably reflects differences in county

Nearly one-third of respondents (31%) reported having a standard complaint form in their counties and two-thirds (66%) lacked one. Complaint forms typically elicited information on the complainant's name (32%), date (32%), and nature of complaint (37%). Table 8 provides more details.

Table 8. Complaint Forms	
Has standard complaint form	
Yes	31%
No	66%
Don't know	3%
Number	(32)
Type of information collected about complaints?*	
Date	32%
Name	32%
Nature	37%
Resolution	9%
Don't receive complaints	26%
Other	26%
Number	(19)
*Some respondents gave multiple answers.	

As presented in Table 9, respondents were asked whether their offices had written policies and procedures for handling complaints. Sixty-one percent reported "Yes" and about a third (32%) reported "No."

County directors were also asked what they did with findings that they gathered from complaint investigations. Seventy-four percent reported that their offices used the findings to make systematic improvements in their office operations, 61 percent used the findings to inform their staff trainings, and another 61 percent said that they discussed their findings at staff meetings. Fifty-eight percent filed the complaint and investigation findings with the corresponding case files, and 77 percent shared their findings with staff working on the case. Only a marginal 6 percent drew up periodic reports based on their findings.

Table 9. Handling Complaints and Investigation Findings	
County has written policies and procedures for complaints	
Yes	61%
No	32%
Don't know	7%
Number	(31)
What do you do with the findings from a complaint/investigation?*	
Make systemic improvements	74%
Inform staff training	61%
Discuss at staff meetings	61%
File with case file	58%
Distribute findings to employees who worked or are working on the case	77%
Periodic Reports (Monthly/Quarterly)	6%
Other	26%
Number	(31)
*Survey respondents could give multiple responses.	

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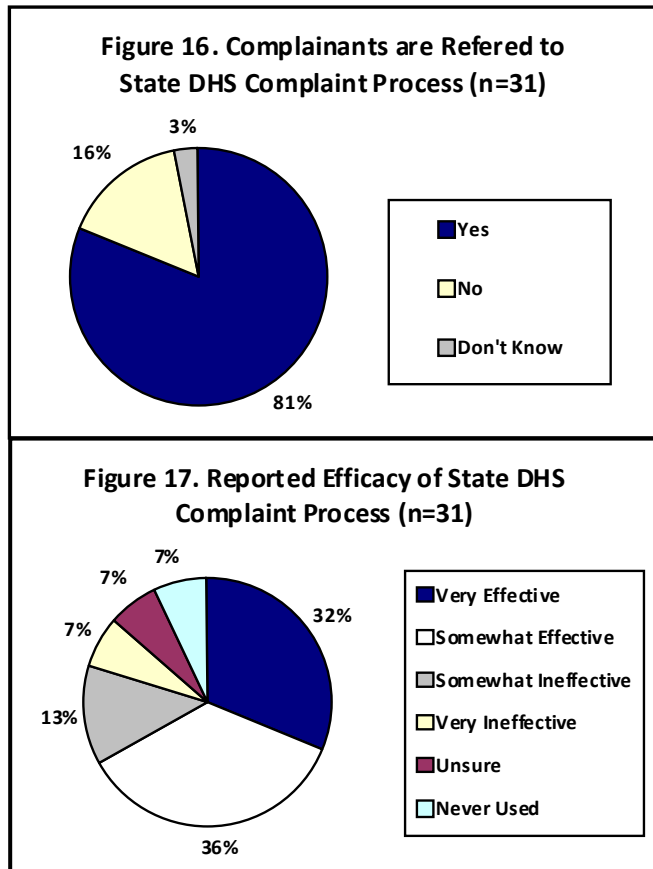


Figure 16 shows whether counties referred complainants to the Colorado State Department of Human Services, Division of Child Welfare complaint process. The majority (81%) said that they referred complainants to the state, and 16 percent said they did not refer complainants.

As shown in Figure 17, when county DHS respondents were asked to rate the efficacy of the State DHS complaint process:

- 68 percent rated it as effective;
- 20 percent said it was ineffective;
- 7 percent were unsure; and
- 7 percent reported that they had never used the State DHS complaint process.

Next, the survey inquired about the circumstances that prompted or would prompt counties to refer complainants to the Ombudsman Office. Counties reported that they would refer complainants to the Ombudsman Office, for the most part, when the complainant was dissatisfied with the outcome of an internal investigation (61%) and when the complainant had exhausted all other complaint channels (71%). They also referred frequent complainers (36%) and those who feared retribution (32%) to the ombudsman.

Table 10. When Would Respondents Refer Complainants to the Ombudsman Office*

Complainant fears retribution	32%
Complainant is dissatisfied with outcome of an internal investigation	61%
Frequent complainers	36%
Complainant has exhausted all other complaint channels	71%
Don't know	19%
Other	16%
Number	(31)

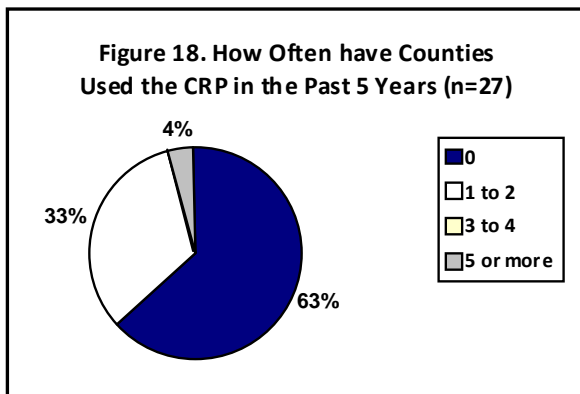
*Survey respondents could give multiple responses.

If complainants are dissatisfied with a response to their complaint or with the investigation of their complaint, after all other complaint processes are exhausted, they have the option of appealing to a Citizen Review Panel (CRP). A CRP is a federally mandated group of citizen-volunteers responsible for conducting an evaluation of child protective services agencies. Colorado CRPs convene at the county level. Respondents were asked how often, if ever, complainants appealed to the CRP. Thirty-nine percent of respondents reported that complainants did go to the CRP but this seldom occurred. Seven percent of respondents said that some of their complainants went to the CRP, and 3 percent said that most went to the CRP. Forty-two percent of respondents said that none of the complainants go to the CRP, and 10 percent said they did not have a CRP for complainants to appeal to whatsoever.

Table 11. How Often do Complainants go to the County Citizen Review Panel

In very few cases	39%
Some of our complainants go to the citizen review panel	7%
Most of our complainants go to the citizen review panel	3%
None of our complainants go to the citizen review panel	42%
Not applicable, we do not use a citizen review panel in the complaint process	10%
Number	(31)

Along the same lines, the survey asked the respondents how often the CRP was used on the county's behalf over the past five years. Figure 18 displays these results. The majority of respondents (63%) said that their county did not use the CRP at all. One-third of respondents said their county used the panel one to two times within the past five years, and only 4 percent had used the CRP five or more times in the past five years.



When respondents were asked to rate the efficacy of citizen review panels in their counties:

- 29 percent rated it as effective;
- 13 percent said it was ineffective;
- 29 percent were unsure; and
- 29 percent reported that it was not applicable or that they did not use a citizen review panel in their counties.

The survey then inquired about the process for dealing with staff complaints and grievances regarding policy, procedures, and specific case handlings. Out of the 31 who responded, most said that staff members were told to speak with their direct supervisor (81%), speak to the county director (68%), and discuss their issues at staff meetings (61%). In 42 percent of responses, directors said that staff members were instructed to speak to an administrator about their issues. Three percent said that staff could register a complaint at any level. Seven percent of respondents said that internal issues never came up, and another 3 percent said they didn't know about the process.

Table 12. Process for handling Staff Complaints and Grievances about Policy, Procedures, and Specific Case Handlings

Staff member speaks to direct supervisor	81%
Staff member speaks to county director	68%
Staff member speaks to administrator	42%
Staff may register complaint at any level	3%
Discuss at staff meetings	61%
Do not have process for handling internal complaints	0%
Never comes up	7%
Don't know	3%
Other	13%
Number	(31)

*Survey respondents could give multiple responses.

Respondents were also asked to answer a number of open ended-questions. First, they were asked to describe their county's complaint process. Respondents gave descriptions that included:

Complaints can be made to any supervisor, the deputy director, or the director. It is verbally [communicated] or written down and communicated to [the] supervisor of the staff person the complaint is about, the concerns are investigated and a reply is provided to the complaining party either verbally or in writing.

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Given the small size of our agency, any complaint comes directly to the Director. [The] Director then tries to resolve the complaint. If that does not work, [the] Director determines if the complaint needs to go to the CRP or to county commissioners.

We are currently looking to create a citizen complaint panel and have a complaint process; unfortunately our caseworker and supervisor have recently been overwhelmed.

We handle each complaint promptly as received on an individual basis.

County Directors were also asked to recommend best practices for handling child welfare complaints. Twenty-five county directors made recommendations. The following are some of their suggestions:

Always let the client that makes the complaint have time to fully explain why and what they are complaining about and try to resolve the matter.

Be prepared with all information regarding the complaint, i.e., getting information from workers. Meet with the complainant to discuss the complaint, attempt to resolve the complaint immediately after meeting with the workers and the complainant.

Clear policy. Engagement. [Get] complaints in writing.

Thoroughly investigate, get specifics in writing, get all involved in the case to the table.

Directors were also asked to respond to the open-ended question, "What do you think could be done to streamline the child welfare or complaint process?" The responses ranged from getting the state involved more to handling cases at the lowest level possible:

Have all complaints handled first at the lowest possible level where the services are provided in the county.

If somehow we could have standards that are enforced in each county.

Have the director be more involved in the complaint process.

To be part of the solution, you must try not to become part of the problem. Child welfare is an emotionally charged environment. De-escalating the emotions is the first step to reasoning out roles and responsibilities. The facts of a case are usually the first casualty.

More state leadership.

I think [complaints] should be handled on a county level and then if the person chooses to go further they can make that decision.

Three respondents volunteered comments on the efficacy of the Citizen Review Panel saying it needed to be reviewed, it needed to make “quicker decisions,” and that it was “of little value.”

Interviews with County Representatives

In addition to designing and analyzing the above noted, online survey, the Ombudsman Office contracted with the Center for Policy Research (CPR) to conduct telephone interviews with county representatives about the processes used in various Colorado counties to handle citizen complaints. CPR interviewed representatives from Adams County, Arapahoe County, and El Paso County. CPR researchers asked the county representatives to discuss their formal complaint process, their reactions to the state DHS complaint process, duplication of complaint efforts, time frames that the counties attempt to follow in order to resolve complaints, case volume, outcomes, and any best practices.

The best practices gleaned from these conversations include:

- Every complaint should be explored. It should be assumed that any of the complaints are valid and justify a review or investigation.
- Many complaints stem from a lack of parental knowledge about the child welfare process. Therefore, it is very important for child welfare agencies and caseworkers to start by giving clients a careful and detailed explanation of the process.
- Many complaints also stem from a lack of communication between parents and caseworkers. Caseworkers need to listen to parents and their concerns.
- Have parties put their complaints in writing to help organize their thoughts and make their complaint less convoluted.
- Provide the opportunity for complainants to speak with various people in the department if they feel like their complaint is not being addressed. It makes complainants feel like they were listened to.

More details about these interviews can be read in Appendix F.

Special Project II: Colorado Mandatory Reporting

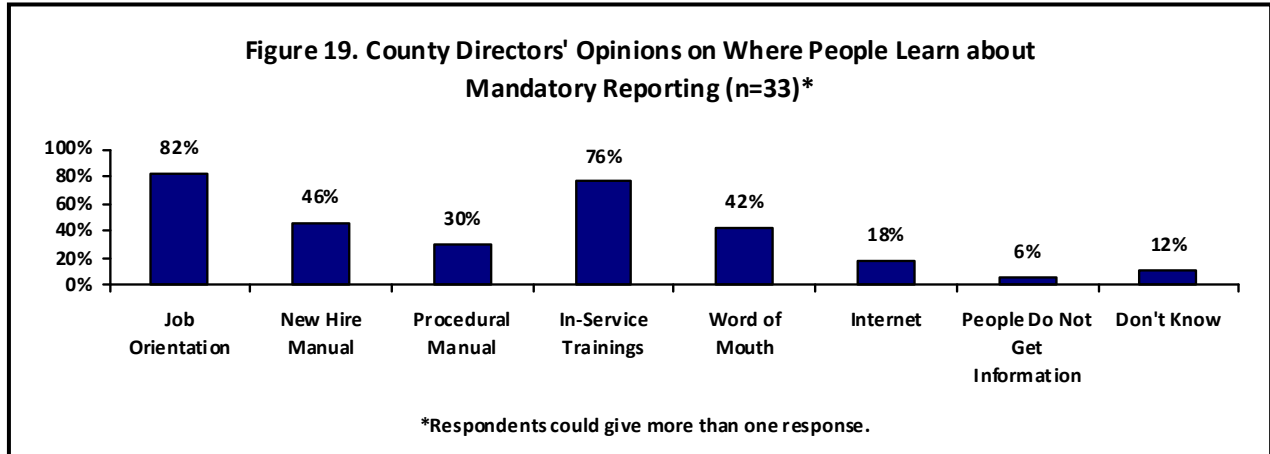
The Office of Colorado’s Child Protection Ombudsman sent an online survey to the 64 county directors of Human Services for input regarding mandatory reporting laws in Colorado. The survey was prompted by input from legislators and other stakeholders interested in exploring the desirability of strengthening or improving mandatory reporting processes. Thirty-three county directors responded to the survey, representing a 51 percent response rate.

About three-quarters (76%) of the County Directors responding to the brief survey said that the mandatory reporting laws in Colorado are adequate, while 18 percent felt that these laws are inadequate. When asked whether people understood mandatory reporting laws, over half of these county directors (55%) responded affirmatively and one-third responded negatively.

The survey then asked respondents where they thought that people learned about mandatory reporting laws and requirements. As shown in Figure 19, county directors were most likely to feel that people received this information from their job orientation (82%) or in-service trainings

Table 13. County Directors’ Views on Colorado Mandatory Reporting Laws		
Are these laws adequate?		
Yes		76%
No		18%
Don’t know		6%
Number		(33)
Do people understand these laws?		
Yes		55%
No		33%
Don’t know		12%
Number		(33)

(76%). Approximately 44 percent felt that people learned about mandatory reporting from a new-hire manual or through word of mouth. Six percent of respondents felt that people do not get this information.



When asked who needed more training on the mandatory reporting laws, at least 90 percent of the county directors felt that clergy and medical personnel would benefit from training. Large percentages also stated that school personnel (86%) and first responders (88%) need more training. Thirty percent of these County Directors stated that human services caseworkers and investigators need more training about mandatory reporting laws and requirements.

Table 14. Percentage of County Directors who Feel that These Groups Need More Training about Mandatory Reporting

School Personnel (teachers, coaches, staff)	86%
Medical Personnel (nurses, doctors)	92%
First Responders (police, firefighters, EMT)	88%
Human Services Caseworkers and Investigators	30%
Clergy Members	90%
Number	(29)

*Survey respondents could give multiple responses.

Based on the findings of this survey and a request by the Colorado Council on Churches (as 2012 would be the 10-year anniversary for clergy acting as mandatory reporters), the Ombudsman Office partnered with Colorado Council of Churches and Rocky Mountain Children's Law Center to create and plan a mandatory reporting training for clergy in Colorado in winter of 2011. The training was scheduled to take place in April, in recognition of Child Abuse Prevention Month. The Ombudsman Office co-sponsored and co-led the training.

Stephanie Villafuerte, J.D., executive director of the Rocky Mountain Children's Law Center, created the content for the training. It included information and an overview of mandatory reporting laws in Colorado, exceptions to the clergy mandatory reporting requirements, definitions used in the law (*e.g.*, reasonable cause), a description of the categories of abuse and neglect, how to make a report, what happens once a report is made, penalties for non-reporting, among other information.

The training was co-presented via webinar by Becky Miller Updike of the Ombudsman Office, Dr. Jim Ryan, Council Executive of Colorado Council of Churches and Advisory Council Member of the Ombudsman Office, and Stephanie Villafuerte, J.D., Executive Director of Rocky Mountain Children's Law Center. The content of the webinar was presented through a PowerPoint made visible during the webinar, and the co-presenters explained the materials and interacted with participants via voice conferencing. The webinar remains available on the Colorado Council of Churches website (cochurches.org) and there is a link available to the webinar and corresponding PowerPoint presentation on the Ombudsman Office's website.

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Outreach for the training included a letter and flyer mailed to more than 950 congregations statewide, throughout the 12-member denomination network of the Council of Churches. Seventy-two clergy registered for the training and approximately 14 clergy members have viewed the archived webinar since after the live webinar in April. Follow-up evaluations of the webinar contained very positive reviews and comments. (The feedback is presented in more detail in the "Satisfaction and Feedback" section of this report.)

**CLERGY AS MANDATORY
REPORTERS
WEBINAR -- APRIL 12, 2012**

Rev. Dr. Jim Ryan, Colorado Council of Churches
Becky Miller Updike, Office of Colorado's Child Abuse Prevention Ombudsman
Stephanie Villafuerte, Rocky Mountain Children's Law Center

 Colorado Council of Churches

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 ROCKY MOUNTAIN
children's
law center

Satisfaction and Feedback

Customer service and building positive relationships are both priorities of the Office of Colorado's Child Protection Ombudsman ("Ombudsman Office"). The office must be trusted by referring parties who have a concern or question about child welfare or youth corrections, and the Ombudsman Office must be seen as a trusted partner by counties, the state, and legislators. This section provides details on the feedback that the Ombudsman Office received from these various parties during the first 13 months of operation. It also includes feedback from clergy who accessed an online training conducted by the Ombudsman Office about mandatory reporting. The Ombudsman Office plans on using this feedback to set goals for Year 2.

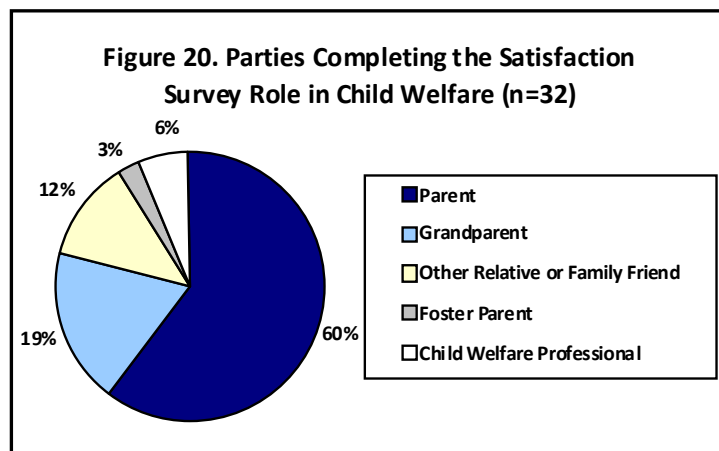
Parties who Contacted the Ombudsman Office

The Child Protection Ombudsman Program Work Group articulated the goals for the Ombudsman Office when it asserted, "Referring parties will experience a timely review and feel that their concerns were heard, and that they were treated professionally." The Work Group gave the Office of Colorado's Child Protection Ombudsman the first year to establish a baseline by which to measure success in this area. To determine how referring parties felt about the services they received, the Ombudsman Office developed a one-page feedback survey.

The **Ombudsman Satisfaction Survey** asked the referring parties their role in the child welfare system, how they heard about the Ombudsman Office, whether they were consulted when the Ombudsman Office came up with the plan to review or investigate their case, and whether they would recommend the Ombudsman Office to someone with a complaint or question about child welfare or youth corrections. It also asked referring parties to rate the Ombudsman Office on various performance criteria (e.g., timeliness, professionalism, listening to their concerns, among others) and to give an overall rating of the office. Parties were also given the opportunity to offer open-ended comments and suggestions. The full survey can be seen in Appendix G.

The Ombudsman Office contracted with the Center for Policy Research conduct brief telephone interviews with referring parties. In July 2012, CPR called 60 referring parties who contacted the Ombudsman Office after January 1, 2012, and whose cases were closed by June 30, 2012. Of these 60 parties, CPR reached 33 over the phone and conducted surveys with 32.⁷ This represents a 55 percent response rate.

Figure 20 shows the role that those who completed the survey play in the child welfare system. Most were parents (60%) or grandparents (19%). Only two parties were professionals in the child welfare system. This distribution of respondents to the satisfaction survey closely mirrors the distribution of all referring parties who contacted the Ombudsman Office during the first 13 months of operations.



⁷ One individual refused to take the survey.

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Of these respondents, just under one-quarter of these heard about the Ombudsman Office through an online search (22%), 16 percent heard about the program from the media coverage that the Ombudsman Office received in its first year, and 9 percent heard about the office from their county DHS agency. Thirteen percent of the parties did not know how they had heard about the Ombudsman Office.

The Ombudsman Office received mixed ratings from these referring parties. When asked to rate their overall experience with the Ombudsman Office, 28 responded:

- Four rated the office as excellent;
- Six said it was good;
- Six said it was fair; and
- 12 rated it as poor.

The surveys also asked parties to provide ratings on specific ombudsman actions and performance standards. The Ombudsman Office received the highest ratings for being professional and courteous, with 19 of the 30 respondents rating the Ombudsman Office as excellent or good. The Ombudsman Office also received high ratings on listening to the referring parties' concerns or questions, with 15 respondents rating the Ombudsman Office as excellent or good.

On the other hand, only about 10 rated the Ombudsman Office as doing an "excellent" or "good" job of:

- Explaining what the Ombudsman Office could or could not do in the specific case;
- Giving information that was easy to use and understand; and
- Providing accurate information.

About half of the referring parties who responded to this survey rated the Ombudsman Office as "poor" in terms of "handling your case in a timely manner," and "getting back to you quickly." More details about these ratings are in Appendix E.

When asked whether the Ombudsman Office consulted them when the office came up with the plan to review or investigate and try to resolve the referring party's complaint, 6 respondents said yes, 12 said no, and 12 said that this did not apply to their case.

Despite some of the lower ratings received by the Ombudsman Office, 15 of the respondents said that they would recommend the Ombudsman Office to someone with a complaint or question about child welfare or youth corrections. Two respondents were said they "might" and one was "unsure" as to whether they would recommend the Ombudsman Office. The remaining 12 said that they would not recommend the Ombudsman Office to someone. Not surprisingly, those who said that they would not refer someone else to the ombudsman were the same respondents who gave the office an overall rating of "fair" or "poor."

When asked what comments and suggestions they had for the Ombudsman Office, many spoke about their disappointment with the office's timeliness and follow-up:

I wish they would have called back sooner.

The response time was too long. But, I was pleased when I finally heard back from them.

They should improve their follow-up.

In terms of what the Ombudsman Office can do to improve services, several respondents focused on communication:

Give a time that they will get back to me and stick with it.

Improve call management.

Follow-up with me. Make it clear what you are planning to do in my case.

Others felt that the ombudsman should conduct more outreach and education:

Use focus groups with parents and get the parents involved.

Make more information about the program available to the public.

Create a website for people who have been reported for abuse so they know what to do.

Some of the negative feedback received from referring parties may stem from the fact that these parties are bringing very personal and emotional issues to the ombudsman. Oftentimes, the Ombudsman Office does not have the authority to give the referring party the outcome that they desire (e.g., returning children to parents, reversing termination of parental rights, or getting a grandparent custody of a child). Further, it is important to note that some of the interviewed parties seemed to be rating both their experiences with their County Department of Human Services and the Ombudsman Office. When asked open-ended questions, some respondents talked about DHS and the Ombudsman Office as if they were the same entity. In addition, since only 32 individuals completed these surveys, it was impossible to do more meaningful sub-group analysis to identify the characteristics of referring parties and cases associated with different satisfaction ratings. However, these results do provide the Ombudsman Office with a baseline of customer satisfaction against which future years may be compared.

Counties Contacted by the Ombudsman Office

During the first 13 months of operation, the Ombudsman Office had contact with representatives of 13 county Department of Human Service agencies across Colorado. These contacts included minor to extensive reviews and formal investigations. The Ombudsman Office contracted with the Center for Policy Research (CPR) to create and distribute a satisfaction survey to representatives from these counties. The survey was similar to the one used to gauge the referring parties' satisfaction with the office.

The **Ombudsman Satisfaction Survey: County Stakeholders** asked the county representatives: their role in the child welfare system, to rate the Ombudsman Office on various customer service issues (e.g., professionalism and neutrality), how the Ombudsman Office should communicate with counties about the findings of investigations or reviews, whether their experience with the Ombudsman Office changed the county representative's perspective of the office, whether they would ever refer a complainant to the Ombudsman Office, and how they would rate their overall experience with the office. The Ombudsman Office also asked the county representatives the best way for the office to communicate with the counties about the office's news and actions. Similar to the referring parties, the county representatives were given the opportunity to offer open-ended comments and suggestions. The county stakeholder satisfaction survey was

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completely anonymous and did not ask for the respondents' names or counties. The full survey can be seen in Appendix G.

CPR emailed a link to an electronic version of the survey on the web-based program Survey Monkey to 22 county representatives from the 13 counties the Ombudsman Office had contact with. Sixteen individuals completed the survey. This represents a 73 percent response rate. As with the referring party satisfaction survey, since just 16 individuals completed the survey, it is impossible to do more meaningful sub-group analysis.

Eight respondents completing the county stakeholder satisfaction survey were either a county DHS director or associate director, three were supervisors, two were managers, and two were administrators. One respondent was a caseworker.

As with the referring parties, the Ombudsman Office received mixed ratings from the county stakeholders. Five respondents rated the office excellent, three said their experience with the Ombudsman Office was good, five rated it as fair, and the remaining one respondent said that their overall experience was poor.

The Ombudsman Office received high ratings on being professional and courteous, with 13 respondents rating the office as excellent or good. Eleven respondents rated the Ombudsman Office as being excellent or good at consulting with the county partners and/or listening to their feedback about the complaint and remaining neutral. The Ombudsman Office received lower ratings on communicating with the county about the complaint and the process used by the Ombudsman Office to review and/or investigate, with five respondents rating the office as poor in this area. More details are in Appendix E.

After working with the Ombudsman Office, three county respondents said that their view of the office had improved, four said that the experience worsened their view of the office, and seven said that their view stayed the same. Despite these mixed ratings, nine of the respondents said that they would refer a complainant in their county to the Ombudsman Office. Only one respondent said that they would not.

When asked what comments and suggestions they had for the Ombudsman Office, several praised the Ombudsman Office and its staff members:

Great meeting with [the Ombudsman Office]. Appreciated the joint problem-solving that occurred.

Our county refers to [the Ombudsman Office] on a regular basis. It is another avenue where information can be reviewed to insure [sic] that the child's best interest is always at the center of what we do.

We had a couple of inquiries last year but no investigations to my knowledge, so I don't have much experience to go by to answer these questions. I have been in meetings with the Ombudsman where the process is discussed in general and those have been positive.

Pleasant to work with and kind.

It's helpful to be kept informed about your work on cases. To date you've done a pretty good job of this.

Liked the way they handled themselves in a neutral way.

Others felt that the Ombudsman Office could improve their timeliness, communication with the counties, and neutrality:

I think there needs to be feedback to the counties when the investigation seems to be taking a long time to complete. I think there needs to be better communication with the counties.

The Ombudsman staff people appeared to be professional. However, they seemed to be biased against a smaller county. The follow-up was poor. As of now, more than two months later, there are still no results.

Don't assume rural counties can't be professional and properly trained.

Really never heard back from them after they were here. Noticed on state sheet that they agreed with us.

When we get a call from your office, we try to be timely in our response. Generally, we leave a voicemail with recommended times we are available to talk directly. These calls frequently go unanswered. At times, they are followed up with an e-mail at a later time. I try to respond quickly when your office calls. Because of the large number of e-mails I receive, I sometimes miss an e-mail as I'm expecting a return call (and leave my cell). It would be helpful to have a prompt return call, and to have it come in the same format I requested.

Keeping counties better informed about the resolution of complaints.

Survey of County DHS Directors Conducted by the Ombudsman Office

In yet another effort to elicit feedback from stakeholders, the Ombudsman Office incorporated questions on its performance in an online survey concerning complaint processes sent to all county Department of Human Services directors. County directors were asked to rate the Ombudsman Office on a scale of 1 to 10 (with 10 being the best) or to indicate whether it was “too soon to tell.” Thirty-one of the 64 county directors rated the Ombudsman Office. Most respondents (22) selected the “too soon to tell” response option. Of the nine respondents who gave a numeric rating, the average rating was a 5.5 and the median rating was a 6. Ratings ranged from a 1 to a 9.

The survey asked these respondents what the Ombudsman Office could do to help the counties. Some spoke of the need for education of county-level professionals and the public:

What services are you empowered by statute to provide, what assistance are you willing to offer counties?

Presentation to staff about what the Ombudsman Office is and what they do.

Provide a short, simple pamphlet that can be provided with our complaint/conflict resolution policy.

One spoke of how the Ombudsman Office could help them deal with complainants:

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Handle some of the more difficult cases. We get threats to our lives for doing our job. Maybe an independent validation from the Ombudsman that we do not have the authority would help when parents do not like the court's decision or our recommendations to the court.

Others appreciated the ombudsman's work as a partner to the county:

We refer to your agency regularly. It is nice for individuals to have a number of avenues to express concerns.

Good to refer to if the process doesn't work at the county level.

When investigating a complaint, make sure that you have all of the information and have spoken with the involved parties before making a recommendation on how to resolve. (I think that you do this already.) I have very much appreciated the work of the Ombudsman office on our cases. It has been a cooperative and respectful interaction. Thank you.

A few respondents offered advice on how the Ombudsman Office should conduct the investigative process:

Give us the benefit of the doubt that there are always two sides to any story. Be transparent with us about what complaints you are receiving from our county and find out from us what we have already done before rushing to judgment. Don't go looking for work for new complaints to investigate through confidential processes like the child fatality review team. Follow up with counties within 30 days of investigating a complaint in our county, not once a year. You need to develop a more trusting relationship with counties before I and others would feel comfortable asking for your services or assistance.

Mediate and negotiate, share information and provide written follow up and reports.

Other responses included:

Documentation paperwork that is standardized from county to county.

Keep us posted with statistics from your office regarding complaints.

Being transparent would be helpful.

As with the feedback from the referring parties, it should be remembered that limited response was available from county stakeholders. However, much of the feedback provided by the county stakeholders mirrors the feedback provided by the referring parties.

Colorado State Legislators Honor the Ombudsman Office with Resolution

In May 2012, 26 Colorado state legislators introduced Senate Resolution 12-004, acknowledging the Ombudsman Office's accomplishments and work during its first year of operations. Highlights from the Resolution include:

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"...the Office of Colorado's Child Protection Ombudsman has received 114 contacts, and 84 of those have been closed or resolved"

"The Ombudsman staff has met at least monthly with the Department of Human Services and continues to provide monthly reporting about the development of the Office and its activities"

"Ombudsman staff have spoken with or presented to more than 60 groups and events, reaching more than 3,500 people, in addition to meeting or visiting with 10 County Departments of Human Services and 19 county directors from across the state"

"Be It Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado: That we, the members of the Colorado Senate, applaud the work of the Office of Colorado's Child Protection Ombudsman and encourage independence, transparency, and accountability with all parties involved in Colorado's child protection system so that we may best serve and protect the children of our state."

The full Resolution appears in Appendix H.

Clergy Who Accessed the Ombudsman Office's Mandatory Reporter Training

The Ombudsman Office conducted a training session for clergy on the duties associated with being a mandatory reporter in April 2012. Seventy-two people registered to phone in and listen to the training. This training is discussed in more detail in the section of this report entitled "Special Projects Pursued by the Ombudsman Office in Year 1." Following the training, the Ombudsman Office solicited general feedback from the webinar attendees. Ten of the attendees provided comments. Overall, the feedback on webinar content was very positive:

For a general overview, I thought the content was clear and understandable. Colorado's law is very convoluted, especially in the stickier parts of its application w/r/t [with regards to] clergy responsibilities, confidentiality (which has its own nuances), and back-end penalties. Thanks for offering this webinar...

I appreciated the expertise on the important topic. Thanks.

Good to have the specifics of clergy reporting addressed and cleared up. Good to separate out the reporting from the aspect of having to testify or not.

Respondents also provided suggestions for the Ombudsman Office:

[This webinar] could have easily been an hour, and some case studies might be helpful to illustrate some of the finer points.

I would have preferred to hear someone speaking, but in any case I would like to have a printout of this webinar for future reference...

Conclusions

During its first year, the Ombudsman Office has aggressively attempted to obtain feedback from several key constituencies. It retained the Center for Policy Research (CPR) to conduct telephone interviews with parties who contacted the office for help when mail and email techniques proved to be ineffective. CPR also designed and analyzed user satisfaction questions as part of an online survey with of directors of county Departments of Human Services as well as representatives of counties with which the Ombudsman Office has had more direct contact in the course of conducting case-specific investigations and informational sessions about the office. These feedback efforts yielded the following patterns.

- The Ombudsman Office receives very high marks for courtesy and professionalism from all audiences.
- A third of the 32 consumers reached by telephone interviewers rated the Ombudsman Office as excellent or good, and half said they would recommend the office to someone with a complaint or question about child welfare or youth corrections.
- Two-thirds of the interviewed parties rated the Ombudsman Office as fair or poor. These ratings chiefly reflected dissatisfaction with the timeliness of case processing and the time it took the Ombudsman Office to get back to them.
- Most surveyed parties were parents or grandparents in a child welfare case, and some of their dissatisfaction with the Ombudsman Office may reflect their frustration with the child welfare system, county Departments of Human Services, and the courts, which are often confused by consumers.
- County respondents gave the Ombudsman Office high marks for courtesy, professionalism, and listening to feedback, and two-thirds would refer a complainant in their county to the Ombudsman Office.
- County respondents were more critical about the Ombudsman Office's timeliness and its communication with counties about its procedures and the status of its investigations.
- Most county directors feel that it is too soon to rate the Ombudsman Office's performance; several would like more information about the office and what it does.



The Ombudsman Office will use the findings from this feedback as a baseline of customer and county satisfaction against which future years may be compared. The office will work to improve its performance and customer and county satisfaction in Year 2.

Moving Forward: Year 2 Plans

The Ombudsman Office is looking forward to moving into its second year. Now that the office infrastructure, policies, and procedures are established and the Ombudsman Office is at a full staffing level, it is anticipated that focus will shift from start-up activities to providing services to Colorado families, professionals, and other stakeholders and disseminating information about the office to all relevant audiences.

The goals established for Year 2 are data based and build on the information gathered, analyzed, and presented in this report. They reflect an unwavering commitment to ensuring that no children in either the child welfare or youth corrections system falls through the cracks. They also reflect a commitment to improving the effectiveness, operation and performance of the Ombudsman Office. The following are the Ombudsman Office's Year 2 Plans:

- **Improve overall timeliness.** The Ombudsman Office made significant improvements throughout Year 1 in the number of days it took to resolve contacts. Now that the Ombudsman Office has policies and procedures in place for conducting inquires, reviews, and investigations and the office is operating at a full staffing level, the Ombudsman Office anticipates being able to continue to improve timeliness with the objective of achieving the timeframes established by the Child Protection Ombudsman Program Work Group in all cases.
- **Improve response time and communication when following up with counties.** The Ombudsman Office is committed to completing reviews and investigations in a more timely manner in Year 2 and to communicating with counties about the status of these activities. If investigations take longer than expected due to unforeseen factors, the Ombudsman Office intends to contact their county partners and apprise them of the delay and the revised timetable. Further, the Ombudsman Office will provide feedback to the counties once an investigation or review is completed. The Ombudsman Office is confident that timeliness will improve during Year 2.
- **Improve response time and communication when following-up with referring parties.** The Ombudsman Office will also improve follow-up to referring parties. If reviews and/or investigations are taking longer than expected, the Ombudsman Office will reach out to referring parties to keep them up to date of their case status. The Ombudsman Office will also continue to refer individuals to the policies and procedures and case flow chart on their website so that the referring parties understand the office's process.
- **Conduct outreach about the Ombudsman Office, with a focus on reaching families in the child welfare or youth corrections system.** Within the limits of its first-year capacity, the Ombudsman Office conducted an impressive number of outreach sessions with families involved in the child welfare system throughout the state. The feedback from referring parties elicited in the Year 1 interviews reveals that families are hungry for information about the child welfare system and reinforces the need for the Ombudsman Office to reach out to families in their communities. Obviously, outreach activities will need to be done in a manner that is consistent with the office's current staffing levels and competing performance requirements. The Ombudsman Office anticipates engaging in regional outreach efforts and collaborating with other entities that conduct public forums on the child welfare and youth corrections systems.
- **Conduct outreach to counties.** During its first year of operation, the Ombudsman Office outreached to various county DHS agencies throughout Colorado to explain the office and its activities. Due to time and



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staffing constraints, it is not feasible for staff to personally appear in all county settings. The Ombudsman Office will continue to engage counties in the office and its activities and educate counties about the Ombudsman Office's relevant duties, powers, policies, and procedures. This may be done with email newsletters, webinars, and teleconferences, so that staff can focus on responding to referring parties and communicating with counties about case-specific reviews and investigations.

- **Define case resolution time frame for the Ombudsman Office.** According to the Child Protection Ombudsman Program Work Group requirements, the Ombudsman Office “will finalize reviews/investigations within 30 working days for routine referrals; seven (7) working days for urgent and emergency referrals.” When investigations are delayed due to barriers beyond the Ombudsman Office's control, the investigated entity will receive updates explaining delays and plans for resolutions. For investigations, the Ombudsman Office completes a report, submits the report to the DHS director in the county the investigation took place in, adds the county response as an addendum to the ombudsman's report, and submits the complete report to the state DHS director for review. Because the counties need time to read through the report and craft a response before the Ombudsman Office can submit its report to the state DHS, the Ombudsman Office proposes to confine the case resolution time frame to the time period between when the Ombudsman Office staff members elevate the case to an investigation to the office's submission of its investigative report to the county. The Ombudsman Office will explore this issue at greater length and finalize its definition of case resolution time frame in Year 2.
- **Maximize the potential of the comprehensive Management Information System for case tracking on a systematic basis.** During Year 1, the Ombudsman Office entered information into a computerized database every time a referring party contacted the office. Simultaneously, the Ombudsman Office created a Management Information System (MIS) in Microsoft Access that it has used. The Ombudsman Office's Year 2 goal is to strengthen the use of and maximize the reporting capability of this MIS.
- **Collect full information on all cases.** While the Ombudsman Office collected most of the information on contacts to the office during Year 1, there is room for improvement. In Year 2, the Ombudsman Office's goal is to collect all possible information on all contacts that come into the office. If the referring party cannot provide a needed data element, the Ombudsman Office will attempt to find it in TRAILS, the computerized database for the child welfare system. If certain items are consistently difficult to obtain, the Ombudsman Office will review its salience to the analysis of case activity and consider amending the MIS to eliminate it as a required field.
- **Create a standard complaint form that counties may choose to incorporate in their complaint processes.** Based on the Ombudsman Office's initial literature review, surveys, and telephone interviews on complaint processes pursued throughout the state, the Ombudsman Office has identified a vacuum in some counties. Accordingly, it plans to create a model complaint intake form. Counties may find this draft form helpful when accepting a child welfare complaint. The draft will be distributed to counties for reaction and revision.
- **Create a complaint procedure template for counties.** Because some Colorado counties do not have written policies and procedures regarding complaints, the Ombudsman Office will create a template that counties can choose to use. The procedural template may stimulate some counties to examine their procedures, improve response times, prevent some complaints from being filed, and reduce some of the variation across counties.



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- **Sponsor and conduct roundtable discussions with representatives from counties.** The Ombudsman Office plans to conduct roundtable discussions with county representatives, probably via teleconference, to stimulate peer learning and identify best practices in complaint handling. This will also be an opportunity for the Ombudsman Office to receive feedback from the counties about how it can best assist the counties in the complaint resolution process.
- **Explore systemic issues identified during Year 1 and any new ones identified during Year 2.** Understandably, the bulk of office energy and attention during Year 1 have been devoted to necessary start-up activities and to responding to the 144 case-specific contacts received by the Ombudsman Office. During Year 2, the Ombudsman Office will broaden its focus to include consideration of systemic issues. The Ombudsman Office anticipates pursuing relevant literature reviews and research efforts to better understand systemic issues and the various options available to families and counties. In its exploration of these broader issues, the Ombudsman Office will draw on the considerable talents of its 20-member, interdisciplinary advisory council. Finally, the Ombudsman Office will engage counties in consideration of relevant systemic issues to better understand their ramifications and to help identify appropriate responses.
- **Solicit and publically highlight successes and compliments about individuals, organizations, or efforts.** The Ombudsman Office accepts compliments and success stories about child welfare professionals, agencies, projects, or other actions that have resulted in notable and positive outcomes for children and youth in Colorado. In Year 2, the Ombudsman Office will highlight such compliments via letters to the recipient(s) of the compliment as well as public acknowledgement through media releases, public announcements, or other means. The Ombudsman Office will also track such successes to share as a role model for other system stakeholders.
- **Continue to provide child welfare and youth corrections stakeholders an independent forum to register their concerns.** The Ombudsman Office is committed to achieving its legislative mandate, which includes, but is not limited to, remaining independent of the child welfare and youth corrections system; providing an impartial review of concerns; accepting complaints or concerns from anyone; serving as a resource and “systems navigator;” educating the general public and stakeholders about these two systems; and promoting the best interest of children and families.

The Ombudsman Office continues to prioritize the highest level of commitment toward improving and strengthening Colorado’s child protection systems. The Ombudsman Office staff welcomes input from any member of the public and continues to seek opportunities for outreach and public education to better promote outcomes for children and families. We join our partners statewide in working to make Colorado a leader in ensuring all children are protected and given the opportunity to thrive.

References

- Colorado Child Protection Ombudsman Program Work Group. (2010). *Detailed Plan for the Establishment and Operation of the Child Protection Ombudsman Program*. Denver, CO.
- Colorado Department of Human Services. (2009). *Second Interim Report of the Governor's Child Welfare Action Committee*. Denver, CO.
- Colorado Revised Statutes, Sections 19-3.3-101 to 109. (2010). Retrieved August 8, 2012 from: http://www.state.co.us/gov_dir/leg_dir/olls/sl2010a/sl_225.pdf.
- Commonwealth Ombudsman. (2009). *Better Practice Guide to Complaint Handling*. Canberra, Australia: Commonwealth of Australia.
- National Center on Substance Abuse and Child Welfare. (undated). *Fact Sheet 3: Research Studies on the Prevalence of Substance Use Disorders in the Child Welfare Population*. Retrieved August 29, 2012 from http://www.ncsacw.samhsa.gov/files/Research_Studies_Prevalence_Factsheets.pdf.
- Parliamentary and Health Service Ombudsman. (2009). *Principles of Good Complaint Handling*. Retrieved August 8, 2012 from http://www.ombudsman.org.uk/__data/assets/pdf_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf.

**Appendix A:
Colorado Senate Bill 10-171**



NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 10-171

BY SENATOR(S) Newell, Bacon, Boyd, Heath, Hodge, Hudak, Keller, Kester, Lundberg, Morse, Penry, Romer, Shaffer B., Spence, Steadman, Williams, Carroll M., Foster, Sandoval, Schwartz, Tochtrop, Whitehead; also REPRESENTATIVE(S) Gagliardi, Acree, Casso, DelGrosso, Ferrandino, Frangas, Hullinghorst, Kefalas, Kerr J., Labuda, Levy, McNulty, Middleton, Nikkel, Primavera, Rice, Ryden, Scanlan, Todd, Tyler, Apuan, Court, Curry, Fischer, Gardner C., Kagan, Kerr A., McFadyen, Pace, Schafer S., Weissmann, Carroll T.

CONCERNING THE CREATION OF A CHILD PROTECTION OMBUDSMAN PROGRAM, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 19, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 3.3
Child Protection Ombudsman Program

19-3.3-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) CHILD ABUSE AND NEGLECT IS A SERIOUS AND REPREHENSIBLE PROBLEM IN SOCIETY;

(b) THE PROTECTION OF CHILDREN FROM ABUSE AND NEGLECT BY APPLYING PREVENTION MEASURES AND OBSERVING BEST PRACTICES IN TREATING CHILDREN WHO ARE ABUSED AND NEGLECTED MUST BE ONE OF COLORADO'S HIGHEST PUBLIC POLICY PRIORITIES;

(c) THE CHILD PROTECTION SYSTEM MUST PROTECT AND SERVE COLORADO'S CHILDREN IN A MANNER THAT KEEPS THEM SAFE AND HEALTHY AND PROMOTES THEIR WELL-BEING;

(d) THE CHILDREN AND FAMILIES SERVED BY THE CHILD PROTECTION SYSTEM, AS WELL AS THE PUBLIC, MUST HAVE A HIGH LEVEL OF CONFIDENCE THAT THE SYSTEM WILL ACT IN A CHILD'S BEST INTERESTS AND WILL RESPOND TO THE CHILD'S NEEDS IN A TIMELY AND PROFESSIONAL MANNER;

(e) TO ENGENDER THIS HIGH LEVEL OF CONFIDENCE IN THE CHILD PROTECTION SYSTEM, IT IS IMPORTANT THAT CHILDREN AND FAMILIES WHO BECOME INVOLVED IN THE SYSTEM, MANDATORY REPORTERS, AND THE GENERAL PUBLIC HAVE A WELL-PUBLICIZED, EASILY ACCESSIBLE, AND TRANSPARENT GRIEVANCE PROCESS FOR VOICING CONCERNS REGARDING THE CHILD PROTECTION SYSTEM ALONG WITH THE EXPECTATION THAT THOSE CONCERNS, ONCE VOICED, WILL BE HEARD AND ADDRESSED IN A TIMELY AND APPROPRIATE MANNER; AND

(f) TO IMPROVE CHILD PROTECTION OUTCOMES AND TO FOSTER BEST PRACTICES, THERE MUST BE EFFECTIVE ACCOUNTABILITY MECHANISMS, INCLUDING THE REVIEW AND EVALUATION OF CONCERNS VOICED BY CHILDREN AND FAMILIES, MANDATORY REPORTERS, PERSONS INVOLVED IN THE CHILD PROTECTION SYSTEM, AND MEMBERS OF THE GENERAL PUBLIC, THAT PROVIDE POLICYMAKERS WITH THE INFORMATION NECESSARY TO FORMULATE SYSTEMIC CHANGES, WHERE APPROPRIATE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE ESTABLISHMENT OF THE CHILD PROTECTION OMBUDSMAN PROGRAM WILL:

(a) IMPROVE ACCOUNTABILITY AND TRANSPARENCY IN THE CHILD PROTECTION SYSTEM AND PROMOTE BETTER OUTCOMES FOR CHILDREN AND

FAMILIES INVOLVED IN THE CHILD PROTECTION SYSTEM; AND

(b) ALLOW FAMILIES, CONCERNED CITIZENS, MANDATORY REPORTERS, EMPLOYEES OF THE STATE DEPARTMENT AND COUNTY DEPARTMENTS, AND OTHER PROFESSIONALS WHO WORK WITH CHILDREN AND FAMILIES TO VOICE THEIR CONCERNS, WITHOUT FEAR OF REPRISAL, ABOUT THE RESPONSE BY THE CHILD PROTECTION SYSTEM TO CHILDREN EXPERIENCING, OR AT RISK OF EXPERIENCING, CHILD MALTREATMENT.

19-3.3-102. Child protection ombudsman program - independence of office - administrative rules. (1) THE CHILD PROTECTION OMBUDSMAN PROGRAM, REFERRED TO IN THIS ARTICLE AS THE "PROGRAM", IS HEREBY ESTABLISHED IN THE STATE DEPARTMENT. THE EXECUTIVE DIRECTOR SHALL ESTABLISH AND ADMINISTER THE PROGRAM UNDER THE STATE DEPARTMENT BY CONTRACT WITH A PUBLIC AGENCY OR OTHER APPROPRIATE PRIVATE NONPROFIT ORGANIZATION.

(2)(a) THE HEAD OF THE CHILD PROTECTION OMBUDSMAN PROGRAM SHALL BE KNOWN AS THE CHILD PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "OMBUDSMAN". THE PROGRAM SHALL BE OPERATED BY A FULL-TIME, QUALIFIED OMBUDSMAN WITH THE PROFESSIONAL DESIGNATIONS AND QUALIFICATIONS DETERMINED APPROPRIATE BY THE EXECUTIVE DIRECTOR AFTER CONSULTATION WITH THE WORK GROUP CREATED PURSUANT TO SECTION 19-3.3-105.

(b) PURSUANT TO THE PROVISIONS OF SECTION 19-3.3-103, THE OMBUDSMAN SHALL FACILITATE A PROCESS FOR INDEPENDENT, IMPARTIAL REVIEW OF FAMILY AND COMMUNITY CONCERNS; REQUEST INDEPENDENT, ACCURATE INFORMATION; AND, IF APPROPRIATE, CONDUCT CASE REVIEWS TO HELP RESOLVE CHILD PROTECTION ISSUES.

(c) THE OMBUDSMAN SHALL ALSO BE A KEY ADVISOR CONCERNING ISSUES RELATING TO CHILD SAFETY AND PROTECTION IN COLORADO BY VIRTUE OF HIS OR HER RESPONSIBILITY AND AUTHORITY TO MAKE ADVISORY RECOMMENDATIONS TO THE STATE DEPARTMENT, COUNTY DEPARTMENTS, COUNTY COMMISSIONERS, THE GOVERNOR, AND THE GENERAL ASSEMBLY BASED UPON THE OMBUDSMAN'S EXPERIENCE AND EXPERTISE.

(3) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE CONTRACT FOR THE PROGRAM INDEPENDENTLY OF THE DIVISIONS WITHIN THE STATE

DEPARTMENT THAT ARE RESPONSIBLE FOR CHILD WELFARE, YOUTH CORRECTIONS, OR CHILD CARE.

(4) THE STATE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES AND SHALL PROMULGATE IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., ANY RULES NECESSARY FOR THE IMPLEMENTATION, OPERATION, AND ADMINISTRATION OF THE PROGRAM.

(5) THE EXECUTIVE DIRECTOR SHALL BE RESPONSIBLE FOR OVERSEEING THE CONTRACT FOR THE PROGRAM AND SHALL PROVIDE TRAINING AND OTHER ASSISTANCE TO THE OMBUDSMAN AND EMPLOYEES OF THE PROGRAM TO ENSURE THAT THE PROGRAM OPERATES IN COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND WITH THE TERMS, PERFORMANCE MEASURES, AND ACCOUNTABILITY REQUIREMENTS IN THE CONTRACT, AS WELL AS STATE AND FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM.

(6) SUBJECT TO THE PROVISIONS OF ANY CONTRACT AWARDED PURSUANT TO SECTION 19-3.3-106, AND SUBJECT TO AVAILABLE APPROPRIATIONS FOR THE PROGRAM, THE STATE DEPARTMENT SHALL PROVIDE FOR THE AVAILABILITY OF LEGAL COUNSEL TO THE OMBUDSMAN FOR THE PURPOSE OF LEGAL ADVICE CONCERNING PERFORMING THE DUTIES OF THE OMBUDSMAN, AND MAY PROVIDE FOR LEGAL REPRESENTATION OF THE OMBUDSMAN IN ANY ACTION BROUGHT AGAINST THE OMBUDSMAN IN CONNECTION WITH THE DUTIES OF THE OMBUDSMAN PURSUANT TO THIS ARTICLE.

19-3.3-103. Child protection ombudsman program - powers and duties - access to information - confidentiality - testimony. (1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THE DETAILED PLAN FOR THE PROGRAM DEVELOPED PURSUANT TO SECTION 19-3.3-105, THE OMBUDSMAN SHALL HAVE THE FOLLOWING DUTIES:

(a) (I) (A) TO RECEIVE 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, AND WELL-BEING OF THE CHILD. THE OMBUDSMAN MAY 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.

(B) THE OMBUDSMAN SHALL TREAT ALL COMPLAINTS RECEIVED PURSUANT TO SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (I) 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 OR HER DUTIES AND TO SUPPORT ANY RECOMMENDATIONS RESULTING FROM AN INVESTIGATION. RECORDS RELATING TO COMPLAINTS RECEIVED BY THE PROGRAM AND THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S.

(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.

(B) NOTHING IN THE PROVISIONS OF SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II) SHALL BE CONSTRUED TO GRANT SUBPOENA POWER TO THE OMBUDSMAN FOR PURPOSES OF INVESTIGATING A COMPLAINT PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (a).

(III) THE OMBUDSMAN SHALL REFER ANY COMPLAINTS RELATING TO THE JUDICIAL DEPARTMENT AND JUDICIAL PROCEEDINGS, INCLUDING BUT NOT LIMITED TO COMPLAINTS CONCERNING THE CONDUCT OF JUDICIAL OFFICERS OR ATTORNEYS OF RECORD, JUDICIAL DETERMINATIONS, AND COURT PROCESSES AND PROCEDURES TO THE APPROPRIATE ENTITY OR AGENCY WITHIN THE JUDICIAL DEPARTMENT.

(b) TO EVALUATE AND MAKE A RECOMMENDATION TO THE EXECUTIVE DIRECTOR AND ANY APPROPRIATE AGENCY OR ENTITY FOR THE CREATION OF A STATEWIDE GRIEVANCE POLICY THAT IS ACCESSIBLE BY CHILDREN AND FAMILIES WITHIN THE CHILD PROTECTION SYSTEM AND THAT

IS TRANSPARENT AND ACCOUNTABLE; AND

(c) TO REPORT AT LEAST ANNUALLY, PURSUANT TO SECTION 19-3.3-108, CONCERNING THE ACTIONS TAKEN BY THE OMBUDSMAN WITH RESPECT TO THE GOALS AND DUTIES OF THE PROGRAM.

(2) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THE DETAILED PLAN FOR THE PROGRAM DEVELOPED PURSUANT TO SECTION 19-3.3-105, THE OMBUDSMAN SHALL HAVE THE FOLLOWING POWERS:

(a) TO REVIEW ISSUES RAISED BY MEMBERS OF THE COMMUNITY RELATING TO CHILD PROTECTION POLICIES OR PROCEDURES AND MAKE RECOMMENDATIONS TO THE APPROPRIATE AGENCY OR ENTITY CONCERNING THOSE ISSUES;

(b) TO REVIEW AND EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF ANY EXISTING GRIEVANCE RESOLUTION MECHANISMS AND TO MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR AND ANY APPROPRIATE AGENCY OR ENTITY FOR THE IMPROVEMENT OF THE GRIEVANCE RESOLUTION MECHANISMS;

(c) TO HELP EDUCATE THE PUBLIC CONCERNING CHILD MALTREATMENT AND THE ROLE OF THE COMMUNITY IN STRENGTHENING FAMILIES AND KEEPING CHILDREN SAFE;

(d) TO PROMOTE BEST PRACTICES AND EFFECTIVE PROGRAMS RELATING TO A PUBLICLY FUNDED CHILD PROTECTION SYSTEM AND TO WORK COLLABORATIVELY WITH COUNTY DEPARTMENTS, WHEN APPROPRIATE, REGARDING IMPROVEMENT OF PROCESSES; AND

(e) TO RECOMMEND TO 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.

(3) AN AGENCY OR ORGANIZATION THAT IS AWARDED THE CONTRACT FOR THE OPERATION OF THE PROGRAM, THE OMBUDSMAN, EMPLOYEES OF THE PROGRAM, AND ANY PERSONS ACTING ON BEHALF OF THE PROGRAM 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.

(4) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO DIRECT OR AUTHORIZE THE OMBUDSMAN TO INTERVENE IN ANY CRIMINAL OR CIVIL JUDICIAL PROCEEDING OR TO INTERFERE IN A CRIMINAL INVESTIGATION.

(5) THE OMBUDSMAN SHALL ACT INDEPENDENTLY OF THE DIVISIONS WITHIN THE STATE DEPARTMENT THAT ARE RESPONSIBLE FOR CHILD WELFARE, YOUTH CORRECTIONS, OR CHILD CARE AND OF THE COUNTY DEPARTMENTS IN THE PERFORMANCE OF HIS OR HER DUTIES. ANY RECOMMENDATIONS MADE BY THE OMBUDSMAN OR POSITIONS TAKEN BY THE OMBUDSMAN DO NOT NECESSARILY REFLECT THOSE OF THE STATE DEPARTMENT OR OF THE COUNTY DEPARTMENTS.

19-3.3-104. Qualified immunity. THE OMBUDSMAN AND EMPLOYEES OR PERSONS ACTING ON BEHALF OF THE PROGRAM SHALL BE IMMUNE FROM SUIT AND LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITIES, FOR ANY CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY, OR FOR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF EMPLOYMENT, DUTIES, OR RESPONSIBILITIES PERTAINING TO THE PROGRAM, INCLUDING BUT NOT LIMITED TO ISSUING REPORTS OR RECOMMENDATIONS; EXCEPT THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROTECT SUCH PERSONS FROM SUIT OR LIABILITY FOR DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL AND WANTON MISCONDUCT OF ANY SUCH PERSON.

19-3.3-105. Selection of advisory work group - development of detailed plan. (1) WITHIN FORTY-FIVE DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE EXECUTIVE DIRECTOR SHALL CONVENE A VOLUNTARY WORK GROUP, REFERRED TO IN THIS ARTICLE AS THE "WORK GROUP". THE WORK GROUP SHALL BE SELECTED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND SHALL CONSIST OF PERSONS WITH EXPERTISE IN ISSUES RELATING TO THE PUBLICLY FUNDED CHILD PROTECTION SYSTEM AND INTEREST IN ASSISTING AND ADVISING THE EXECUTIVE DIRECTOR WITH RESPECT TO THE DEVELOPMENT OF A DETAILED PLAN, REFERRED TO IN THIS ARTICLE AS THE "DETAILED PLAN", FOR THE ESTABLISHMENT AND

OPERATION OF THE PROGRAM.

(2) (a) THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH SELECT ONE MEMBER FROM THEIR RESPECTIVE CHAMBERS TO SERVE ON THE WORK GROUP. THE REMAINING MEMBERS SHALL BE SELECTED BY THE GOVERNOR. THE WORK GROUP MAY INCLUDE REPRESENTATION FROM COUNTY DEPARTMENTS, COUNTY ATTORNEYS, COUNTY COMMISSIONERS, THE JUDICIAL DEPARTMENT, MANDATORY REPORTERS, SERVICE PROVIDERS, PERSONS OR FAMILY MEMBERS OF PERSONS WHO HAVE HAD PRIOR INVOLVEMENT AS CHILDREN WITH THE CHILD WELFARE SYSTEM, CHILD PROTECTION ADVOCATES, AND LAW ENFORCEMENT AGENCIES.

(b) THE GOVERNOR SHALL ESTABLISH A PROCESS BY WHICH PERSONS INTERESTED IN PARTICIPATING IN THE WORK GROUP MAY SUBMIT LETTERS OF INTEREST TO THE GOVERNOR. POTENTIAL MEMBERS OF THE WORK GROUP SHALL ADVISE THE GOVERNOR OF ANY CONFLICTS OF INTEREST THAT THEY MAY HAVE WITH RESPECT TO PARTICIPATING IN THE WORK GROUP. THE MEMBERSHIP OF THE WORK GROUP SHALL, TO THE EXTENT PRACTICABLE, INCLUDE PERSONS FROM THROUGHOUT THE STATE AND REFLECT THE ETHNIC DIVERSITY OF THE STATE, AND MEMBERS OF THE WORK GROUP SHALL PARTICIPATE IN THE WORK GROUP WITHOUT COMPENSATION.

(3) THE EXECUTIVE DIRECTOR, OR HIS OR HER DESIGNEE, MAY CONVENE THE WORK GROUP WITHOUT ALL MEMBERS PRESENT AND MAY ORGANIZE SUBCOMMITTEES CONSISTING OF WORK GROUP MEMBERS AND ANY OTHER PERSONS INVITED TO PARTICIPATE BY THE EXECUTIVE DIRECTOR.

(4) WITHIN NINETY DAYS AFTER THE WORK GROUP IS INITIALLY CONVENED, THE EXECUTIVE DIRECTOR, WITH THE ASSISTANCE OF THE WORK GROUP, SHALL COMPLETE A WRITTEN, DETAILED PLAN FOR THE ESTABLISHMENT AND OPERATION OF THE PROGRAM THAT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE POWERS AND DUTIES OF THE PROGRAM AS PROVIDED IN SECTION 19-3.3-103, THE QUALIFICATIONS AND PROFESSIONAL DESIGNATIONS APPROPRIATE FOR THE OMBUDSMAN, AND SPECIFIC PERFORMANCE BENCHMARKS FOR THE PROGRAM. UPON COMPLETION OF THE DETAILED PLAN, THE EXECUTIVE DIRECTOR SHALL PROVIDE A COPY OF THE DETAILED PLAN TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND SHALL POST THE DETAILED PLAN ON THE WEB SITE OF THE

STATE DEPARTMENT. THE MEMBERS OF THE WORK GROUP SHALL ALSO ADVISE THE EXECUTIVE DIRECTOR WITH RESPECT TO THE LENGTH OF THE CONTRACT AND THE CRITERIA FOR THE REQUEST FOR PROPOSALS RELATING TO THE CONTRACT FOR THE OPERATION OF THE PROGRAM. THE WORK GROUP IS ENCOURAGED TO CONSIDER A MULTIPLE-YEAR CONTRACT FOR THE OPERATION OF THE PROGRAM.

19-3.3-106. Award of contract. (1) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION, WITHIN THIRTY DAYS AFTER COMPLETION OF THE DETAILED PLAN PURSUANT TO SECTION 19-3.3-105, THE EXECUTIVE DIRECTOR, IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., SHALL ISSUE THE REQUEST FOR PROPOSALS FOR THE ADMINISTRATION OF THE PROGRAM. THE PROPOSAL SUBMISSION PERIOD, THE REVIEW OF SUBMISSIONS, AND THE AWARD OF THE CONTRACT SHALL BE COMPLETED WITHIN SIXTY DAYS AFTER THE ISSUANCE OF THE REQUEST FOR PROPOSALS.

(b) THE REQUEST FOR PROPOSALS SHALL INCLUDE LANGUAGE PROHIBITING THE AWARD OF THE CONTRACT TO A CONTRACTOR WHO WILL CONTINUE TO BE INVOLVED IN PROVIDING CHILD PROTECTION SERVICES OR INVOLVED IN THE LEGAL REPRESENTATION OF CHILDREN AFTER THE AWARD OF THE CONTRACT OR WHO HAS ANY OTHER CONFLICT OF INTEREST OR WHO IS UNABLE TO INDEPENDENTLY AND IMPARTIALLY PERFORM THE DUTIES OF THE PROGRAM.

(2) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE TO THE CONTRARY, THE EXECUTIVE DIRECTOR SHALL NOT AWARD A CONTRACT FOR THE OPERATION OF THE PROGRAM UNTIL SUCH TIME AS THE EXECUTIVE DIRECTOR DETERMINES THAT SUFFICIENT MONEYS ARE AVAILABLE OR HAVE BEEN COMMITTED FOR THE OPERATION OF THE PROGRAM.

19-3.3-107. Child protection ombudsman program fund - created. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE CHILD PROTECTION OMBUDSMAN PROGRAM FUND, REFERRED TO IN THIS ARTICLE AS THE "FUND". THE FUND SHALL CONSIST OF ANY MONEYS THAT MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY AND ANY GIFTS, GRANTS, OR DONATIONS THAT MAY BE CREDITED TO THE FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(2) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND

EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE STATE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT CREATES THE APPEARANCE OF IMPROPRIETY, THAT THE EXECUTIVE DIRECTOR DETERMINES IS CONTRARY TO THE BEST INTERESTS OF THE PROGRAM, OR THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER STATE OR FEDERAL LAW. THE STATE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(3) THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE.

(4) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT REVERT OR BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANOTHER FUND.

19-3.3-108. Child protection ombudsman program - annual report. (1) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, COMMENCING WITH THE SEPTEMBER 1 FOLLOWING THE FIRST FISCAL YEAR IN WHICH THE PROGRAM IS IMPLEMENTED, THE OMBUDSMAN SHALL PREPARE A WRITTEN REPORT THAT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, INFORMATION FROM THE PRECEDING FISCAL YEAR AND ANY RECOMMENDATIONS CONCERNING THE FOLLOWING:

(a) ACTIONS TAKEN BY THE OMBUDSMAN RELATING TO THE DUTIES OF THE PROGRAM SET FORTH IN SECTION 19-3.3-103;

(b) STATUTORY, REGULATORY, BUDGETARY, OR ADMINISTRATIVE CHANGES RELATING TO CHILD PROTECTION, INCLUDING SYSTEMIC CHANGES, TO IMPROVE THE SAFETY OF AND PROMOTE BETTER OUTCOMES FOR CHILDREN AND FAMILIES RECEIVING CHILD WELFARE SERVICES IN COLORADO.

(2) THE OMBUDSMAN SHALL TRANSMIT THE ANNUAL REPORT TO THE EXECUTIVE DIRECTOR FOR REVIEW AND COMMENT. THE EXECUTIVE DIRECTOR SHALL DISTRIBUTE THE REPORT TO THE GOVERNOR AND TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE OMBUDSMAN SHALL PRESENT THE REPORT TO THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, UPON REQUEST OF THOSE COMMITTEES.

(3) THE STATE DEPARTMENT SHALL POST THE ANNUAL REPORT ISSUED BY THE OMBUDSMAN TO THE WEB SITE OF THE STATE DEPARTMENT.

19-3.3-109. Review by the state auditor's office. THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AND FISCAL AUDIT OF THE PROGRAM AT THE BEGINNING OF THE THIRD YEAR OF OPERATION OF THE PROGRAM, OR PURSUANT TO THE TIME FRAME RECOMMENDED IN THE DETAILED PLAN DEVELOPED PURSUANT TO SECTION 19-3.3-105, WHICHEVER DATE IS SOONER. THEREAFTER, AT THE DISCRETION OF THE LEGISLATIVE AUDIT COMMITTEE, THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AND FISCAL AUDIT OF THE PROGRAM.

SECTION 2. 19-1-103 (32) and (103), Colorado Revised Statutes, are amended, and the said 19-1-103 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(32) (a) "County department", as used in this article and part 2, part 3, and part 7 of article 3 of this title and part 2 of article 5 of this title, means the county or district department of social services.

(b) "County department", as used in section 19-3-211 AND IN ARTICLE 3.3 OF THIS TITLE, means a county or a city and county department of social services.

(47.5) "EXECUTIVE DIRECTOR", AS USED IN ARTICLE 3.3 OF THIS TITLE, MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN

SERVICES.

(103) "State department", as used in section 19-3-211, and part 3 of article 3 of this title, AND ARTICLE 3.3 OF THIS TITLE, means the department of human services created by section 24-1-120, C.R.S.

SECTION 3. 19-1-307 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty. (2) **Records and reports - access to certain persons - agencies.** Except as otherwise provided in section 19-1-303, only the following persons or agencies shall be given access to child abuse or neglect records and reports:

(u) THE CHILD PROTECTION OMBUDSMAN PROGRAM CREATED IN SECTION 19-3.3-102, WHEN CONDUCTING AN INVESTIGATION PURSUANT TO ARTICLE 3.3 OF THIS TITLE.

SECTION 4. 19-3-304 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19-3-304. Persons required to report child abuse or neglect. (2) Persons required to report such abuse or neglect or circumstances or conditions shall include any:

(gg) THE CHILD PROTECTION OMBUDSMAN AS CREATED IN ARTICLE 3.3 OF THIS TITLE.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for allocation to the executive director's office, for the child protection ombudsman program, for the fiscal year beginning July 1, 2010, the sum of one hundred seventy-five thousand dollars (\$175,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

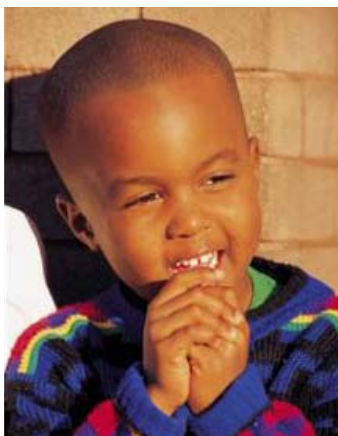
Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Appendix B: Ombudsman Office Policies and Procedures



Office of Colorado's
CHILD PROTECTION
OMBUDSMAN

INTERNAL OPERATION POLICIES AND PROCEDURES

As of July 18, 2012¹

--POLICY FOR EDITING THIS DOCUMENT--

TO ACCOMMODATE AND ADDRESS THE EMERGING ISSUES OF THE OFFICE OF COLORADO'S CHILD PROTECTION OMBUDSMAN, THE POLICIES AND PROCEDURES OF THE OCCPO WILL BE REVIEWED QUARTERLY BY THE OCCPO ADVISORY COUNCIL, WHO MAY AT THEIR QUARTERLY MEETINGS DISCUSS, CONSIDER AND OR APPROVE OF EDITS TO THE POLICIES AND PROCEDURES BASED ON THEIR OWN CONCERNS OR CONCERNS FROM OTHER STAKEHOLDERS. THE NEXT MEETING OF THE OCCPO ADVISORY COUNCIL WILL TAKE PLACE OCTOBER 5, 2012 AT 9:00AM. ISSUES REGARDING THIS VERSION OF THE POLICIES AND PROCEDURES SHOULD BE SUBMITTED TO ANY ADVISORY COUNCIL MEMBER OR TO THE OMBUDSMAN BY OR BEFORE 5:00 PM OCTOBER 4, 2012 TO BE CONSIDERED AT THE COUNCIL MEETING.

I. DEFINITIONS

The Office of the Colorado Child Protection Ombudsman (OCCPO) has developed internal operations policies and procedures to carry out its functions and establish a process for members of the public to contact the office. The majority, but not all, of the contact to OCCPO is in the form of an inquiry or a complaint, either by phone or in writing, requesting action from OCCPO. The following definitions apply throughout this part:

Contacts: Any contact to OCCPO, including complainant inquiries and complaints

Complaints: A complaint shall be defined as an alleged concern, problem or issue which the Child Protection Ombudsman Program records and documents in writing. Complaints may be specific to an individual person or may involve general issues affecting multiple participants in the child protection system. Complaints may be filed on written form, verbally or through electronic media in a manner to be developed by the child protection ombudsman. A complaint to the Office of Colorado's Child Protection Ombudsman can take on three forms: Inquiry, Review and/or Investigation.

Inquiries: Questions or requests for information, resource referral, and referrals not related to OCCPO business or administrative operations and not related to

¹ The Ombudsman Office's Internal Operations Policies and Procedures has gone through several revisions in Year 1. It is expected that there will be additional revisions in Year 2. This version is the most recent of the Internal Operations Policies and Procedures as of the publication of the Ombudsman Office's Year 1 Annual Report.

a specific child or case, or a complaint that falls outside of the purview of OCCPO. Any complaint requesting OCCPO action that does not progress to the stage of review is considered a complainant inquiry.

Review: The research stage of looking into an issue raised by a complainant at which point OCCPO will do an initial search of TRAILS and Colorado Court Database and will gather any other information necessary to determine whether the complaint received is an issue warranting an investigation by OCCPO. Every complaint received that falls under OCCPO’s jurisdiction will proceed as an Ombudsman inquiry. After the initial review of that inquiry, the OCCPO staff will determine whether the complaint necessitates that an investigation be opened.

Investigations: A Child Protection Ombudsman “investigation” is defined as a comprehensive independent inquiry into relevant facts, records, and statements of witnesses, considering the best interests of the child. Investigations include a review of records and actions or inactions, and may also include assessing additional facts, additional testimony, to include the re-interview of previous witnesses or reporting parties. An “Investigation” is an independent assessment by the Ombudsman.

Other Contacts: Contacts that relate to specific open complaints and other contacts not related to OCCPO business or administrative operations and not included in the definition of an inquiry or complaint

State Department: The Colorado Department of Human Services created by C.R.S. § 24-1-120.

Executive Director: The Executive Director of the Colorado Department of Human Services.

County Department: The County, District or City and County Department of Social/Human Services.

Emergency Complaint: Complaints that allege immediate risk of harm to a child due to abuse; medical emergency or other type of emergency shall be handled and reported in an emergent fashion.

Urgent Complaint: Situations that do not pose an imminent risk of harm but allege areas of immediate concern.

Routine Complaint: Complaints that pose no immediate risk to any child of a child protection concern. Those complaints may involve but are not limited to quality of care; issues concerning the working relationship with various entities

involved in the child protection matter; issues involving placement of children in out of home care.

Interfere: **CRS 19-33-103 (4)** to attempt to influence a party or a pending action before the court or jurisdiction, to file motions or to unduly influence the court, or to take a position on a matter before the court.

II. COMPLAINTS

A. Complaints Defined:

A complaint shall be defined as an alleged concern, problem, or issue that the OCCPO receives from any individual or entity. Complaints may refer to an individual person, action, or may involve general issues affecting multiple participants in the child protection system. Complaints may be filed in writing, verbally or through electronic media in a manner to be developed by the OCCPO. A complaint to the Office of Colorado's Child Protection Ombudsman can take on three forms: Inquiry, Review and/or Investigation.

A complaint is the incoming information, not the status of the specific case.

If OCCPO determines that a complaint requires OCCPO action beyond general information gathering (Ombudsman inquiry stage), it will be labeled as a review. However, if OCCPO determines that the complaint is either outside of OCCPO's purview, is solely in need of a resource referral, or has no merit, it will be labeled as an inquiry.

OCCPO is prohibited by law from intervening in any criminal or civil judicial proceeding or to interfere in a criminal investigation. To the extent possible, the Ombudsman and OCCPO staff must investigate any complaints without interfering in ongoing court or child protection cases, including those complaints specifically referred to within the Judicial Department.

1. Requests for Interventions

Complaints that request that OCCPO intervene in specific situations for the purpose of preventing or mitigating harm to a family or child allegedly resulting from an agency's act or omission.

2. Requests for Investigations

Complaints that request that OCCPO investigate chronic and/or system-wide issues that may adversely affect families and children for the purpose of assessing their cause and effect. Such complaints may involve either systemic flaws or individual non-compliance with laws or procedures. Also, complaints that allege that specific administrative acts have resulted in clear and serious harm to a family or child, or the risk of such harm, and request that OCCPO assess compliance with existing law, rule, policy or procedure.

The OCCPO staff and Ombudsman may decline any request for investigation based on their determination of the validity of the request or situation.

B. Complaints Generally

The following policies and procedures apply to all complaints received by OCCPO.

1. Who May File a Complaint

Any concerned person or entity may file a complaint with the OCCPO at any time. Those shall include, but are not limited to:

- Children, birth to age 18, including up to age 21 if currently in the custody or under the court-authorized care and control of the county (including those in foster care, residential or correctional facilities)
- Family members of the child who is subject of complaint
- Concerned citizens and members of the general public
- Mandated reporters
- Persons involved in the child protection system and other professionals who work with children and families
- Employees of the CO Department of Human Services
- Employees of a County Human/ Social Service Department
- Employees of other publicly funded entities that serve children

2. Documenting Complaints

OCCPO staff shall document all complaints by entering them into the database. The Ombudsman will review the complaint and assign the complaint for OCCPO staff for response. The Ombudsman or OCCPO staff member will make a reasonable effort to contact the complainant via phone or letter within five (5) working days for routine complaints, within three (3) working days for urgent complaints, and within one (1) working day for emergency complaints.

Complaint information that has been provided on the complaint form and information shall be entered into the database. If needed, other information shall be timely entered into the database so that it is reasonably current in documenting activities and decisions. All remaining complaint information shall be entered before the database is closed.

3. Complaint Forms

A complaint form must be completed before OCCPO will take action on a complaint, unless the complaint has been accepted on an emergent basis. In

the case of emergent complaints, OCCPO staff may take action without a completed complaint form. Each complaint form shall include the complainant's identity and the action or inaction that is the subject of the complaint. OCCPO staff shall assist a complainant in completing a complaint form upon request, and shall gather information from the complainant as necessary to assure that the complaint form is completed. OCCPO staff may also receive complaints over the phone and may complete the complaint form with the complainant at that time.

Each complaint form must include a notice of confidentiality and either cite to C.R.S. § 19-3.3-103(a)(I)(B) and § 19-3.3-103(a)(II)(A) or OCCPO staff must inform the complainant verbally that their identifying information or anything that OCCPO deems as potentially identifying information will remain confidential, unless the Ombudsman deems disclosure as necessary to conduct a thorough and complete investigation of the complaint.

4. Identifying Previous Contacts

Prior to taking action on any complaint, the Ombudsman shall search the database to confirm that all previous contacts by the complainant have been identified, and shall also ask the complainant if they have ever contacted the OCCPO. Previous inquiries or complaints by the complainant shall be reviewed, assessed and noted as appropriate in the data base. If the complainant has made previous contact with OCCPO, the new complaint shall be entered under the complainant's name as a "new request".

III. INQUIRIES

Inquiries and Complaints are defined, and policies and procedures are outlined, in the following sections.

A. Inquiries Defined:

Inquiries are defined as questions or requests for information, resource referral, referral not related to OCCPO business or administrative operations and not related to a specific child or case, or a complaint that falls outside of the purview of OCCPO. Any complaint requesting OCCPO action that does not progress to the stage of review is considered a complainant inquiry.

B. Inquiries Generally:

The following policies and procedures apply to all inquiries received by OCCPO.

1. Documenting Inquiries

OCCPO staff shall document OCCPO inquiries by completing a complaint form to the fullest extent possible, if the complaining party has not already done so. All information related to the complaint should also be entered into the database. OCCPO staff shall document any referrals to other services made in the database.

2. Identifying Previous Contacts

Prior to taking action on any inquiry, OCCPO staff shall search the database to confirm that all previous contact has been identified.

3. Confidentiality

All inquiries are confidential. OCCPO shall not affirmatively disclose, confirm, or deny to any person any information about any inquiry without the individual's consent, unless such disclosure is deemed necessary to carry out the duties and responsibilities of the office under Colorado law. All such disclosures should be documented.

OCCPO may confirm or deny previous inquiries with OCCPO to the originator of the inquiry, only after taking reasonable steps to confirm the individual's identity. Reasonable steps include verifying the individual's name, address, and phone number. If this information cannot be confirmed, then the individual shall be informed that the office is unable to confirm or deny previous contact to the office. If there is any reason to believe that the verification of this information is not sufficient to establish the identity of the caller, then the staff should seek verification of other information, such as social security number, date of birth, or other relevant personal information. Staff should document all follow-up inquiries, which require the verification of an individual's identity and should also document the information verified for the staff member.

OCCPO staff may provide limited inquiry information to the Governor's office, a legislator, or legislative staff upon request and only with the consent of the originator of the inquiry. The limited information includes date of inquiry, date of response, and information provided. Staff should document the release of any such information in the specific section of the complaint screen of the database.

4. Request to Contact a Third Party

OCCPO will not contact persons at the request of a third party. When asked by a third party to contact a particular individual in order to assist them or respond to an inquiry, OCCPO staff shall decline and ask that the third party contact OCCPO directly. However, if the Governor's office, legislator or legislative staff requests that OCCPO contact a constituent directly, the Ombudsman may authorize direct contact. If the Ombudsman does not authorize direct contact, OCCPO staff shall decline and ask that the constituent be referred directly to OCCPO.

5. Referrals to Other Services or Resources

OCCPO staff shall provide resources that may assist complainants. Inquiries relating to specific treatment services will be referred back to the County in which the client is eligible for possible services. Inquiries relating to the Judicial Department, judicial proceedings, or attorneys shall be referred to

the appropriate entity or agency within the Judicial Department. OCCPO staff should provide the complainant with the Ombudsman-approved Judicial Department contact handout. If the complainant does not have a mailing address or e-mail, OCCPO staff may provide the contact information verbally.

6. Media Inquiries

All media inquiries, regardless to whom the media contact requests to speak, shall be directed to the Ombudsman.

7. Grievances against OCCPO

All grievances against OCCPO or OCCPO staff shall be forwarded to the Ombudsman. The Ombudsman will document such grievances and implement the grievance process.

8. Request for Public Records

Pursuant to C.R.S. 19-3.3-103(a)(B)(II), OCCPO has the ability to access and review records and information as long as either the State Department or a County Department would be entitled to access or receive such information, records, or documents. OCCPO staff shall submit a written request for records to the agency or entity that maintains the records needed.

If the OCCPO requests access to records other than child protection records, OCCPO shall submit a written request that shall include the following information:

- a. why the records are necessary for the investigation;
- b. how the disclosure is required to serve a compelling state interest; and
- c. if a compelling State interest necessitates disclosure of otherwise protected information, how disclosure may occur in a manner which is least intrusive with respect to the right of confidentiality.

OCCPO staff must limit their request for records to those that are related to the complaint being investigated.

9. Inquiry Documentation and Response

OCCPO staff shall document all inquiries by entering them into the database. OCCPO staff will respond by providing the complainant with an initial response letter, acknowledging OCCPO's receipt and documentation of the complaint. This letter should be sent to the address provided by the complainant for himself or herself. If the complaining party does not have a mailing address, OCCPO staff should make other arrangements, including but not limited to verbal acknowledgement, to assure the complaining party that their complaint has been received and documented.

If a complaining party has not completed a complaint form upon his/her first contact with OCCPO, OCCPO staff may either direct the complaining party to the OCCPO website to fill out the form, OCCPO staff may complete the form themselves based on information provided by the complaining party to the staff, or OCCPO staff may mail a complaint form to the complaining party.

The Ombudsman shall be advised of any contact from the Governor's office, the media, a legislator, or legislative staff. Written inquiries received from, or copied to, the governor's office, the media, a legislator or legislative staff, and addressed to OCCPO, shall be copied and provided to the Ombudsman.

10. Inquiry Process:

Designated staff will respond by providing the complainant with an initial contact letter, acknowledging that OCCPO has received the complaint. OCCPO staff will provide the complainant with a complaint form if requested, or if the staff member deems it necessary to obtain the necessary information from that particular complainant. OCCPO staff should document the information provided by completing the database record of the inquiry. OCCPO staff handling the inquiry shall place a print out of the inquiry record, the original written inquiry and/or a copy of OCCPO response in the inquiry file under the contact's last name. If documents from previous inquiries have been identified and pulled from the files, all will be returned to the inquiry file, with the most current contact on top.

When the inquiry is from the governor's office, a legislator, or legislative staff, and the inquiry asks us to respond directly to the constituent, OCCPO may, at the Ombudsman's discretion, respond to the inquiry by notifying the governor or legislator's office by phone or electronically, requesting that they ask the constituent to call OCCPO directly with their inquiry.

Upon direct contact with any complainant, OCCPO staff may ask the complainant what steps they have taken to resolve their complaint before they file a complaint with OCCPO and shall provide the complainant with information to aid in their resolution of the complaint with the agency as appropriate.

IV. REVIEWS

A. Reviews Defined:

The research stage of looking into an issue raised by a complainant – at this point OCCPO will do an initial search of TRAILS and Colorado Court Database and will gather any other information necessary to determine whether the complaint received is an issue warranting an investigation by OCCPO. Every complaint received that falls under OCCPO's jurisdiction will proceed as an Ombudsman inquiry. After the initial review of that inquiry, the OCCPO staff will determine whether the complaint necessitates that an investigation be opened.

B. Reviews Generally:

The following policies and procedures apply to all reviews conducted by OCCPO.

The Associate Ombudsman will review all TRAILS data and reports that have been gathered. The Associate Ombudsman may determine that a county visit would be helpful in determining the furtherance of the complaint. Should this be necessary, the Associate Ombudsman will contact the County Director or Designee to advise that a review is being conducted on a complaint that has been received by the OCCPO. The Associate Ombudsman will work with the County or other licensed agency to determine a date for a visit to the County or facility to review additional documentation and/or conduct interviews of involved parties. Upon completion of the county/facility visit, it will be determined if the OCCPO affirms the agency's actions and notify the county or facility of the decision not to proceed further. A letter will also be sent to the complainant advising them of the conclusion of the review.

V. INVESTIGATIONS

A. Investigations Defined:

A Child Protection Ombudsman "Investigation" is defined as an independent inquiry into relevant facts, records, and statements of witnesses, considering the best interests of the child. It would include a review of records and actions or inactions, but could include assessing additional facts, additional testimony, to include the re-interview of previous witnesses or reporting parties. An "Investigation" is an independent assessment by the Ombudsman.

B. Investigations Generally:

The following policies and procedures apply to all investigations conducted by OCCPO.

Following the receipt of a complaint, OCCPO staff and the Ombudsman shall meet for a scheduled case staffing. If it is an emergency complaint, OCCPO staff should forward the complaint to an Ombudsman or Associate Ombudsman immediately and notify him/her of the emergent nature of the complaint.

The decision to investigate or to decline to investigate shall be made by the Ombudsman or an Associate Ombudsman. If the decision is made to investigate, the Associate Ombudsman in consultation with the Ombudsman shall make decisions regarding the process of conducting the investigation.

Should the OCCPO determine an investigation is warranted, written notice will be provided to the Colorado Department of Human Services Executive Director as well as the Director or Designee of the investigated entity.

The decision to terminate an investigation shall be made by the Associate Ombudsman and/or the Ombudsman.

At the end of an investigation, OCCPO may take action that includes, but is not limited to any of the following and shall culminate in a written report:

1. recommendations regarding agency policy, procedure, or practice that should be implemented to improve service delivery and/or accountability;
2. recommendations to an agency regarding its own internal or external investigation, review or audit;
3. recommendations to the Legislature that may improve services and/or accountability; or
4. recommendations regarding legislation, policy, and/or executive order changes that would improve services and/or accountability.

C. Categories of Investigations:

1. Systemic Investigation

A systemic investigation is an investigation of systemic flaws, which may warrant recommendations to the legislature or recommendations to an agency for changes in policy and procedure as it relates to systems.

2. Case Specific Investigation

A case specific investigation is an investigation of one or more individual's and/or agency's failure to comply with laws or policies that have already been established.

A situation warrants an OCCPO investigation when the OCCPO determines that:

- a. an agency's acts or omission appear to potentially represent conduct that is recurring and/or may seriously harm children and/or their parents/caregivers; or
- b. an issue or problem in the service delivery system appears to be systemic or chronic and adversely affects children and/or their parents/caregivers.

VI. GENERAL INFORMATION

A. Legal Advice

OCCPO does not provide legal analysis or advice. OCCPO staff may describe legal procedures and options when responding to OCCPO inquiries, but shall not provide

legal analysis or advice. OCCPO can refer complaining parties to legal services if they do not have legal representation.

B. Confidentiality (CRS 19-3.3-103 (B))

All identifying information of either inquiring or complaining parties shall remain confidential. OCCPO shall not affirmatively disclose, nor confirm or deny, to any person that the office has received a particular inquiry, or received an inquiry from a particular individual, without the individual's consent, unless such disclosure is deemed necessary to carry out the duties and responsibilities of the office under Colorado law.

OCCPO staff may provide the Governor's office or a legislator or legislative staff with limited inquiry information, only with the consent of the originator of the inquiry. The limited information includes date of inquiry; date of response and information or referral provided. Staff should document the release of any such information in the specific section of the complaint screen of the database.

1. Confidentiality Regarding Complaints:

- a. OCCPO will, to the best of their ability, protect the confidentiality of the complainant, even in the event of an open records request for that information. OCCPO staff must inform the complainant that, under some circumstances, it may be necessary for the complainant's identity to be disclosed in order for OCCPO to perform its duties.
- b. Privacy shall be provided for receipt of complaints and subsequent communications with complainants by mail, telephone, or personal interview in order to maintain confidentiality.
- c. All mail addressed to an OCCPO staff by name or title shall be delivered unopened to that staff member.

2. Confidentiality Regarding Records:

- a. OCCPO staff members are granted access to the Colorado Department of Human Services case file records, which includes full and continuous (read only) access to the web-based TRAILS system.
- b. Copies of any records that are accessed from TRAILS may be printed out as the Ombudsman deems necessary to complete a quality review of a complaint in a timely manner.
- c. Privacy shall be provided for reviewing all CDHS records.

- d. All OCCPO files will be maintained in a locked cabinet with access limited to OCCPO staff.
- e. Any records or information received from the complainant him or herself that would otherwise be protected will be treated as confidential by OCCPO staff.

C. Tracking

OCCPO staff shall track all action taken towards the inquiry, review, investigation, and recommendations related to individual complaints on an “action tracking sheet” placed in the front of the case file.

D. Reporting

OCCPO staff will compose a comprehensive report detailing the actions taken by OCCPO to investigate a complaint, the reasons behind those actions, and any recommendations or affirmations that OCCPO staff may have for the investigated entity.

After OCCPO staff has completed that report, a final draft of that report will be distributed to the investigated entity. The investigated entity shall not have editing powers of OCCPO’s report, but will always have the ability to comment on the investigation in an addendum to OCCPO’s investigation report. OCCPO may change or edit their report or findings based on the response provided by the investigated entity. The final OCCPO report, in conjunction with the investigated entity’s addendum, shall then be presented to the investigated entity and to the Colorado Department of Human Services.

OCCPO reports will be posted for public viewing on OCCPO’s website (protectcoloradochildren.org). The public version of the report, however, will be redacted to exclude any information that may indicate the identity of any parties involved in the complaint and may be reduced to a summary of issues, concerns, strengths, and recommendations. Prior to public release, the investigated entity and CDHS shall be notified and given a copy of the redacted document to be released.

OCCPO shall report on investigation decisions and results as well as other documented issues in its annual report to the Governor.

VII. Receipt of Complaints

A. Receipt General:

If a call is received that is a complainant inquiry – seeking only information- the complainant inquiry is documented, and they are given the information or resources that they sought.

If a call is received that is a complaint falling outside of the jurisdiction of OCCPO (for example, a judicial complaint), OCCPO will document the complaint and refer the complainant to the proper resources.

If a call is received and it is within OCCPO jurisdiction, the complaint will be reviewed and labeled as an Ombudsman inquiry, unless, during the review process, the OCCPO staff shall determine that it is necessary to investigate the complaint. If OCCPO staff is satisfied with county action or discovers during the review process that the complaint is outside of OCCPO jurisdiction, the complaint will remain labeled as an inquiry.

B. Written Complaint:

An inquiry obtained through either e-mail or paper mail shall be responded to in the manner appropriate for that particular inquiry or complaint. If the party merely seeks information about the Office of the Colorado Child Protection Ombudsman, that party may be responded to in writing. If the party seeks a list of services, that party may also be responded to in writing. If, however, a party has an immediate need for assistance finding resources or has written to OCCPO in order to report child abuse, OCCPO staff should call the inquiring party and refer them to the appropriate agency. If the party was writing to report child abuse, OCCPO staff should reach the complainant in the most expedient manner possible and direct them to call the appropriate county department, providing them with the phone number. As mandated reporters, OCCPO staff must report any information regarding child abuse to the appropriate county department or law enforcement agency.

If information is missing from the written complaint and if the complainant has provided their phone number, OCCPO staff may call the complaining party to obtain further information. If the complainant is not available to speak on the phone, OCCPO staff may respond to the complaining party with an initial response letter and include both an empty complaint form and an envelope self-addressed to OCCPO. If the party was writing to report child abuse, OCCPO staff should reach the complainant in the most expedient manner possible and direct them to call the appropriate county department, providing them with the phone number. As mandated reporters, OCCPO staff must report any information regarding child abuse to the appropriate county department or law enforcement agency.

C. Phone Complaints:

An inquiry received via phone should be responded to in whatever manner is most appropriate for that particular inquiry. If the party seeks general information about the history or function OCCPO, OCCPO staff may inform the inquiring party that a general information sheet can be mailed or e-mailed to them. If the party seeks or needs a specific referral to services, OCCPO staff should refer them to the County Department of Human Services in which the

complainant resides and maybe eligible for services. If the party is calling to report child abuse, OCCPO staff should direct them to call the appropriate county department, providing them with the phone number. As mandated reporters, OCCPO staff must report any information regarding child abuse to the appropriate county department or law enforcement agency.

When a complaint is received over the phone, OCCPO staff should explain the complaint process and document all of the information on a complaint form. If the complaining party either refuses or is unable to provide OCCPO staff with the necessary information, that staff member may end the conversation and send the complainant a blank complaint form through paper or electronic mail. If the complaining party does not have either an electronic or paper mailing address, OCCPO staff should make a reasonable effort to obtain as much information as possible from the complainant over the phone. If the complaining called to report child abuse, OCCPO staff should direct them to call the appropriate county department, providing them with the phone number. As mandated reporters, OCCPO staff must report any information regarding child abuse to the appropriate county department or law enforcement agency.

D. Walk-In Complaint Policy:

For the comfort and safety of both NACC and OCCPO staff, it is the policy of OCCPO to not accept walk-in complaints. The reception desk of the OCCPO office building has been provided with instructions as to how to deal with walk-in complainants. OCCPO staff should make sure that the reception desk is stocked at all times with the following:

- “Filing a Complaint With the Ombudsman” informational handout
- Blank complaint forms
- Envelopes self-addressed to the NACC/ OCCPO

OCCPO staff may use their discretion with regard to meeting with complainants at the OCCPO office following initial intake of complaint information.

E. Grandparents:

Any grandparent filing a complaint may be provided with a “Your Rights as a Grandparent” informational handout if the handout will appropriately address their complaint or if OCCPO staff thinks that the information may be helpful for the complainant to have.

F. Disruptive or Unreasonably Persistent Complainants:

OCCPO recognizes that it may often be accessed after all other processes to address concerns have been exhausted. The Office of the Colorado Child Protection Ombudsman is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As

part of this service, OCCPO does not normally limit the contact complainants have with the office.

However, there are a small number of complainants who, because of the frequency of their contact with OCCPO, hinder our consideration of either their or other people's complaints. Such complainants are referred to as "persistent complainants" and, in exceptional cases, where this contact is deemed unreasonable, action will be taken to limit their contact with the office. This decision is made by the Ombudsman. In all cases, OCCPO will communicate with the complainant to explain to them why we believe their behavior falls into this category and ask them to change it.

If the behavior continues, we will communicate with the complainant to explain that we are limiting their access to the office and how it affects them. We will also inform them how they can complain if they disagree with that decision by filing a complaint with the Executive Director of the Colorado Department of Human Services.

G. Unacceptable Behavior of Complainant

OCCPO is committed to ensuring the safety and welfare of staff. OCCPO is committed to dealing with all complaints fairly and impartially and providing a high quality service to those who make them. As part of this service, OCCPO does not normally limit the contact complainants have with the office. However, OCCPO may exercise the right to restrict or refuse services based on unacceptable or dangerous behavior by complainants (e.g. abusive, harassing or threatening) and will take action to protect the safety of OCCPO staff.

The decision to restrict access to services will be made by the Associate Ombudsman in conjunction with the Ombudsman. In all cases, OCCPO will communicate with the complainant to explain why their behavior is unacceptable.

If the unacceptable behavior continues, OCCPO will communicate with complainant to explain that we are limiting their access to the office. The options that may be considered are:

- Requesting contact in a particular form (ex: letters only);
- Requiring contact take place with a named individual;
- Restricting phone calls to specified days and times; and/or
- Asking the complainant to enter into an agreement about their conduct.

When a complainant continues to behave in a way that is unacceptable, OCCPO may decide to terminate all forms of contact with that individual and if necessary, close their case.

When the behavior is so extreme that it threatens the immediate safety and welfare of OCCPO staff, or other individuals, or in interest of public safety, other options will be considered including reporting the matter to the police, or taking legal action. In such cases, OCCPO is not required to give the complainant prior notice.

OCCPO will inform complainant about how to complain if they disagree with the decision by filing a grievance against OCCPO.

VIII. MANDATED REPORTING RESPONSIBILITIES (CRS 19-3-304)

A. Abuse or Neglect

When the Ombudsman or any OCCPO staff member suspects or has reason to believe that a child or adult dependent or developmentally disabled person has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the appropriate county department. If the reasonable belief is based upon a report or information obtained from another individual, OCCPO staff shall encourage that individual to report the incident directly to the appropriate agency and shall confirm with the agency that such report was made. If the Ombudsman or any OCCPO staff member has direct knowledge of possible abuse or neglect, or is aware that an individual has failed to report possible abuse or neglect, then he or she shall report such incident directly to the appropriate agency. OCCPA staff members shall inform the Ombudsman prior to reporting possible abuse or neglect, unless doing so would place a child at risk of harm.

B. Criminal Activity

When the Ombudsman or OCCPO staff member has reasonable cause to believe that any person has acted in a manner warranting criminal or disciplinary proceedings, the Ombudsman or OCCPO staff member shall report the matter, or cause a report to be made, to the appropriate authorities. Reasonable cause means that the Ombudsman or OCCPO staff has direct knowledge of the action warranting criminal or disciplinary proceedings and/or had determined through an independent Investigation that allegations or information provided by another person relating to such actions are credible. Members of the Ombudsman's staff shall inform the Ombudsman prior to making a report, unless doing so would place a person at risk of immediate harm.

IX. OCCPO CHILD FATALITY INVESTIGATIONS

When OCCPO receives a complaint regarding a child fatality, OCCPO will:

- 1. Conduct an initial search for all public information regarding the death of that child.**

2. Follow the same process for routine inquiries, reviews, and investigations, including conducting an initial search of trails and other databases, notifying the appropriate entities if OCCPO has determined that the circumstances warrant a formal investigation.
3. OCCPO shall review and document issues identified during its investigation and provide CDHS and the relevant county or agency with a report of findings, strengths, and recommendations.

X. DATA TRACKING

OCCPO shall record general data regarding the types of individual complaints and inquiries received for its annual report. The type of information that should be documented includes but is not limited to the following:

1. Reporter category (family, agency, educator, etc.)
2. County or other public agency
3. Race/ ethnicity of complainant
4. Nature of the referral
5. Basic demographic information of the children and families who are the subject of review
6. Number of complaints/ inquiries received
7. Number of complaints/ inquiries reviewed or investigated
8. Number, disposition and type of complaints/ inquiries not accepted for review
9. Disposition of complaints/ inquiries or investigations
10. Type and nature of recommendations made to agencies/entities
11. Categories of complaints/ inquiries by type, family demographics, agency/ county involved and by dispositions
12. Number of contacts made by phone, in person, through web-based complaint form, and through paper mail
13. Number and type of presentations/ reports made
14. Number of and reason for consultations with other agencies/ entities

XI. DATA REPORTING REQUIREMENTS

OCCPO shall abide by the reporting requirements laid out in the Detailed Plan for the Ombudsman Office (see page 15 of detailed plan) in conjunctions with those agreed upon in the contract with the State, so long as those contracted requirements do not contradict or conflict with any requirements in the detailed plan or in CRS Title 19, including but not limited to confidentiality requirements.

XII. CONFLICT OF INTERST

OCCPO staff must have the ability to act independently and impartially in order to perform the duties necessitated by their position. OCCPO staff must be above reproach in all relationships and must not maintain any appearance of a conflict of interest.

OCCPO is mandated by law to uphold its obligation to the public and ensure that conflicts of interest are not created through hiring, contracting, doing business with CDHS or other state, county or other child agencies, fund raising activities, financial obligations, gifts, gratuities, or family interests. The Ombudsman shall adhere to the secondary employee policy of CDHS and shall also not use the Office of the Ombudsman for personal financial gain.

If a situation should occur that calls the Ombudsman or OCCPO employee to question his or her ability to act objectively in recommendations or decision making, then another member of the office will be required to take the lead role in that situation and the reason for the Ombudsman's conflict must be noted and referenced in any recommendations and in the annual report related to the specific circumstance.

The Ombudsman and OCCPA staff must be alert to the following:

1. A conflict of interest may arise from an employee's financial interests, personal interests, and/or political activities.
2. OCCPO staff must maintain awareness regarding anything which may impair their ability to objectively investigate complaints.
 - a. OCCPO staff shall avoid conflict of interests relating to reviewing complaints with which that the staff may have prior involvement;
 - b. OCCPO staff members must avoid conflict of interest in the establishment of personal relationships which may affect impartiality on the job.
3. Staff should be aware of the potential conflict of interest arising from the acceptance of gifts and hospitality.
4. No OCCPO staff or member of the Ombudsman's immediate family may own, operate, control, or have interest, voting rights, or outstanding indebtedness to any company or facility reviewed by the ombudsman.
5. No OCCPO staff may solicit or accept from any person or organization, directly or indirectly, money or anything of value if it could reasonably be expected to influence such staff member's official actions or judgment or could reasonably be considered as a reward for any official action or omission on the part of OCCPO staff.

6. No OCCPO staff who is assigned or acts as an official representative of his or her agency in the presentation of papers, talks, demonstrations, or making appearances shall solicit or accept fees, honoraria, or reimbursement of expenses for personal gain. Any fees or honoraria offered in connection with the above stated activities shall be paid or offered to the OCCPO in its official capacity.
7. OCCPO staff may be involved in serving as an officer or board member of a social, fraternal, or religious organization for which the OCCPO staff receives no compensation or anything of value, as long as the organization is not affected by exercise of the staff member's discretion.
8. No Ombudsman staff may use or disclose information gained in the course of, or by reason of, the Ombudsman's official position or activities in any way without express consent of the complainant.
9. All OCCPO staff shall disclose all past appointments, involvement, membership or interest that may affect or could reasonably be expected to affect the staff's ability to review and resolve complaints in an objective and independent manner.
10. No Ombudsman staff member shall give preferential or favorable treatment in provision of service to a complainant who is a member of his or her family.
11. OCCPO staff members must declare a conflict of interest or potential conflict of interest as soon as it is apparent a situation may exist. Furthermore, an Ombudsman staff member who is aware that there may be a conflict of interest concerning other staff member should disclose this information in a timely manner to his/her supervisor.

It is also the policy of OCCPO that any person who has an open complaint with OCCPO will not be considered for any staff or volunteer position unless a conflict of interest is avoidable, in order to maintain a professional and unbiased environment.

XIV. OFFICE ORGANIZATION:

A. Ombudsman

The Child Protection Ombudsman is responsible for the creation, implementation and ongoing management of the Ombudsman Program.

His/Her duties include but are not limited to the following:

- Supervises and manages OCCPO staff. Engages in administrative management including oversight of the OCCPO budget and strategic planning.

- Oversees the day to day operations of the program and participates in oversight of case staffings and investigations.
- Serves as the official spokesperson for the OCCPO.
- Serves as primary staff contact and manager of OCCPO Advisory Council.
- Works to resolve conflicts through mediation or negotiation.
- Responsible for marketing and outreach for the program.
- Collaborates with all stakeholders including CDHS, County Departments, advocates, consumers of the system, parents/caregivers, and other persons involved with the child abuse and neglect.
- Engages in outreach to and education of the public regarding child abuse and neglect.
- Monitors legislative and policy issues related to child welfare and OCCPO work.
- Measures performance and ensures evaluations.
- Conducts research regarding relevant topics in child welfare and public policy in Colorado and nationally.
- Responsible for preparing reports and accountability mechanisms.

B. Associate Ombudsman

- Works to resolve conflicts through mediation and negotiation.
- Conducts in-depth case research and makes key decisions regarding inquiries, reviews, and investigations.
- Collaborates with stakeholders including CDHS, County Departments, advocates, consumers of the system, parents/caregivers, and other persons involved with the child abuse and neglect.
- Engages in outreach to and education of the public regarding child abuse and neglect.
- Maintain, update, and review database and paper files
- Provide resource referrals to constituents
- Data collection and reporting
- Conducts research regarding relevant topics in child welfare in Colorado and nationally

C. National Association of Counsel for Children Executive Staff

The Executive Staff of the National Association of Counsel for Children manages the program and supervises the Ombudsman. NACC monitors contract and budgeting functions and provides periodic consultation with Ombudsman and /or staff as needed. NACC Executive Staff address legal concerns to the extent possible and may solicit legal advice through the Attorney General's Office. NACC houses and provides fiscal management of the OCCPO Program.

For more information about OCCPO, visit www.protectcoloradochildren.org or for more information about this document or OCCPO practices, call the Ombudsman directly at (303) 864-5321.

**Appendix C:
Detailed List of Ombudsman Office's
Year 1 Accomplishments**



Accomplishments

Year 1

May 2011 – May 2012

As of May 4, 2012

DATA SUMMARY	OCCPO's data summary to date is available in the accompanying report summarizing call types, demographic information, and OCCPO actions to date. Since opening operations on May 16, 2011, the OCCPO has received 131 contacts to date from across the state via phone, internet, and in-person inquiries and via mail.
ACCOMPLISHMENTS May – August 2011	<ul style="list-style-type: none"> • OCCPO opened for business May 16, 2011 as a program of the National Association of Counsel for Children, through a contract with Colorado Department of Human Services • Established toll-free 1-800 number and main office phone lines • Established a temporary email address for use • Began accepting calls, complaints and inquiries from public • Worked with consultants at Center for Policy Research to create work plan based on RFP and proposal • CPR conducted literature review and interviewed other 28 state child protection ombudsmen to gather information about their operations, structure, data tracking and database characteristics (all used to inform creation of OCCPO and database • Created initial intake and data tracking materials • Met with CDHS staff regularly to establish operations and expectations • Set up bookkeeping, budget and personnel management process with NACC business manager and Colorado Non-Profit Development Center • Hired summer legal intern • Participated in American Bar Association's Meeting of Child Protection Ombudsmen to share information and best practices • Joined US Ombudsman Association and researched USOA materials and publications • Spent 3 days in Seattle working with the Washington Ombudsman to train on operations and best practice (they have been operating for 13 years and are a national leader in CPO work) • Elicited input from members of the Child Welfare Action Committee about visions and expectations for building OCCPO • Created arrangements for mediation and ADR services • Created website URL and worked with consultant to build website • Established process for language translation (for materials and contacts) • Established outreach and PR plan with consultants • Worked with consultants to create logo, business cards and marketing materials • Worked with consultants to begin creating database and data tracking processes based on national research and 28 other states • Began analyzing complaint systems in CO and how the OCCPO fits in • Met with State Judicial to discuss OCCPO and their complaint processes and issues • Assessed OCCPO role in State Child Fatality Review and met with both the CDPHE and CDHS review staff and discussed processes • Created job descriptions and posted for Associate Ombudsman positions • Met with Assistant Attorney General and CDHS Staff re OCCPO start-up

	<ul style="list-style-type: none"> • Ongoing contract negotiations and work plan approval from CDHS • Began collaborating with Prevent Child Abuse Colorado for outreach to stakeholders statewide through community meetings, listening tours and individual meetings • Began public education, outreach, and engagement
<p>September-December 2011</p>	<ul style="list-style-type: none"> • Continued and ongoing intake of calls, complaints and inquiries from public; researched and addressed accordingly • Reviewed cases and resolved complaints, contacted counties as needed, provided systems navigation support as needed, all ongoing • Finalized Y2 budget with CDHS, work plan and refined reporting mechanisms • Worked with CDHS to obtain TRAILS and Court databases • Met with CO Long Term Care Ombudsman for information and protocol gathering • Conducted interviews for Associate Ombudsman candidates • Selected and hired 2 part-time Associate Ombudsmen • Selected and hired 1 part-time consultant (bi-lingual) for diversity & inclusivity outreach • Oriented staff and co-created and refined intake materials and processes • Continued monthly meetings, activity, time and financial tracking and contract negotiations with designated staff from CDHS • Met with CDHS Director to introduce staff and update on progress of the OCCPO operations and establishment • Spoke at a D&N training for judges at University of Denver to intro OCCPO • Met with CO Human Services Director's Association re collaboration and planning • Developed brand, materials • Launched website • Completed and launched database • Developed draft Policies and Procedures for CDHS review • Created flow chart of OCCPO decision-making and actions • Created social media presence (Facebook and Twitter) • Sub-contractor Prevent Child Abuse America- Colorado Chapter attended 10 community events distributing materials for and speaking about OCCPO, reaching more than 700 people • Create confidentiality and release forms for staff and clients • Interviewed by 7 media outlets for general information and introductory coverage of OCCPO (Pueblo Chieftain, Westword, The Villager, Univision, Huffington Post, Denver Post, AP) • Attended US Ombudsman Association Conference; completed New Ombudsman Training; selected to serve as Co-Chair of the USOA Children & Families Committee • Presented to CDHS State Board • Participated in Collaboration 2011 and Beyond (counties, state, providers, advocates) • Met with staff of Denver County DHS, Mesa County DHS, Arapahoe Co DHS, Jefferson Co DHS to discuss OCCPO and learn about county systems and issues • Met with President of CO Human Services Director's Association • Featured spokesperson at IMPACT Networking Event and FCAAC (Foster Care & Adoption Agencies of CO) monthly meeting • Spoke in Town Hall meetings in Denver and Grand Junction • Featured speaker at Colorado Foster Parent Association's Annual Conference in Breckenridge • Speaker at Colorado Alliance for Drug Endangered Children Conference in Colorado Springs • Featured speaker at University of Denver Graduate School of Social Work • Presented/ featured speakers for Webinar for GALs through Office of the Child's Representative • Met with American Academy of Pediatrics Colorado Chapter to explore outreach to medical community

	<ul style="list-style-type: none"> • Planned for creation and establishment of Advisory Council • Lost 1 Associate Ombudsman (personal reasons) and re-posted position, conducted interviews, extended offer to candidate • Conducted online survey of County DHS Directors re mandatory reporting laws in CO (32 respondents)
January-April 2012	<ul style="list-style-type: none"> • Continued and ongoing intake of calls, complaints and inquiries from public; researched and addressed accordingly • Reviewed cases and resolved complaints, contacted counties as needed, provided systems navigation support as needed, all ongoing • In January 2012, reached full staffing and infrastructure capacity for overall operations and investigations • In February 2012, launched first full-scale formal independent investigations (in addition to continued and ongoing reviews and inquiries) • Continued meeting and negotiations with CDHS regarding contract compliance and ongoing reporting • Hired 2nd Associate Ombudsman (Full-time position) • Hired Research and Administrative Associate (Part-time position) • Announced Advisory Committee application process, began accepting applications • Continued development and refinement of Policies & Procedures, intake forms and protocols, and database • Visited monthly meeting of 9 NE county DHS and stakeholders to introduce OCCPO and learn about their work and issues • Featured speaker at University of Denver Buell Early Childhood Fellows meeting • Continued inclusivity outreach and education efforts • Moderator/Speaker for Our Kids Your Kids Forum on Foster Care • Featured speaker at Metro Clergy Luncheon • Featured Speaker for Interfaith Collaboration luncheon • Featured Speaker for Child abuse Prevention Month session at St. Andrews Presbyterian Church, Boulder • Featured Speaker, FCAAC (Foster Care and Adoption Agencies) monthly meeting • Featured Speaker, Colorado Social Legislation Committee • Featured Speaker, AFDC/ 9 to 5 Coalition meeting • Spoke to University of Colorado Medical School students • Testified on legislation, tracked relevant legislation ongoing • Presenter for Children’s Caucus meeting for Legislators • Media interviews (Denver Post, Fox News, Channel 4, Colorado Springs Gazette, Univision) • Speaker at Child Abuse Prevention Month rally sponsored by Noble Energy and Our Kids Your Kids Coalition (more than 275 attendees, media coverage) • Presented at Greeley Legal Night • Presented at Pueblo Bar event • Presented to NACC Board of Directors • Selected Advisory Council members (20 from various stakeholder groups) and held 1st meeting in March 2012 • Co-hosted webinar on Mandatory Reporting Laws for Clergy (in collaboration with Colorado Council of Churches and Rocky Mountain Children’s Law Center) • Hosted Advisory Committee phone conference call, with several county DHS representatives participating re independence issues and questions • Released a response letter to Denver Post coverage on independence issues, describing accomplishments of OCCPO • Analyzed county-specific call data and released data and OCCPO call protocols to counties • Continued data analysis and tracking of individual and systemic issues
May 2012	<ul style="list-style-type: none"> • Continued and ongoing intake of calls, complaints and inquiries from public; researching and addressing accordingly

	<ul style="list-style-type: none">• Reviewed cases and resolved complaints, contacted counties as needed, provided systems navigation support as needed, all ongoing• Continued meeting and negotiations with CDHS regarding contract compliance and ongoing reporting• Releasing first investigation reports• Planning 2 webinars in May for outreach and education: 1 targeting County DHS staff and stakeholders and 1 targeting the general community, consumers, stakeholders• Continued research of complaints processes statewide and OCCPO's role• Ongoing planning and negotiation for next contract year
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**Appendix D:
Detailed List of Ombudsman Office's
Year 1 Outreach Activities**



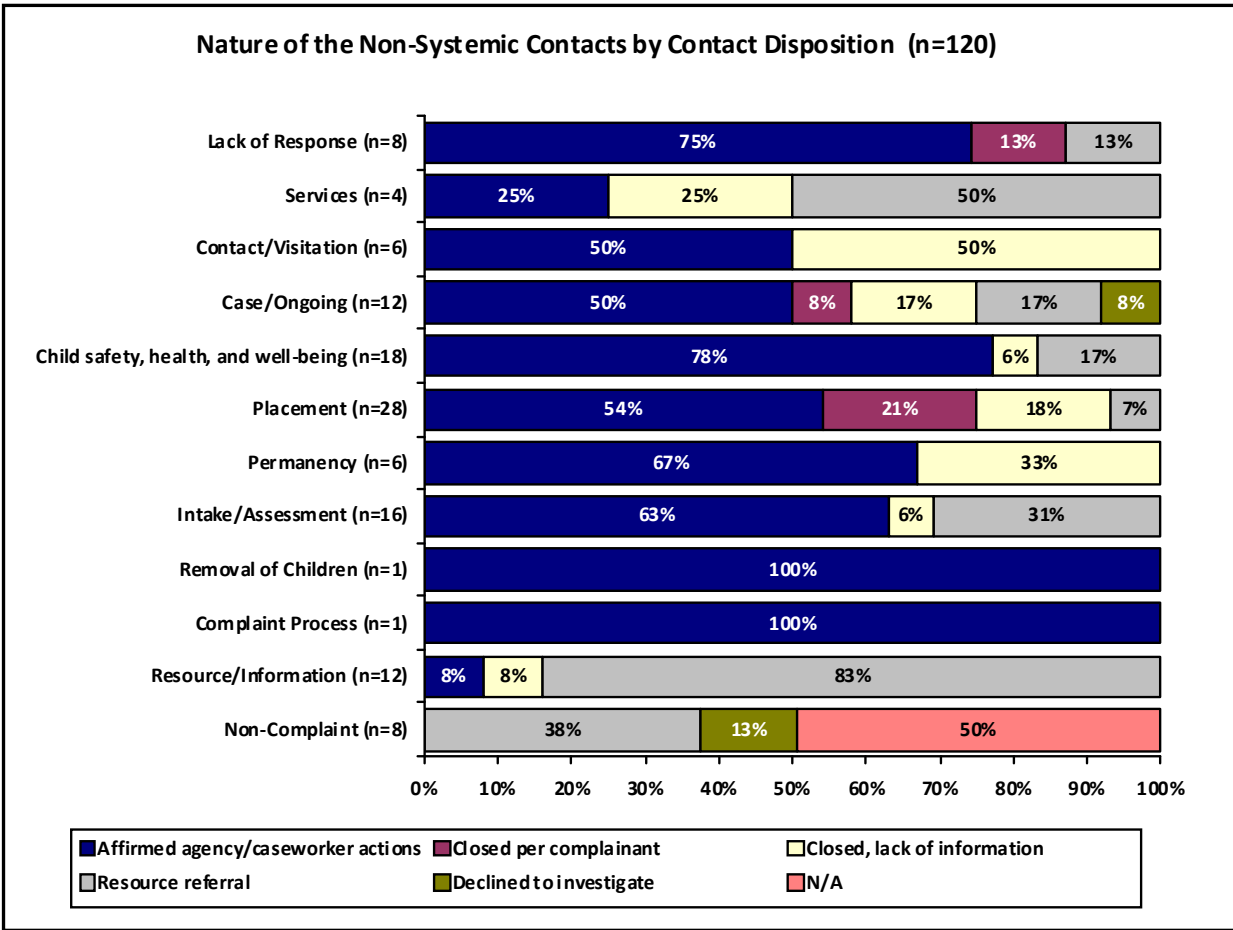
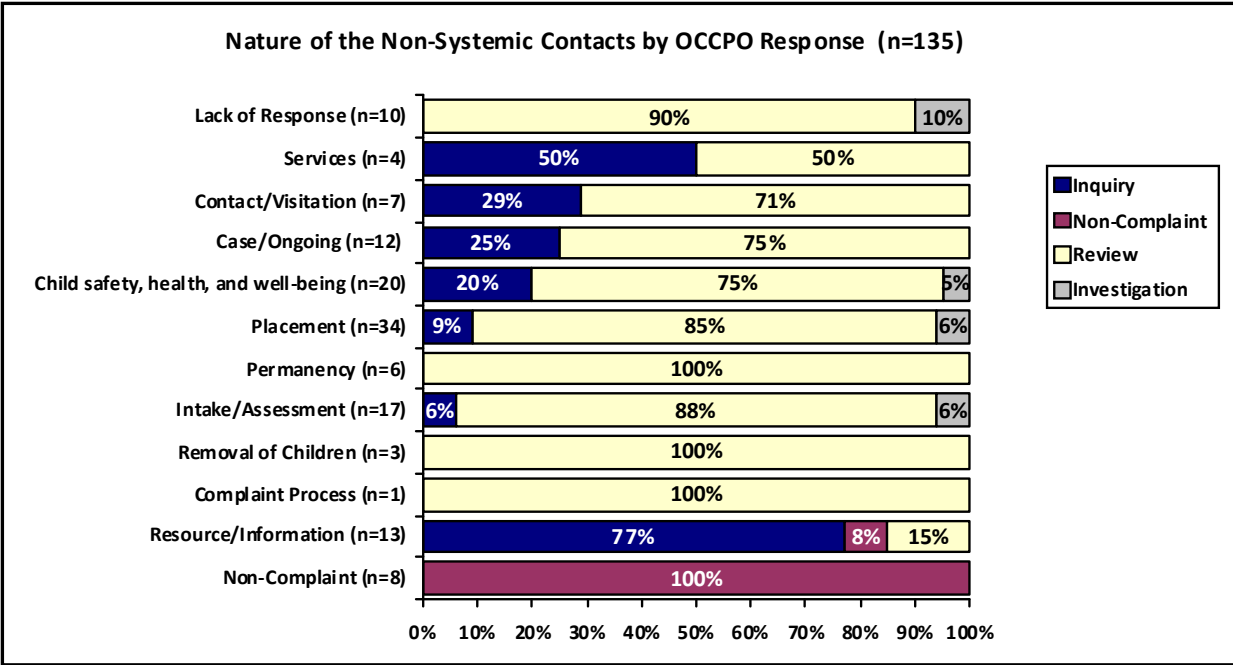
Audience/Conference/Group	Date	Location	Number of People	Topic	OCCPO Representative
University of Colorado Medical Students	1/18/2012	University of Colorado	50	OMB Info	Stacee Read & Sabrina Byrnes
Multistate (western states) conference x2	5/3/2012	Dubuque, Iowa	40	Sub abuse and OMB	Stacee Read
CO child welfare conference x2	5/23/2012	Keystone, CO	200	Sub Abuse	Stacee Read
Citizens Academy	6/21/2012	Englewood PD, Englewood, Colorado	15	OMB and Sub Abuse	Stacee Read
NACC National Conference	8/14/2012	Chicago, Illinois	30	Presenter	Stacee Read
National DEC Conference	8/14/2012	Des Moines, Iowa			
Denver Co DHS CW Managers and Sups	8/2/2011	Denver, CO	20	OMB Intro	Becky Updike
Collaboration 2011 and Beyond	8/22/2011	Denver, CO	35	OMB Intro	Becky Updike
Lutheran Family Svcs Collaboration	8/23/2011	Lakewood, CO	14	OMB Intro	Becky Updike
IMPACT Networking Professionals Group	8/25/2011	Denver, CO	32	Keynote re OMB	Becky Updike
Foster Care and Adoption Agencies	9/1/2011	Denver, CO	22	OMB Intro	Becky Updike
Denver Foundation Hum Svcs Cmte	9/22/2011	Denver, CO	18	OMB Intro	Becky Updike
Town Hall- Prevent Child Abuse	28-Sep	Denver, CO	48	OMB Intro	Becky Updike
Town Hall- Prevent Child Abuse	9/29/2011	Grand Junction, CO	68	OMB Intro	Becky Updike
Mesa County DHS	9/29/2011	Grand Junction, CO	12	OMB Intro	Becky Updike
CDHS State Board Meeting	10/7/2011	Denver, CO	12	OMB Intro	Becky Updike
CO Foster Parent Assoc Annual Statewide	10/20/2011	Breckenridge, CO	85	Keynote re OMB	Becky Updike
DEC Annual Conference	10/19/2011	Colorado Springs, CO	250	Speaker/ OMB	Becky Updike
Univ of Denver Buell Fellows	1/21/2012	Denver, CO	30	Keynote re OMB	Becky Updike
Our Kids Your Kids Breakfast Forum	1/24/2012	Denver, CO	50	OMB Intro	Becky Updike
Metro Clergy Luncheon	2/14/2012	Denver, CO	25	OMB Intro and kids	Becky Updike
CO State Child Welfare Conf	5/24/2012	Keystone, CO	60	Table with materials	Becky Updike
Alamosa Co DHS	6/14/2012	Alamosa, CO	2	OMB Intro	Becky Updike & Celeste
Community Partners Alamosa	6/14/2012	Alamosa, CO	16	OMB Intro	Becky Updike & Celeste
San Luis Valley Peace Officers	6/15/2012	Alamosa, CO	22	OMB Intro	Becky Updike & Celeste
American Bar Assoc Natl Conf Call	7/1/2011	Phone/ National call	28	OMB Intro	Becky Updike
Prevent Child Abuse Rally Capitol	4/4/2012	Denver, CO	275	Speaker/ OMB	Becky Updike
Children's Legislative Caucus at Capitol	4/9/2012	Denver, CO	15	Keynote re OMB	Becky Updike
CHSDA Exec Meeting	1-Aug	Aurora, CO	20	OMB Info	Becky Updike
Kempe Center Supervision Team	Aug-11	Aurora, CO	14	OMB Info	Becky Updike
D&N Judges Conference at DU	Aug-11	Denver, CO	30	OMB Info	Becky Updike
CO Judicial Institute Family Law Cmte	Aug-11	Denver, CO	12	OMB INfo	Becky Updike
Office of the Childs Rep- GALs Lunch	Aug-11	Denver, CO / Webinar	20	Keynote re OMB	Becky Updike
US State Dept Visiting Journalists	Jul-11	Denver, CO	10	OMB Info	Becky Updike
Boulder County DHS	Aug-11	Boulder, CO	1	OMB Info	Becky Updike
CASA Board of Directors	Nov-11	Denver, CO	12	Keynote re OMB	Becky Updike

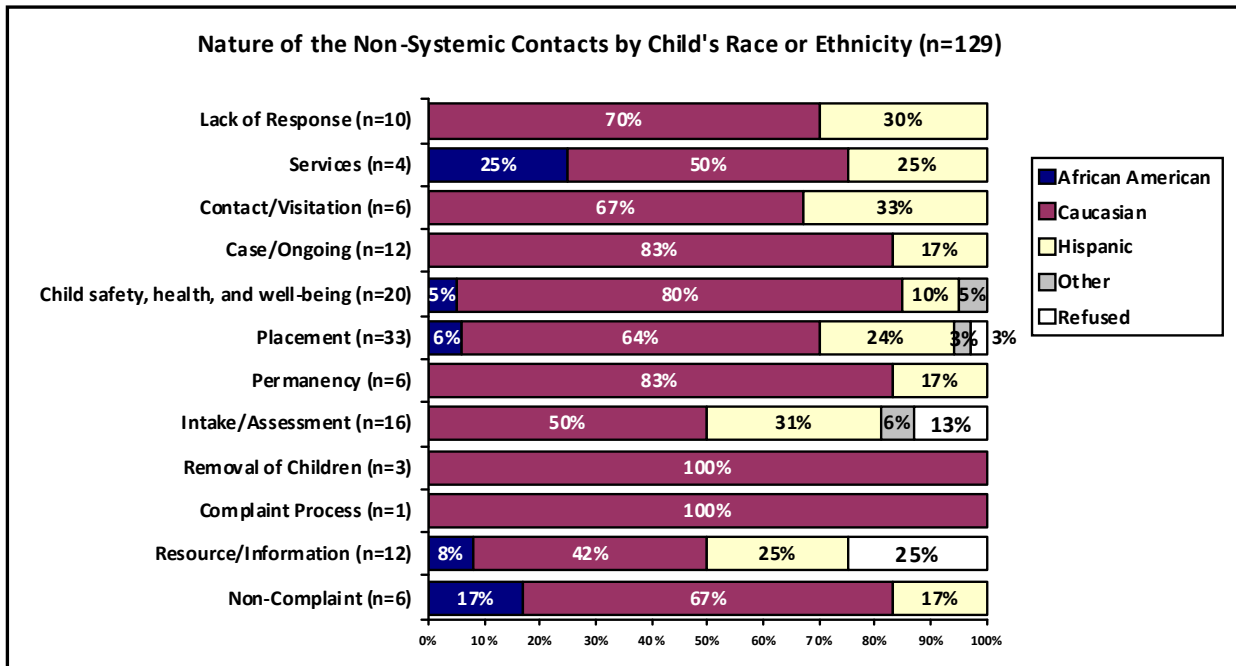
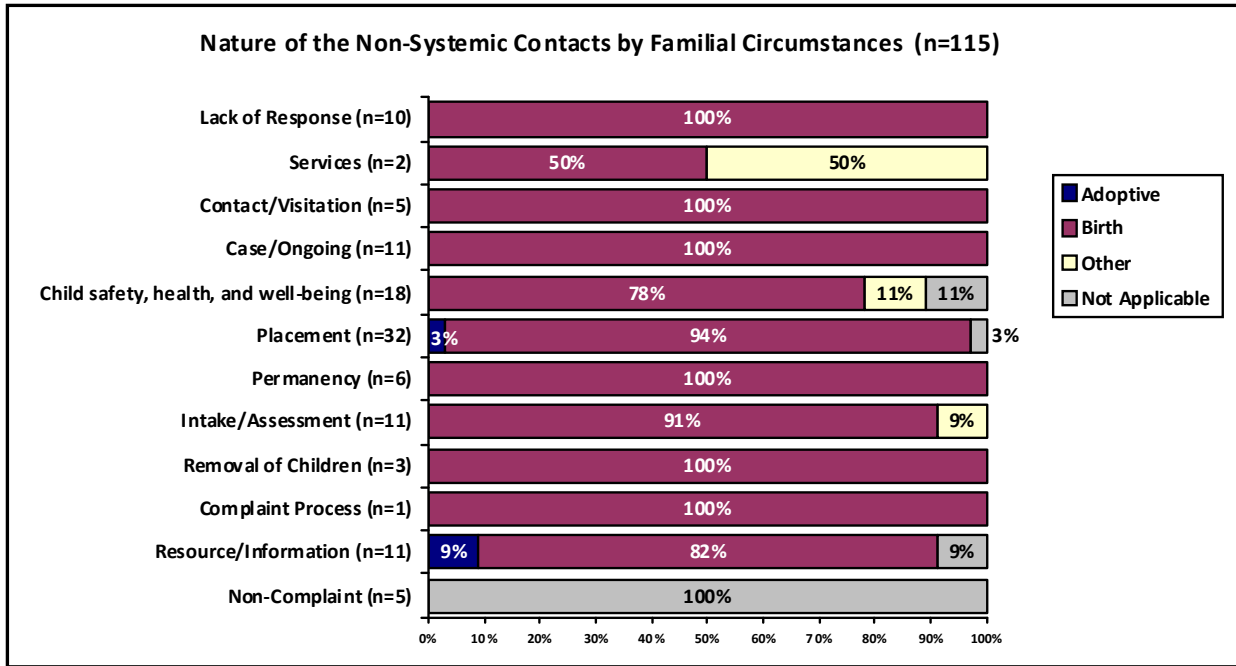
Audience/Conference/Group	Date	Location	Number of People	Topic	OCCPO Representative
DU Grad School of Social Work students	Nov-11	Denver, CO	28	Keynote re OMB	Becky Updike
Collaboration 2011 and Beyond	11-Nov	Denver, CO	25	Co-Chaired and	Becky Updike
Jefferson Co DHS Management Team	Nov-11	Lakewood, CO	12	OMB Info	Becky Updike
Pueblo Chieftain Interview	Nov-11	Denver/ Pueblo	Media	OMB Info	Becky Updike
Westword Interview (blog)	Nov-11	Denver, CO	Media	OMB Info	Becky Updike
The Villager Interview	Nov-11	Greenwood Village/ Littleton	Media	OMB Info	Becky Updike
Univision Interview	Nov-11	Denver	Media	OMB Info	Celeste Quinones &
Colorado Statesman Interview	Nov-11	Denver, CO	Media	OMB Info	Becky Updike
Huffington Post Interview	Nov-11	Denver/ national	Media	OMB Info	Becky Updike
Denver Post Interview	Nov-11	Denver	Media	OMB Info	Becky Updike
Gen Federation of Women Conf	10/1/2011	Golden, CO	50	OMB Info	Kendra Dunn/ PCA
Rural Law Enforcement Meth State Action	10/7/2011	Denver, CO	35	OMB Info	Kendra Dunn/ PCA
CO Interfaith Collabotation	Dec-11	Denver, CO	18	Keynote re OMB	Becky Updike
St Andrew's Presbyterian Church	4/15/2012	Boulder, CO	16	Keynote re OMB	Becky Updike
Grandparenting Conf / Adams Co	10/15/2011	Thornton, CO	60	OMB Info	Kendra Dunn/ PCA
CO DEC Conference - Booth	10/17/2011	Colorado Springs, CO	280	OMB Info Table &	Kendra Dunn/ PCA
Families First Parent Support Group	10/24/2011	Denver, CO	10	OMB Info	Kendra Dunn/ PCA
Broomfield Early Childhood Summit	11/5/2011	Broomfield, CO	100	OMB materials	Kendra Dunn/ PCA
Facebook announcement of website	11/16/2011	Statewide	1000+ follower:	OMB Info	Kendra Dunn/ PCA
PCA Newsletter	12/13/2011	Statewide	750 on disb list	OMB Info	Kendra Dunn/ PCA
Rural Solutions (9 NE counties)	1/6/2012	NE CO counties/ Sterling, CO	14	OMB Info	Becky Updike & Kendra
NE Early Childhood Conf	1/27-28/12	Sterling, CO	65	OMB materials	Kendra Dunn/ PCA
Family Resource Center Quarterly Retreat	2/2/2012	Denver, CO	40	OMB materials	Kendra Dunn/ PCA
E-newsletter Prevent Child Abuse CO	2/23/2012	Statewide/ online	872 on dist list	OMB materials	Kendra Dunn/ PCA
Not One More Meeting	3/9/2012	Colorado Springs, CO	50	OMB materials	Kendra Dunn/ PCA
River Bridge Center Children's Advocacy	3/12/2012	Glenwood Springs, CO	30	OMB materials	Kendra Dunn/ PCA
Morgan County Family Care Center	3/27/2012	Ft. Morgan, CO	30	OMB materials	Kendra Dunn/ PCA
Facebook post from PCA CO	3/30/2012	Online	1,112 followers	OMB announcement	Kendra Dunn/ PCA
Cesar Chavez Lunch	3/29/2012	Pueblo, CO	175	Speaker/ OMB	Celeste Quinones
Denver Indian Family Resource Center	1/9/2012	Denver, CO	3	OMB Info	Celeste Quinones
League of United Latin American Citizens	1/16/2012	Denver, CO	2	OMB Info &	Celeste Quinones
Hispanic Advisory Board / FI Crittenden	1/17/2012	Denver, CO	8	OMB Info &	Celeste Quinones
Vitcim Offender Reconcilliation Project	1/24/2012	Denver, CO	2	OMB Info &	Celeste Quinones
CO Latino Advocacy Research Org	2/1/2012	Denver, CO	3	OMB Info &	Celeste Quinones
Latina Women of Greeley	2/1/2012	Greeley, CO	3	OMB Info &	Celeste Quinones
Denver Police Department	2/2/2012	Denver, CO	2	OMB Info &	Celeste Quinones
Metro Organizations for People	2/3/2012	Denver, CO	2	OMB Info &	Celeste Quinones
American Council of the Blind CO	2/13/2012	Denver, CO	2	OMB Info	Celeste Quinones
MOP Clergy Breakfast	2/16/2012	Denver, CO	75	OMB materials &	Celeste Quinones

Audience/Conference/Group	Date	Location	Number of People	Topic	OCCPO Representative
North Denver Foodbank	2/16/2012	Denver, CO	20	OMB materials	Celeste Quinones
Weld Co Latino Luncheon	2/24/2012	Greeley, CO	40	Presenter	Celeste Quinones
Univision Interview at Ch Abuse Rally	2/4/2012	Denver, CO	Media	Interview in Spanish	Celeste Quinones
Denver Peace & Justice Community	4/10/2012	Denver, CO	2	OMB Info &	Celeste Quinones
CO Children's Campaign	4/11/2012	Denver, CO	2	OMB Collab	Celeste Quinones
Circle of Latina Leadership Event	4/11/2012	Denver, CO	15	OMB networking	Celeste Quinones
Centro Juan Diego/ Sr. Alicia Cuaron	4/16/2012	Denver, CO	2	OMB Planning	Celeste Quinones
American Humane Assoc	4/17/2012	Denver, CO	2	OMB Info &	Celeste Quinones
Denver Public Schools Family Services	4/19/2012	Denver, CO	50	OMB materials	Celeste Quinones
Greeley Rotary Club	4/24/2012	Greeley, CO	20	Presenter	Celeste Quinones
FOX News	Feb-12	Denver, CO	Media	Interview	Becky Updike
Uncompaghre Medical Center- Director	5/17/2012	Norwood, CO	2	OMB Info &	Sabrina Byrnes &
Uncompahgre Dental	5/17/2012	Norwood, CO	1	OBM Info &	Sabrina Byrnes &
Uncompahgre Mental Health	5/17/2012	Norwood, CO	2	OMB Info &	Sabrina Byrnes &
Norwood Town Hall	5/17/2012	Norwood, CO	1	OMB materials	Sabrina Byrnes &
Clark's Market	5/17/2012	Norwood, CO	0	OMB materials drop	Sabrina Byrnes &
Abundant Life Church & Food Bank	5/17/2012	Norwood, CO	0	OMB materials drop	Sabrina Byrnes &
Village Center Laundromat	5/17/2012	Norwood, CO	0	OMB materials	Sabrina Byrnes &
WIC Office	5/17/2012	Norwood, CO	0	OMB materials	Sabrina Byrnes &
Visiting Nurses Office	5/17/2012	Norwood, CO	0	OMB materials	Sabrina Byrnes &
Norwood DSS Office	5/17/2012	Norwood, CO	1	OMB materials	Sabrina Byrnes &
Telluride DSS Office	5/16/2012	Telluride, CO	1	OMB Info &	Sabrina Byrnes &
San Miguel Probation Office	5/16/2012	Telluride, CO	1	OMB Info &	Sabrina Byrnes &
Montrose Probation Office	5/17/2012	Montrose, CO	1	OMB Info &	Sabrina Byrnes &
Ouray Probation	5/17/2012	Ouray, CO	1	OMB Info &	Sabrina Byrnes &
San Miguel Family Resource Center	5/16/2012	Telluride, CO	1	OMB Info &	Sabrina Byrnes &
Montrose Memorial Hospital	5/17/2012	Montrose, CO	0	OMB materials drop	Sabrina Byrnes &
Gunnison Valley Hospital	5/18/2012	Gunnison, CO	0	OMB materials drop	Sabrina Byrnes &
San Miguel DHS - Director meeting	5/16/2012	Telluride, CO	2	OMB Info &	Sabrina Byrnes &

Appendix E: Detailed Data Runs







Office of Colorado's
CHILD PROTECTION
OMBUDSMAN

Ombudsman Office Contact Outcomes by Case Classifications			
	Inquiry (n=24)	Review (n=87)	Non-Complaint (n=9)
Affirmed agency/caseworker actions	0%	71%	0%
Closed per referring party	4%	8%	0%
Closed, lack of information	17%	10%	0%
Resource referral	75%	10%	44%
Declined to investigate	4%	0%	11%
Other	0%	0%	44%

Time Frame for Contact Resolution, Total and by Quarter Case Opened In		
	Total Number of Days	Estimated Number of Business Days*
The First 13 Months of Operation		
Average	57.51	41.81
Median	28	20.50
Range	0-356	0-256
Number	120	120
Quarter 1 (June 1, 2011-September 30, 2011)**		
* Average	157.08	113.00
Median	188	136
Range	0-356	0-256
Number	24	24
Quarter 2 (October 1, 2011- December 31, 2011)		
Average	50.86	37.22
Median	46	34
Range	0-133	0-95
Number	23	23
Quarter 3 (January 1, 2012-March 31, 2012)		
Average	33.52	24.57
Median	26.5	19.50
Range	0-105	0-76
Number	42	42
Quarter 4 (April 1, 2012-June 30, 2012)		
Average	21.06	15.71
Median	17	13
Range	0-75	0-55
Number	31	31

* The Estimated Number of Business Days was calculated by subtracting the estimated number of weekend days from the Total Number of Days. For example, cases that took a total of 1 day to resolve remained the same, cases that took a total of 7 days to resolve were converted to 5 business days, cases that took a total of 14 days to resolve were converted to 10 business days, etc. Using this methodology results in an estimate that will be higher than the actual number of business days.

** The first quarter includes the month of June 2011. This keeps the n-sizes more consistent across quarters.

* The differences between the Quarter 1 Total Number of Days and Estimated Number of Business Days means and the Quarters 2, 3, and 4 Total Number of Days and Estimated Number of Business Days means are statistically significant at <.001.

Office of Colorado's
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 OMBUDSMAN**

Referring Party Detailed Ratings of the Ombudsman Office (n=30)					
How would you rate the Ombudsman at:	Excellent	Good	Fair	Poor	N/A
Being professional and courteous	37%	27%	13%	20%	3%
Listening to your concerns or questions	27%	23%	27%	20%	3%
Thoroughly explaining what OCCPO could and could not do in your case	21%	10%	7%	52%	10%
Giving you information that was easy to use and understand	20%	17%	27%	30%	7%
Providing accurate information	20%	10%	10%	33%	27%
Handling your case in a timely manner	13%	10%	17%	47%	13%
Getting back to you quickly	10%	13%	23%	50%	3%
Giving you information or a referral that was useful	7%	3%	7%	37%	47%
Referring you to someone who could help if OCCPO could not	7%	10%	10%	41%	31%

County Stakeholders Detailed Ratings on the Ombudsman Office (n=15)					
How would you rate OCCPO at:	Excellent	Good	Fair	Poor	N/A
Being professional and courteous	67%	20%	0%	7%	7%
Remaining neutral	27%	33%	7%	13%	20%
Consulting with you and/or listening to your feedback about the complaint	40%	33%	7%	13%	7%
Communicating information to you regarding the complaint and the process of OCCPO	27%	27%	0%	33%	13%

Office of Colorado's
**CHILD PROTECTION
 OMBUDSMAN**

Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County*							
County	Number of Contacts	Nature of Contacts (n=135)		Ombudsman Response to Contacts (n=135)		Disposition of Closed Contacts (n=120)	
		Nature	Number	Response	Number	Result	Number
Adams	31	Resource/Information	3	Inquiry Review Investigation	6 24 1	Affirmed agency/caseworker actions Closed, per complainant Closed, lack of information Resource referral	14 2 5 6
		Removal of Children	1				
		Intake/Assessment	2				
		Permanency	4				
		Placement	9				
		Child Health, Safety and Well-being	2				
		Case/Ongoing	2				
		Contact/Visitation Services	4				
		Lack of Response	1				
			3				
Alamosa	2	Intake	1	Review	2	Affirmed agency/caseworker actions	2
		Placement	1				
Arapahoe	13	Resource/Information	2	Inquiry Review Non-complaints	3 8 2	Affirmed agency/caseworker actions Closed, per complainant Closed, lack of information Resource referral	3 1 3 4
		Non-complaint	1				
		Removal of Children	2				
		Intake/Assessment	1				
		Placement	2				
		Child Health, Safety and Well-being	3				
		Services	1				
		Lack of response	1				
Archuleta	0						
Baca	0						
Bent	3	Case/Ongoing	3	Inquiry Review	1 2	Affirmed agency/caseworker actions Closed, lack of information Declined to investigate	1 1 1

Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County*							
County	Number of Contacts	Nature of Contacts (n=135)		Ombudsman Response to Contacts (n=135)		Disposition of Closed Contacts (n=120)	
		Nature	Number	Response	Number	Result	Number
Boulder	1	Case/Ongoing	1	Inquiry	1	Resource referral	1
Broomfield	0						
Chaffee	0						
Cheyenne	0						
Clear Creek	2	Resource/Information Intake/Assessment	1	Inquiry	1	Resource referral	2
Conejos	1	Placement	1	Review	1	Closed, per complainant	1
Costilla	0						
Crowley	0						
Custer	0						
Delta	0						
Denver	9	Intake/Assessment Placement Child safety, health and well-being Case/Ongoing Services	1 5 1 1 1	Inquiry Review	1 8	Affirmed agency/caseworker actions Closed, per complainant Resource referral	6 1 1
Delores	0						
Douglas	4	Intake/Assessment Placement	2 2	Review	4	Affirmed agency/caseworker actions Closed, lack of information Resource referral	1 1 1
Eagle	0						
Elbert	1	Contact/Visitation	1	Review	1	Affirmed agency/caseworker actions	1
El Paso	10	Intake/Assessment Placement Child safety, health and well-being Contact/Visitation Lack of response	1 3 4 1 1	Inquiry Review	1 9	Affirmed agency/caseworker actions Closed, per complainant Resource referral	6 2 2
Fremont	0						

Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County*							
County	Number of Contacts	Nature of Contacts (n=135)		Ombudsman Response to Contacts (n=135)		Disposition of Closed Contacts (n=120)	
		Nature	Number	Response	Number	Result	Number
Garfield	1	Lack of response	1	Review	1	Resource referral	1
Gilpin	0						
Grand	0						
Gunnison	0						
Hinsdale	0						
Huerfano	0						
Jackson	0						
Jefferson	14	Resource/Information	3	Inquiry Review	3 11	Affirmed agency/caseworker actions Closed, lack of information Resource referral	9 1 3
		Intake/Assessment	3				
		Permanency	1				
		Placement	2				
		Child safety, health and well-being	2				
		Case/Ongoing	1				
		Contact/Visitation Services	1				
Kiowa	0						
Kit Carson	3	Intake/Assessment	1	Review	3	Affirmed agency/caseworker actions	3
		Child safety, health and well-being	1				
		Case/Ongoing	1				
Lake	0						
La Plata	0						
Larimer	9	Resource/Information	1	Inquiry Review Non-complaint	1 7 1	Affirmed agency/caseworker actions Closed, lack of information Resource referral Declined to investigate	5 1 1 1
		Non-complaint	1				
		Permanency	1				
		Case/Ongoing	2				
		Complaint process	1				
		Lack of response	3				
Las Animas	1	Placement	1	Review	1	Resource referral	1
Lincoln	2	Non-complaint	1	Review	1	Affirmed agency/caseworker	

Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County*							
County	Number of Contacts	Nature of Contacts (n=135)		Ombudsman Response to Contacts (n=135)		Disposition of Closed Contacts (n=120)	
		Nature	Number	Response	Number	Result	Number
		Placement	1	Non-complaint	1	actions N/A	1 1
Logan	3	Intake/Assessment Child safety, health and well-being	1 2	Review Investigation	1 2		
Mesa	2	Placement Child safety, health and well-being	1 1	Review	2	Affirmed agency/caseworker actions	2
Mineral	0						
Moffat	1	Placement	1	Review	1	Closed, lack of information	1
Montezuma	2	Intake/Assessment Placement	1 1	Review Investigation	1 1	Affirmed agency/caseworker actions	1
Montrose	0						
Morgan	2	Child safety, health and well-being Lack of response	1 1	Review	2	Affirmed agency/caseworker actions	2
Otero	1	Placement	1	Review	1	Affirmed agency/caseworker actions	1
Ouray	0						
Park	1	Placement	1	Investigation	1		
Phillips	0						
Pitkin	0						
Prowers	0						
Pueblo	4	Intake/Assessment Placement Child safety, health and well-being	1 1 2	Inquiry Review	2 2	Affirmed agency/caseworker actions Resource referral	2 2
Rio Blanco	0						
Rio Grande	0						
Routt	0						
Saguache	1	Case/Ongoing	1	Review	1	Affirmed agency/caseworker actions	1
San Juan	0						

Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County*							
County	Number of Contacts	Nature of Contacts (n=135)		Ombudsman Response to Contacts (n=135)		Disposition of Closed Contacts (n=120)	
		Nature	Number	Response	Number	Result	Number
San Miguel	0						
Sedgwick	0						
Summit	0						
Teller	1	Intake/Assessment	1	Review	1	Affirmed agency/caseworker actions	1
Washington	0						
Weld	0						
Yuma	0						
Unknown	2	Resource/Information Placement	1 1	Inquiry	2	Closed, per complainant Resource referral	1 1
N/A**	8	Resource/Information Non-complaint Child safety, health and well-being	2 5 1	Inquiry Non-Complaint	3 5	Resource referral N/A	5 3
Total	135	Resource/Information Non-complaint Removal of children Intake/Assessment Permanency Placement Child safety, health and well-being Case/Ongoing Complaint process Contact/visitation Services Lack of response	13 8 3 17 6 34 20 12 1 7 4 10	Inquiry Review Investigation Non-Complaint	25 96 5 9	Affirmed agency/caseworker actions Closed, per complainant Closed, lack of information Resource referral Declined to Investigate N/A	62 8 13 31 2 4

* OCCPO recognizes that the number of calls per county may or may not be indicative of systemic issues within that county, and may be attributable to awareness of OCCPO in that particular location or some other variables yet to be identified. As OCCPO continues to collect data in the next year or two, the trends should become clearer as to frequency of calls per county.

** Cases with N/A counties included callers wanting general information about OCCPO or callers from out of state.

**Appendix F:
Complaint Processes Literature Review
and Detailed Interview Notes**



Overview of Complaint Process Literature

County departments have individual grievance processes to handle complaints or concerns of consumers regarding the services they are receiving from the Department of Human Services. The best practices literature on complaint procedures offers some guidelines, although they differ by audience. For example, programs administered at the county level emphasize the benefits of handling complaints at the local level. Advocates of this approach believe that by handling concerns about local staff at the local level, local managers are informed and the accountability of the local agency is reinforced.

Clients and their advocates, on the other hand, emphasize the importance of complaint processes being visible to the public and easy to access. In their view, consumers need to know that they can complain about services and know how to proceed and what they can do if they are unhappy with the process or the responses they receive (British Columbia Office of the Representative for Children and Youth and Office of the Ombudsperson, 2010). Communicating with clients about how to complain is also challenging with advocates emphasizing the need for information to be accessible and in familiar mediums. Although they encourage the resolution of complaints at a local level using informal approaches before proceeding to a more formal strategy, the emphasis is on access and fairness.

Timeliness is another theme that emerges in the literature on complaint processes. Agencies are encouraged to record, track, and report out on the process within defined timelines and expectations. Many jurisdictions incorporate minimum requirements such as a call back within two business days, a review within 30 days, and that the outcome of the review will be provided within 60 days.

Certainly worth highlighting, others also stress that public complaints should be seen as a gauge for program weaknesses and shortcomings in service delivery (Commonwealth Ombudsman, 2009). Complaints serve as helpful checkpoints for improving government agencies' responsibility to their constituents. By giving credence and serious consideration to complaints, Ombudsmen help build loyalty among members of their community and more faith in government agencies, while fostering smoother future interactions between service providers and constituents.

Having a clearly defined procedure for managing complaints is also a recurrent recommendation throughout the literature (Parliamentary and Health Service Ombudsman, 2009; Commonwealth Ombudsman, 2009). In its *Better Practice Guide to Complaint Handling* (2009), the Australia Commonwealth Ombudsman recommends breaking down the complaint handling process into seven stages:

1. **Acknowledgement:** First, complaints should be acknowledged as quickly as possible. Acknowledgements should clearly outline for the complainant the way in which the complaint will be handled, supply relevant contact information, and provide a projection of how long the complaint will take to process.
2. **Assessment:** The complaint should be assessed and assigned priority among other incoming complaints. If the complaint is something that can be handled simply, the ombudsman should respond to it directly and it should be explained clearly to the complainant why further investigation is unnecessary.
3. **Planning:** If the complaint is more complex in nature, the third step taken should be planning a method for investigating the complaint. This plan should identify the subject of investigation, list the steps to



be followed, provide an estimate of how long it will take to investigate the complaint, identify the remedy that the complainant is seeking, and note any special considerations about the case.

4. **Investigation:** The complaint should be investigated with careful attention paid to maintaining impartiality, confidentiality, and transparency.
5. **Response:** The ombudsman should respond to the complainant with findings from the investigation and any decisions that were reached. All information should be presented clearly in a manner that is accessible and understandable to complainants.
6. **Review:** Complainants should be allowed the option to seek review of how their complaint was handled. Contact information and invitation to the complainant to follow-up should be provided as well. If the complainant is still unsatisfied with the outcome, external review or mediation between an agency and complainant may be called for.
7. **Consideration of Systemic Issues:** Finally, details about the nature of the complaint and how it was dealt with should be noted for further internal analysis. Findings may point to systemic problems that can be remedied to improve the agency's overall efficacy. The routine analysis of data gathered about complaints should be included as part of a continuous process of organizational review. Both quantitative and qualitative measures for evaluating complaint processing should be set by the agency.

Others emphasize the importance of this final step, stressing that ombudsmen, "should have systems to record, analyze and report on the learning from complaints," and then "should feed that learning back into the system to improve their performance" (Parliamentary and Health Service Ombudsman, 2009). They also suggest letting complainants know when lessons have been learned as a result of their complaints and sharing with them any changes that have been made to prevent the problem from recurring. These efforts will further contribute to the public's faith in the agency and provide concrete ways for improving the agency (Victorian Ombudsman, 2007).

Interviews with County Representatives

Adams County, Colorado. In Adams County, Colorado, the Department of Human Services, Division of Children and Family Services (DCFS) receives complaints from multiple sources, including members of the public, legislators and county commissioners, and the State DHS. All of these complaints land on the desk of one of two Adams County DCFS employees—either the division director Darwin Cox, or his Executive Assistant, Brenda Thompson.

Ms. Thompson serves as the first point of contact for complainants. When a complaint comes in, she will listen to the concerns of the complainant. She will then explain to the caller that the Adams County prefers that they attempt to resolve the complaints at the lowest level—starting with the caseworker, then the supervisor, manager, and division director. If the caller has already attempted to resolve the complaint with the caseworker, supervisor, and manager, or if they say that they only want the division director to investigate:

The Executive Assistant shall collect information [about the complaint] and route this information through the ACSSD electronic mail system to the appropriate Supervisor, Section Manager, Division Director, Deputy Director, and Director. The Supervisor shall initiate the complaint resolution process and provide feedback of the resolution through the ACSSD electronic mail system to all persons within the ACSSD administrative structure (Director's Executive Assistant, Section Manager, Division Director, Deputy Director, and Director) within two business days (16 business hours).

The email that gets sent by the executive assistant includes the date and time of call; the worker, supervisor, and manager's names; the caller name and phone number; and the situation (*i.e.*, what the caller is saying, an overview of the situation, and what resolution the caller is looking for).

In some cases, Mr. Cox will look into a complaint if the complainant is still not satisfied. He will meet with any of his staff members who have worked on the case and walk through the case from beginning to end.

There are no complaints that Mr. Cox will not investigate. If a parent calls him about a GAL, the rulings of a judge or any other issue in child welfare, Mr. Cox “will try to address these issues as much as I can.” According to Mr. Cox, “If a parent calls me, I will check things out for them. Dealing with our system is hard, complicated, and overwhelming. [Parents] are already having a hard time and we subject them to this bureaucracy and court system.”

Routing all of the complaints through Ms. Thompson allows for the office to keep an eye out on complainants who frequently file complaints with the division. In these cases, Mr. Cox will meet with these individuals in person along with the managers, supervisors, and caseworkers so that the complainant can air out the issues and move forward.

According to these interviewees, having a Family Team Decision Meeting within 48 hours of a child being removed is extremely helpful to families and prevents many complaints from developing. At these meetings, parents receive an overview of the process and meet their on going caseworkers and supervisors. This gets families engaged in the process early on and, according to Mr. Cox, “helps eliminate complaints before they even get started.”

As for best practices, Mr. Cox and Ms. Thompson recommended that the ombudsman “never make the assumption that people are flat out lying. Start by assuming that every compliant is legitimate and go from there.” They also felt that most complaints stem from poor communication and a lack of parental knowledge about the child welfare process. Therefore, it is very important for child welfare agencies and caseworkers to start by giving clients a careful and detailed explanation of the process.

Arapahoe County, Colorado. CPR also interviewed Angela Lytle, division director, and Lori Oswald, program administrator, for Arapahoe County, Colorado Department of Human Services, Child, Youth, and Family Services Division (CYFS). Parties with complaints call the DHS front desk. At this point, they are routed to Ms. Oswald, who explains the complaint process to the party and tells the party that she is a resource throughout the entire process. Similar to Adams County, Arapahoe County CYFS asks complainants to start at the lowest level with their complaint—speak to the caseworker, then the supervisor, then an administrator, and finally, if the issue is still not resolved, contact Ms. Oswald and request a meeting. Ms. Oswald checks in with the administrators throughout the complaint process and will be involved in any meetings about the complaints.

According to Ms. Lytle and Ms. Oswald, it is the expectation that “administrators and supervisors look objectively at the complaint and consider it.” For example, a relative may call and ask to be a placement source for a child in the system. The CYFS Division staff members investigating the complaints will look at all aspects of the case, they may do a home study, and look at the relationship between the relative and the children. If this relative is a good placement source, he or she could get custody.

If the complaint is still not resolved by the caseworker, supervisor, and Ms. Oswald, the complainant can request a Citizen Review Panel (CRP). The request has to be put in writing to the director of Arapahoe County CYFS Division who decides if it is an appropriate case for the CRP. The CRP cannot intervene on cases dealing with legal decisions; however, it can review complaints involving caseworker conduct and decisions made by CYFS Division. Cases rarely go to the CRP. According to these interviewees, “none have gone in years.”

Ms. Oswald does not use a standard complaint intake form. She has been acting as the intake point for complainants for more than a decade and feels that she knows what types of questions to ask. These intake questions include source of the complaint (member of the public, state DHS complaint division, caseworker), what the main complaint is, how the complaint was conveyed (phone, email), to whom she referred the case, what else she did on the case, and the case outcome.

Once an investigation is complete, Ms. Oswald recommends that caseworkers and supervisors follow up with clients over the phone and with a letter. She has found it helpful to put results and conclusions in writing because many clients are in crisis and may not absorb what the caseworker and/or supervisor says to them on the phone.

Arapahoe County CYFS Division expects complaints to be resolved as soon as possible. Generally, this means that if a client submits a complaint in writing, the CYFS Division has 20 calendar days to investigate and respond to the complainant in writing.

As far as best practices, Ms. Lytle and Ms. Oswald recommend that parties put their complaints in writing to help organize their thoughts and make their complaint less convoluted. They also feel “some of the complaints could be avoided if there was better communication... Parents want to know that they are being heard. Sometimes we can be quick to respond and not listen.” They feel that this is a training issue and that workers need to “slow it down, and listen. When that happens, the parents’ anxiety comes down.”

El Paso County, Colorado. In El Paso County, Colorado, CPR interviewed Shirley Rhodus, a child welfare administrator, and Nancy Lanning, quality assurance manager. Both work for the El Paso County Department of Human Services, Child and Adult Protection Services.

When a complainant contacts El Paso County DHS, DHS staff members first encourage people to talk directly to their caseworkers about the problem. Then, if the issue is still not resolved, complainants are told to contact the supervisor and go up the chain of command. According to Ms. Rhodus and Ms. Lanning, the County prefers to handle cases “at the lowest possible level.” They consider this to be their informal complaint process.

El Paso DHS also has a formal quality assurance process that has been in place for 18 years. The formal process has time frame requirements, involves the county director in the process, and gives complainants access to the CRP if their complaints are not resolved. The formal process begins when a party completes a complaint form (these are available in the lobbies or from front desk personnel at the DHS office) or contacts the Quality Assurance (QA) Office via phone, email, or fax. According to the El Paso County Complaint Procedure, “All complaints will be resolved as informally and as quickly as possible, within 10 working days of receiving the consumer’s complaint.” After a complaint is received by the QA Office, Ms. Lanning is usually the staff member who calls the complainant back to gather more information. According to Ms. Lanning, “even though caseworkers and managers have been responding to the complainant, sometimes getting people from quality assurance seems to give the complaint a little more importance. Having a more formal meeting and reviewing the documents gives the clients a little more assurance” that the county is taking their complaint seriously. After the client receives notice about the outcome of their complaint within the 10 working days, Ms. Lanning follows up by phone to see if they are satisfied or if the client would like DHS to continue researching the complaint. If the client is not satisfied, the QA Office can continue to investigate to determine if a compromise can be reached.

The county also has an employee conduct grievance process for parents or any other member of the public that are the subject of an investigation or report of child abuse and neglect who have a specific complaint about a caseworker’s conduct. In these cases, the party must complete an Employee Conduct Grievance Form, which is available from the QA coordinator. As with general child welfare complaints, these must be resolved within 10 business days at the lowest level possible. If the parties are still not satisfied, the DHS director may meet with a family or the director may review a party to the Citizen Review Panel. In El Paso County, CRPs are limited to the employee conduct grievances.

According to Ms. Rhodus and Ms. Lanning, a best practice is to “give complainants as many people as possible to speak to: director, Quality Assurance, administrators, managers, and caseworkers. This makes complainants feel like there were listened to.”

References

Commonwealth Ombudsman. (2009). *Better Practice Guide to Complaint Handling*. Canberra, Australia: Commonwealth of Australia.

Office of the Representative for Children and Youth and Office of the Ombudsperson. (2010). "Joint Special Report. Hearing the Voices of Children and Youth: A Child Centered Approach to Complaint Resolution." Victoria, British Columbia.

Parliamentary and Health Service Ombudsman. (2009). *Principles of Good Complaint Handling*. Retrieved August 8, 2012 from http://www.ombudsman.org.uk/data/assets/pdf_file/0005/1040/0188-Principles-of-Good-Complaint-Handling-bookletweb.pdf.

Victorian Ombudsman. (2007). *Good Practice Guide: Victorian Ombudsman's Guide to Complaint Handling for Victorian Public Sector Agencies*. Melbourne, Victoria.

Appendix G: Survey Instruments



Ombudsman Satisfaction Survey

You recently contacted the Office of Colorado's Child Protection Ombudsman. To ensure that we are providing the best services possible, we ask that you please complete this short survey. Please return this survey to the Ombudsman by mail in the enclosed postage paid envelope. You can also complete this survey online at www.surveymonkey.com/s/OmbudsmanSatisfactionSurvey. **All responses are confidential.**

Thank you for your help. We appreciate your feedback!

Today's date: _____

What role do you play in the child welfare system?

- | | | |
|-------------------------------------------------|-------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Child's mother | <input type="checkbox"/> Community professional | <input type="checkbox"/> CASA |
| <input type="checkbox"/> Child's father | <input type="checkbox"/> DSS employee | <input type="checkbox"/> GAL or child's attorney |
| <input type="checkbox"/> Child's grandparent | <input type="checkbox"/> DSS provider | <input type="checkbox"/> Elected official |
| <input type="checkbox"/> Child's other relative | <input type="checkbox"/> DYC employee | <input type="checkbox"/> Elected official staff member |
| <input type="checkbox"/> Youth | <input type="checkbox"/> DYC provider | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Foster parent | <input type="checkbox"/> Parent attorney | _____ |
| <input type="checkbox"/> Adoptive parent | <input type="checkbox"/> Judge/Commissioner | _____ |

How did you hear about the Ombudsman's Office?

- | | | | |
|-------------------------------------|----------------------------------------------|-------------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> Media | <input type="checkbox"/> DYC facility/staff | <input type="checkbox"/> Online/Internet search | <input type="checkbox"/> Family or friend |
| <input type="checkbox"/> State DHS | <input type="checkbox"/> Legislator's office | <input type="checkbox"/> Operator/phone book | <input type="checkbox"/> Parent advocate |
| <input type="checkbox"/> County DHS | <input type="checkbox"/> Governor's office | <input type="checkbox"/> Conference or workshop | <input type="checkbox"/> Other: _____ |

How would you rate the Ombudsman at:	Excellent	Good	Fair	Poor	N/A
Listening to your concerns or questions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Being professional and courteous?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Giving you information that was easy to use and understand?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Providing accurate information?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Giving you information or a referral that was useful?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Referring you to someone who could help if the Ombudsman could not?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thoroughly explaining what Ombudsman could and couldn't do in your case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Getting back to you quickly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Handling your case in a timely matter?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Did you feel that you were consulted and/or that the Ombudsman listened to your ideas and suggestions when they came up with the plan or steps to investigate and try to solve your complaint?

- Yes No Don't know Not applicable

Would you recommend the Ombudsman to someone with a complaint or question about child welfare or youth corrections?

- Yes Maybe Don't know

No. If no, why? _____

How would you rate your overall experience with the OCCPO?

- Excellent Good Fair Poor

Comments or suggestions? _____

What can we do to improve our services? _____

The Office of Colorado's Child Protection Ombudsman recently conducted an inquiry or investigation in your county. We would like to know what you thought about the investigation/inquiry and what else OCCPO can do to help you and your county.

Thank you for your help. We appreciate your feedback!

Today's date: _____

What role do you play in the child welfare system?

- Director Supervisor Caseworker Other: _____

How would you rate the Ombudsman at:	Excellent	Good	Fair	Poor	N/A
Being professional and courteous?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Remaining neutral?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consulting with you and/or listening to your feedback about the complaint?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communicating information to you regarding the complaint and the process of the OCCPO?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

What is the best way for the OCCPO to communicate its findings with you after an investigation/inquiry?

- Mail Email In-person meeting Teleconference
 Other: _____

How did the OCCPO inquiry/investigation change your perspective of the OCCPO?

- Made it better Made it worse Stayed the same

After working with the OCCPO, would you ever refer a complainant in your county to the OCCPO?

- Yes No Maybe Don't know

Overall, how would you rate your experience with the OCCPO?

- Excellent Good Fair Poor

In the future, how would you like to be kept up-to-date of the OCCPO's actions and news?

- Monthly teleconferences
 Email newsletters
 In-person meetings
 Mail letters/updates
 Referring to the OCCPO website
 Other: _____

Comments or suggestions? _____

What can we do to improve our services? _____

What else can OCCPO do to keep our relationship with your county positive? _____

Office of Colorado's
CHILD PROTECTION
OMBUDSMAN

Complaint Processes in Colorado Counties

One of the Office of the Child Protection Ombudsman's duties, as outlined in the Senate Bill 10-171 Work Group Plan, is to review existing child welfare complaint mechanisms across the state. We would like to find out how your county handles child welfare complaints and how OCCPO can help your county with complaints in the future. We would greatly appreciate it if you could take the time to complete this survey.

Thank you in advance for your help!

Please tell us about yourself and where you work.

Name: _____

County: _____

Title: _____

Email Address: _____

Phone Number: _____

Is there a formal complaint process used by the child welfare division in your county?

Yes No Don't Know

Who handles grievances/complaints from the public?

We have a staff person to handle complaints.

Complaints go to the county director.

Complaints go to a DHS Administrator who also performs other duties.

Don't Know

Other. Please specify. _____

Do complainants have to follow a specific process or can they file a complaint at any level of the department?

Yes, they have to start with the caseworker and work their way up.

Yes, they have to follow a specific process.

No, they can file a complaint at any level at any time.

Don't Know

Do you have a way of ensuring that multiple people are not investigating the same complaint to avoid any duplicative efforts?

Yes No Don't Know

If you do not or do not know if you have a way of ensuring that multiple people are not investigating the same complaint, have you ever found this to be a problem?

Yes No Don't Know Other: _____

If you do have a way, please describe how you ensure this that multiple people are not investigating the same complaint.

How do you let clients and stakeholders know about the complaint process? (Please select all that apply.)

Information about filing a complaint included in the papers that parents or caregivers get when a case starts

Complaint forms in lobbies

Poster at the agency

Information available on your website. (Please give the web address below.)

Don't Know

None of the above

Other. Please specify. _____

Office of Colorado's
CHILD PROTECTION
OMBUDSMAN

Complaint Processes in Colorado Counties

Please give the web address where you provide information about your county complaint process.

Do you solicit satisfaction surveys from complainants after you investigate?

- Yes No Don't Know

How many unique child welfare complaints come into your office each year? Please give your best estimate.

Do you have a standard complaint form?

- Yes No Don't Know

Can we contact you about getting a copy of your complaint form?

- Yes No Don't Know

What type of information do you collect about complaints? _____

What do you do with the findings from any complaints/investigations? Please select all that apply.

- Make systemic improvements
- Inform staff training
- Discuss at staff meetings
- File it with the case file
- Distribute findings to employees who worked or are working on the case
- Other. Please specify. _____

Under what circumstances do you or would you refer complainants to the Ombudsman's Office? Please select all that apply.

- When complainant fears retribution
- Complainant who is dissatisfied with the outcome of an internal investigation
- Those who frequently complaint
- Complainant who has exhausted all other complaint channels (e.g., county, state complaint department)
- Don't know
- Other. Please specify. _____

Do you refer complainants in your county to the State DHS complaint process?

- Yes No Don't Know

How effective is the State DHS complaint process?

- Very effective
- Somewhat effective
- Somewhat ineffective
- Very ineffective
- Unsure
- Never used

Have you ever had a complainant do to you citizen review panel in the complaint process?

- Yes, but only in very few cases.
- Yes, some of our complaints go to the citizen review panel.
- Yes, most of our complaints go to the citizen review panel.
- No, none of our complaints go to the citizen review panel.
- Not applicable, we do not use a citizen review panel in the complaint process.

How many times has your county used the citizen review panel in the complaint process over the past 5 years? Please give your best estimate. _____

How effective is your citizen review panel?

- Very effective
- Somewhat effective
- Somewhat ineffective
- Very ineffective
- Unsure
- Not applicable, do not use

Do you have written policies and procedures for complaints?

- Yes
- No
- Don't Know

If yes, can we contact you about getting a copy of your written policies and procedures for handling complaints?

- Yes
- No
- Don't Know

What is your county complaint process? _____

What best practices can you recommend when it comes to handling child welfare complaints (e.g., ask complainants to put issues in writing, bring everyone who has worked on the case to the table, etc.)?

How can the Ombudsman's Office be helpful to your county (e.g., what services can we provide? What assistance can we offer? _____

What do you think could be done to streamline or improve the child welfare complaint process?

What is the process for handling internal (staff) complaints and grievances about policy, procedure, and specific case handling?

- Staff member speaks to direct supervisor
- Staff member speaks to county director
- Staff member speaks to administrator
- Discuss at staff meetings
- We do not have a process for handling internal complaints
- This never comes up
- Don't know
- Other. Please specify. _____

On a scale of one to ten (with 1 being the lowest and 10 being the highest), how would you rate the Ombudsman's Office overall?

- 1 2 3 4 5 6 7 8 9 10 Too early to tell
-

Would you be willing to display Ombudsman marketing materials (e.g., bilingual posters, postcards, brochures) in your lobby or other places in your workplace?

- Yes No Don't Know

If yes, where should we sent the marketing materials

May we contact you if we would like to discuss some of the answers to your questions?

- Yes No Don't Know

Thank you!

Thank you for taking the time to complete this survey. If you have any questions or would like to discuss anything in more detail, please contact Becky at becky@protectcoloradochildren.org or 303-864-5111.

You can also visit our website: <http://protectcoloradochildren.org>

**Appendix H:
Senate Resolution 12-004**



**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R12-0965.01 Jane Ritter x4342

SR12-004

SENATE SPONSORSHIP

Newell and Boyd, Aguilar, Bacon, Carroll, Foster, Giron, Harvey, Heath, Hodge, Hudak, Jahn, Johnston, Lambert, Lundberg, Morse, Neville, Nicholson, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.

Senate Committees

SENATE RESOLUTION 12-004

101 **CONCERNING RECOGNITION OF THE OFFICE OF COLORADO'S CHILD**
102 **PROTECTION OMBUDSMAN.**

1 WHEREAS, Child abuse and neglect is a serious and reprehensible
2 problem in Colorado; and

3 WHEREAS, The protection of children from abuse and neglect
4 through prevention measures must be one of Colorado's highest priorities;
5 and

6 WHEREAS, The children and families served by our child
7 protection system, as well as the general public, must have a high level of
8 confidence that the system performs and acts in a child's best interests;
9 and

10 WHEREAS, The response of our child protection system must
11 always be open to change and to embrace best practices as they evolve
12 and emerge; and

13 WHEREAS, The Office of Colorado's Child Protection
14 Ombudsman was established as an independent entity in 2010 by a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 unanimous vote of the Colorado House of Representatives and Senate;
2 and

3 WHEREAS, The Office of Colorado's Child Protection
4 Ombudsman opened in mid-May 2011 and is managed and hosted by the
5 National Association of Counsel for Children on the Anschutz medical
6 campus in Aurora; and

7 WHEREAS, The Office of Colorado's Child Protection
8 Ombudsman was created to be an independent, trusted intermediary
9 between the public and child protective services in Colorado and to
10 provide independent investigations of child welfare complaints; and

11 WHEREAS, The Office of Colorado's Child Protection
12 Ombudsman is statutorily charged with the power and duty to facilitate
13 a process of independent and impartial review of family and community
14 concerns, request information, and conduct case reviews related to child
15 protection issues; and

16 WHEREAS, Because it is independently operated, the Office of
17 Colorado's Child Protection Ombudsman reports annually to the
18 Governor, General Assembly, and executive director of the department
19 of human services regarding systemic issues and recommendations for
20 improvements to the child protection system; and

21 WHEREAS, By working closely with child protective services,
22 foster care, adoption, and juvenile justice services, the Office of
23 Colorado's Child Protection Ombudsman works to be a strong advocate
24 for the children of Colorado; and

25 WHEREAS, The Office of Colorado's Child Protection
26 Ombudsman also serves as a resource and systems navigator to families,
27 stakeholders, and the general public by assisting with individual cases and
28 providing ongoing public education on child protection issues; and

29 WHEREAS, Since opening in May 2011, the Office of Colorado's
30 Child Protection Ombudsman has received 114 contacts, and 84 of those
31 have been closed or resolved; and

32 WHEREAS, The Ombudsman staff has met at least monthly with
33 the department of human services and continues to provide monthly
34 reporting about the development of the Office and its activities; and

1 WHEREAS, Ombudsman staff have spoken with or presented to
2 more than 60 groups and events, reaching more than 3,500 people, in
3 addition to meeting or visiting with 10 county departments of human
4 services and 19 county directors from across the state; now, therefore,

5 *Be It Resolved by the Senate of the Sixty-eighth General Assembly*
6 *of the State of Colorado:*

7 That we, the members of the Colorado Senate, applaud the work
8 of the Office of Colorado's Child Protection Ombudsman and encourage
9 independence, transparency, and accountability with all parties involved
10 in Colorado's child protection system so that we may best serve and
11 protect the children of our state.

12 *Be It Further Resolved,* That copies of this resolution be sent to the
13 Honorable John Hickenlooper, Governor of Colorado; the Colorado
14 Department of Human Services; and the Office of Colorado's Child
15 Protection Ombudsman.

Office of Colorado's
CHILD PROTECTION
OMBUDSMAN

CPR
Center for
POLICY
RESEARCH