

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



2012-2013 Annual Report
September 1, 2013

I am pleased to present the 2012-2013 Annual Report detailing the Office of Colorado's Child Protection Ombudsman for July 1, 2012, to June 30, 2013.

On June 10, 2013, I was selected to be the new Child Protection Ombudsman. I am honored to be here and serving Colorado's children. I look forward to working to improve the quality of life of our most important resource.

I would be remiss if I did not acknowledge the tremendous dedication and efforts of Becky Miller Updike, Colorado's first Child Protection Ombudsman. She had the initial charge of taking the dreams of the many individuals who helped create this office and make it a reality. Becky established the operation of the Ombudsman Office. This included creating a work plan, writing procedures, hiring a staff, establishing an Advisory Council, data tracking, website development, marketing initiatives, community outreach, and establishing partnerships and stakeholder relationships. As a result of Becky's efforts, the Ombudsman program is a viable, respected, and needed member of the child protection community. Our office calls and contacts regarding concerns, issues and requests for resources have doubled from the first year. The marketing and outreach that Becky and her staff put in motion has blossomed into an additional resource for the public and created better understanding of the child protection system in Colorado. The Ombudsman Office is making a difference in the lives of children owing much to Becky and her staff's efforts over the past two years.

We would like to extend special thanks to:

- Senator Linda Newell, for her leadership on Senate Bill 10-171 and her continued support of this office;
- Our partners from the State Department of Human Services, including Executive Director Reggie Bicha; Dee Martinez, Deputy Executive Director of Enterprise Partnerships; Director, Office of Children, Youth and Families; Mary McGhee, Division Director, Boards and Commissions; and Margery Bornstein, manager, Child Abuse Records and Appeals, Board and Commission Division;
- Members of the Child Welfare Action Committee whose vision and groundwork has been instrumental in our continued 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.

I look forward to building on the foundation that Becky and her staff have built and moving the program forward to improve the quality of child protection in Colorado. On behalf of Sabrina Byrnes, Karen Nielsen, Lisa Kruetzer-Lay, and myself, allow me to say thank you for your ongoing support and trust.

Working Together for Colorado's Children,

A handwritten signature in black ink, appearing to read "Dennis G. Goodwin". The signature is fluid and cursive, with a large initial "D" and "G".

Dennis G. Goodwin, Child Protection Ombudsman

Contents

Executive Summary	5
Year 2 Accomplishments	5
Legislative Efforts 2013	5
SB 13-278	6
SB 13-255	6
HB 13-1271	6
Other Year 2 Initiatives/Special Projects	7
Year 3 Goals	7
Overview of the Ombudsman Office: Year 2	9
Legislative History and Authority	9
Goals, Accomplishments, and Challenges	11
Goals	11
Accomplishments	11
Challenges	12
Budget	14
Advisory Council	15
Staff Members' Biographies	18
Outreach Efforts	21
Outreach Efforts	21
Online Presence	22
Media Communication and Engagement	23
Outreach to Counties and State Human Services	23
Overview of Contacts to the Ombudsman Office:	
Inquiries, Reviews, and Investigations	24
Information about Referring Parties	24
Information about the Child on the Case	26
Nature of Contacts	27
Contacts to the Ombudsman Office, by Month	28
Contacts Resolved, by Month	29
Time Frames of Ombudsman Office Contact Resolution	30
Classification of Contacts	33
Contact Outcomes	33
FY 2011-2012 Investigation Resolution	34
FY 2012-2013 Investigations	35
Investigative Recommendations	35

Conclusions	36
Issued tracked by the Ombudsman Office in Year 2	37
New Issues Identified FY 2012-2013	42
Special Projects Pursued by the Ombudsman Office in Year 2	44
Special Project I: Facilitation of Adoption Stakeholder and CDHS Meetings	44
Special Project II: Facilitation of Grievance Process Roundtable	44
Moving Forward: Year 3 Plans	46
Conclusions	48
References	49
Appendices:	
Appendix A: Colorado Senate Bill 10-171	50
Appendix B: Colorado Senate Bill 10-71 Fiscal Note	64
Appendix C: Detailed List of Ombudsman Office Year 2 Outreach Activities	69
Appendix D: 2013-2014 Policies and Procedures	72
Appendix E: Detailed Data Runs	94
Appendix F: Ombudsman Investigative Reports Recommendations	104
Appendix G: Adoption Meeting Documentation	109
Appendix H: Grievance Roundtable Supporting Documents	117

Executive Summary

The following report summarizes the activities undertaken by the Office of Colorado's Child Protection Ombudsman during Year 2 of the office's existence.

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 first Colorado Child Protection Ombudsman and served two years in the role. In June 2013, Ms. Updike moved on in furtherance of her career to aid children and families in a different capacity. Dennis Goodwin was hired in mid-June 2013 as the new Child Protection Ombudsman for the State of Colorado. Sabrina Byrnes has served as Associate Ombudsman for the office since January 2012 and was joined by Karen Nielsen in March 2013. Ms. Nielsen serves as the Office's Intake and Administrative Coordinator. Shortly thereafter, Ombudsman Office sought a part time Quality Assurance and Research Specialist to complete the team. In June 2013, Lisa Kruetzer-Lay joined the office in that capacity. The Ombudsman Office continued to work with Ground Floor Media and Relish Studios, along with Center for Policy Research, for continued assistance with program design maintenance and fine tuning of the Data Management System, as well as data analysis and report preparation.

I. Year 2 Accomplishments

During FY 2012-2013, the Ombudsman Office continued to strive for outstanding customer service, as well as ongoing efforts to establish relevance within the child protection community. Further, the Ombudsman Office became an established presence and consistent resource for the general public and other constituents to reach out to in times of need and/or crisis. The Ombudsman Office views Year 2 as a success in these areas. The Ombudsman Office established a presence both publicly through media involvement and outreach, as well as through ongoing involvement in the legislative process.

II. Legislative Efforts 2013

The Ombudsman Office actively supported three bills during the 2013 Colorado General Assembly's legislative session. Each of the bills the Ombudsman Office supported was directly related to issues identified in the Year 1 Annual Report in 2012.

SB 13-278

Created a definition of a “drug-endangered child” with respect to child abuse or neglect.

Primary sponsors for this bill were Senators Kerr and Newell and Representative Young.

This bill was signed into law by the governor on May 28, 2013.

The Ombudsman Office supported this bill based on Issue item #4 from the Year 1 Annual Report, Identifying Substance Abuse and Implications for Parenting. The Ombudsman Office continues to see a significant number of cases and complaints wherein substance abuse is present or is correlated with the case. The Ombudsman Office continues to prioritize addressing substance abuse as it relates to parenting and caring for children.

SB 13-255

Addressed Child Fatality Review Teams by increasing their capacity and resources, clarifying responsibilities and processes of State and Local Child Fatality Review Teams in the Colorado Department of Public Health and Environment and Colorado Department of Human Services, including adding the Ombudsman to the Department of Public Health and Environment Review Team.

Primary sponsors of this bill were Senators Kefalas and Newell and Representatives May and Singer.

The bill was signed into law by the governor on May 14, 2013.

The Ombudsman Office supported this bill based on ongoing concerns about Child Fatality Review processes and also building upon concerns cited in the Year 1 Annual Report, Issue Item #9.

HB 13-1271

Created a Child Abuse Reporting Hotline and authorized the Colorado Department of Human Services to adopt rules governing the hotline system, providing consistent practices in response to reports of known or suspected child abuse.

Primary sponsors of this bill were Representatives Singer and May and Senators Newell and Nicholson.

This bill was signed into law by the governor on May 14, 2013.

The Ombudsman Office supported this bill based on ongoing concern about inconsistent intake practices across the state, and also building upon concerns cited in the Year 1 Annual Report, Issue Item # 2 addressing Intake inconsistencies or issues.

III. Other Year 2 Initiatives/Special Projects

The Ombudsman Office was involved in the following special projects during FY 2012-2013:

- The Ombudsman Office facilitated meetings between adoption stakeholders and CDHS staff regarding Annual Report Year 1 Issues and ongoing concerns in November 2012.
- The Ombudsman Office also facilitated a follow-up meeting between adoption stakeholders and CDHS staff regarding ongoing issues and concerns in April 2013.
- The Ombudsman Office facilitated a Grievance Process Roundtable for county and state DHS staff in April 2013.

IV. Year 3 Goals

Year 3 goals will focus on recognizing best practices, encouraging the training and modeling of those practices, as well as continuing to make relevant policy and practice recommendations. The Ombudsman Office will further pursue avenues for tracking compliance with and disposition of those recommendations. The Ombudsman Office has comprised the following list of goals for FY 2013-2014:

- Explore solutions to improve efficiency of obtaining reports and records needed for reviews and/or investigation from law enforcement agencies, coroner's offices, district attorneys, and state and county departments of human services. The Ombudsman Office will work to continually improve records requesting protocol, as well as provide necessary education to agencies regarding the Ombudsman's role and statutory directive in the review of child protection complaints. During FY 2013-2014, the Ombudsman Office will explore the benefits of pursuing subpoena power to ensure that the Ombudsman Office has timely access to all necessary records to provide an adequate, timely, and thorough review of complaints.
- Review and revise the process in which the Ombudsman Office compiles and documents outcomes of investigations.
- Track recommendations, as well as monitor compliance and overall disposition of recommendations made to state and county Human Services.
- In an effort to remain current in policy and practice throughout Colorado, the Ombudsman Staff will participate in ongoing trainings regarding upcoming process and practice trainings. The Ombudsman Staff will also participate, as time and workload permit, in Colorado's New Child Welfare Training Academy to ensure accurate reviews of complaints against the most current trainings being offered by the Colorado Department of Human Services.

- With the extreme increase in complaints received in FY 2012-2013 over those received in Year 1, it will be imperative to review staffing and budgetary needs in order to continue to perform at the level required by the statute and by the contract.

The Ombudsman Office will continue to:

- Provide ongoing education and outreach to county departments, stakeholders, policy makers, and any other child serving population, as well as the general public regarding the roles and responsibilities of Ombudsman Office.
- Collaborate with the Colorado Department of Human Services regarding systemic issues, recommendations, and solutions.
- Maximize the utilization of data input and collection from the comprehensive Management Information System for tracking of trends and overall consistent and relevant data collection.

Overview of the Ombudsman Office: Year 2

The Office of Colorado's Child Protection Ombudsman ("Ombudsman Office") was created to be an independent, trusted intermediary between the public and child protection 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 reviews and 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 top priority among 29 recommendations offered to improve the child protection system.

"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. "

Senate Bill 10-171

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; 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 Colorado Department of Human Services (CDHS) is required to manage and monitor the

“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

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

During Year 2, the Ombudsman Office continued to strive to achieve high level performance while meeting the needs of constituents and stakeholders across Colorado. Although challenges arose throughout the year, the Ombudsman Office met those challenges with enthusiasm and drive, always maintaining a desire to work towards a safer community and stronger families for children across Colorado. During times of challenge, the Ombudsman Office reached out to the National Ombudsman Association and other Child Protection Ombudsmen across the country for guidance in overcoming such challenges. The Ombudsman Office further utilized the knowledge of Center for Policy and Research in obtaining data analysis that was accurate and met the requirements of the Child Protection Ombudsman Workgroup.

Goals

Goals for the second year of operation included:

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

Accomplishments

All of the above listed goals were accomplished in Year 2 of operations.

The following were accomplishments achieved in Year 2:

- Participation in and successful passage of relevant child protection legislation, as outlined in the Legislative Efforts section of this report.
- Maintaining excellent customer service, as well as continual improvement of response and resolution time frames with a dramatic increase in call volume.
- Completion of four investigations into both county Departments and state Department policy and practice, including the compilation of relevant recommendations for overall systemic improvements.

- Established ongoing dialogue and relationships between adoption stakeholders and the Colorado Department of Human Services on issues identified in FY 2011-2012.
- Achieved a solid transition between Ms. Updike and the incoming Ombudsman, Dennis Goodwin, as well as solidified a solid and well-rounded staff of professionals from across the child protection continuum in an effort to possess expertise from all spokes of the child protection wheel.

Challenges

During Year 2, the Ombudsman Office faced new challenges derived primarily from delving further into the work and completing reviews and investigations on a larger call volume, as well as with more complex issues. Two of the primary challenges faced were:

- Timeliness of reviews and investigations; and
- Independence of the Ombudsman Office.

Timeliness of Reviews and Investigations

The Ombudsman Office continues to strive to finalize reviews within 30 business days and investigations within 60 business days. Over the course of Year 2, the Ombudsman Office has had challenges around gathering reports from agencies oftentimes leading to the Ombudsman Office not meeting this standard consistently, particularly during an investigation. When records are required to complete a review and/or investigation, the Ombudsman Office generates a letter the agency or entity explaining the role of the office and the statutory mandate that permits the release of all records. The Ombudsman Office further ensures a strong commitment to confidentiality and reassures that no information will be released prior to authorization by a charging agency or resolution of criminal or civil judicial matters. The Ombudsman Office continues to face resistance from agencies around the releasing of records. As leaders and/or supervisors within public agencies change, consistency in records release changes. The Ombudsman Office is tasked continually with providing education and re-education concerning the need and statutory authority to obtain necessary records.

During FY 2013-14, the Ombudsman Office will seek legislative action to enable it to use the power of a subpoena for securing the needed records in a timely fashion. The authority of a subpoena will eliminate legal questions, be specific about the records needed, and set a deadline for production of records.

Independence of the Ombudsman Office

The topic of independence is one that was a challenge in Year 1 and continued throughout Year 2. At present, the contract for the Office of Colorado's Child Protection Ombudsman is housed under the Colorado Department of Human Services. This poses two separate challenges:

- Public perception of true impartial and independent review of complaints; and
- Investigation of actions or inactions within the Colorado Department of Human Services by the Ombudsman Office.

Public Perception

Oftentimes during the complaint process or following complaint resolution, complainants express concern regarding the Ombudsman Office's true independence from the Colorado Department of Human Services based on the knowledge of where the contract is held and managed. This often reflects a complainant's fear of retribution by state or county Department staff, as well as draws the actions of the Ombudsman Office into question, particularly in instances when the Ombudsman Office affirms the actions of the county or agency about which the complainant was concerned. There continues to be a level of mistrust expressed from the community and other stakeholders when filing a complaint with the Ombudsman Office, posing continual challenges in the establishment of relevance and trust within the community. Questions continue to arise with regard to whether the Ombudsman Office would have the ability to conduct a truly independent investigation into county and or state practice, given that the Colorado Department of Human Services holds and oversees the contract for the Ombudsman Office.

Investigation of the Colorado Department of Human Services

The Office of Colorado's Child Protection Ombudsman is not solely charged with the review and investigation of complaints concerning county departments of human services. The Ombudsman Office is also charged with reviewing, and if necessary, investigating complaints concerning the Colorado Department of Human Services. As the holder and overseer of the Ombudsman contract, this presents an entire set of unique challenges when moving forward with a review or investigation, as well as offering recommendations for improvement to policy or practice.

In Year 2 the Ombudsman Office encountered significant obstacles in its investigation of the Colorado Department of Human Services report on a child fatality case, the first such investigation relating not to a County Department but to the State Department itself. The State Department opposed this investigation, and in the Ombudsman's view, did not fully disclose information as required. The Colorado Department of Human Services is aware of these concerns and the ongoing challenges this poses to the

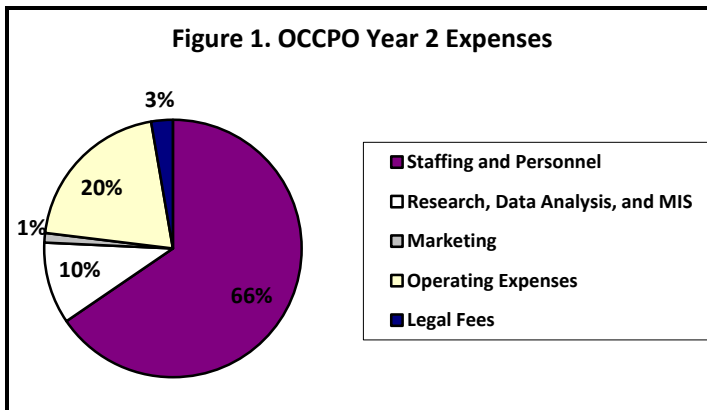
Ombudsman Office. The Colorado Department of Human Services has expressed ongoing support of the Ombudsman Office and publically supports the concept of independence for the Ombudsman Office as essential to its effectiveness and success in contributing to systemic improvements. The Ombudsman Office will continue to maintain a dialogue regarding the topic of independence with the Colorado Department of Human Services moving into Year 3.

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 12-13 would have funded any operations between July 1, 2012, and June 30, 2013. The general fund allocation is explained in Table 1.

Table 1. Estimated Contract Costs Under SB 10-171 (all numbers are rounded)*		
	FY 11-12	FY 12-13
Contract Services	\$343,000	\$343,000
Operating Expenses/Legal Services	27,000	27,000
Total	\$370,000	\$370,000

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



The total Ombudsman Office budget from July 1, 2012, through June 30, 2013 was \$370,000. Figure 1 details the office's expenses in Year 2. 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, 65 percent of the Ombudsman Office's Year 2 expenses went toward staffing and personnel expenses. The Ombudsman Office spent 20 percent of the operating budget on general operating expenses and administrative support, followed by 10 percent spent on research and data consulting, with the remaining 5 percent split between attorney fees and marketing strategies.

Given the significant increase in call and work volume that the Ombudsman Office has seen in its second fiscal year, building on the consistent growth from Year 1, it is anticipated that an increase in funding will be necessary to maintain an effective staffing capacity. As reported in the Fiscal Note attached to SB 10-171, the Ombudsman Office budget was based on the following information outlined in the Program Costs section of the note:

During the past two fiscal years, an average of 156 complaints were reported to the Division of Child Welfare, with 93 complaints (60%) related to child protection matters[.] (Appendix B)

During FY 2012-2013, the Ombudsman Office received 297 complaints related to child protection matters.

Advisory Council

In accordance with the recommendations of the Child Welfare Action Committee, the Ombudsman Office created an advisory council during Year 1. The functions of the advisory council have maintained through Year 2 operations. The advisory council has seen resignations from a few of its members at the close of Year 2, and the Ombudsman will work diligently to collect and review applications and select individuals that most appropriately meet the needs of the Ombudsman Office. The Ombudsman Office will consider community outreach and prioritize geographic and demographic diversity when selecting new members to the council.

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 2013-2014**

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 & 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	President & CEO, Lutheran Family Services Rocky Mountains	Denver & Colorado Springs	Child Placement Agencies (CPA)/Foster Care
Debi	Brilla	Foster Parent	Greeley	Foster Parent
Dianne	Briscoe	Judge	Denver	Judicial
Deborah	Cave	President, Colorado Coalition of Adoptive Families/Adoptive Parent	Louisville	Adoption
John	Ciccaella	President, Ciccaella Family Law, P.C. / Board of Directors National Association of Counsel for Children	Colorado Springs	Family Law
Brian	Cotter	Denver Police Department/Foster Parent	Denver	Law Enforcement
Elisa	Hicks	Rite of Passage & Ridge View Youth Services Center	Denver	Division of Youth Corrections/ Provider
Kim	Johnson	Social Worker, Denver Indian Family Resource Center	Denver	Indian Child Welfare
Martha	Johnson	Deputy Director, La Plata County Department of Human Services	Durango	County Department of Human Services
Julie	Krow	Office Director, Colorado Department of Human Services	Denver	State Department of Human Services
Lori	Moriarity	Board of Directors and Co-Founder, National & Colorado Alliance for Drug Endangered Children	Arvada	Substance Abuse and Law Enforcement
Janet	Rowland	Former County Commissioner, Center for Local Government, Colorado Mesa University	Grand Junction	County Commissioner

Office of Colorado's
CHILD PROTECTION
OMBUDSMAN

Shari	Shink	Founder/President, Rocky Mountain Children's Law Center	Denver	Legal Advocate
Kathryn	Wells	Physician, Denver Health and Denver Department of Human Services	Denver	Medical Professional
Tom	Westfall	Parent Educator/Trainer/Formal County Department of Human Services Director	Sterling	Consultant
Kendall	Marlowe	Executive Director, National Association of Counsel for Children	Denver/ National	Legal Advocate
Dennis	Goodwin	Ombudsman, Office of Colorado's Child Protection Ombudsman	Statewide	Ombudsman's Office
Sabrina	Byrnes	Associate Ombudsman, Office of Colorado's Child Protection Ombudsman	Statewide	Ombudsman's Office
Karen	Nielsen	Intake & Administrative Coordinator, Office of Colorado's Child Protection Ombudsman	Statewide	Ombudsman's Office
Lisa	Kruetzer-Lay	Quality Assurance & Research Specialist, Office of Colorado's Child Protection Ombudsman	Statewide	Ombudsman's Office

Staff Members' Biographies

Dennis Goodwin, Child Protection Ombudsman, has served the public as a law enforcement officer for 34 years. Most recently, Dennis served as the police chief and law enforcement director at Arapahoe Community College. His experience includes 15 years as a detective/police agent with the Lakewood Police Department and 12 years as the chief investigator with the Jefferson County District Attorney's Office. Dennis brings 10 years of child abuse investigation experience to the Ombudsman's Office. He has served on the Colorado Child Fatality Review, the Kempe Center START Team, and has presented and trained law enforcement and Human Service case workers throughout the state regarding best practices in investigating child abuse cases.

He received a bachelor's degree in criminology from Florida State University in 1979. Dennis attended the FBI National Academy in Quantico, Virginia in 1998 and the Northwestern University School of Staff and Command in 2001. He received the Investigator of the Year Award for Jefferson County in 1988 and the Administrator of the Year award at Arapahoe Community College in 2013.

"I'm honored to be entrusted with this critical responsibility to protect and serve Colorado's children and families," he said. "I know that social workers, community leaders, law enforcement and the courts are working hard all across the state on the challenges of child welfare. We all want to do better, and I look forward to working together to make Colorado a better, safer place for children."

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.

For a little over three years, 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 served on the planning committee for the West Coast Child Welfare Trainer's Conference in 2011. 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. Sabrina has participated as a member of the Colorado Department of Human Services Child Fatality Review Team and is a current member of the Colorado Department of Public Health and Environment's Child Death Review Team. Sabrina offered testimony on several legislative matters during the

2012-2013 Colorado Legislative Session and presented to the Children's Legislative Caucus on substance abuse issues, as well as the functions of a Child Protection Ombudsman. Sabrina has presented nationally on child welfare related issues, and is preparing to present internationally at the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) European Regional Conference in Dublin, Ireland on the importance of collaboration in child welfare. Her expertise are in the areas of safety and risk assessment, domestic violence, forensic interviewing of latency age children, and substance abuse.

Lisa Kruetzer-Lay, Quality Assurance and Research Specialist, has been involved in assisting Colorado youth and families since 1997. She has a bachelor's degree in social work from Fort Hays State University and a master's degree in public administration from the University of Colorado at Denver. Lisa has worked as a community based services worker and a residential intake director at Savio House. She was a sexual abuse lead worker at Jefferson County Division of Children, Youth, and Families as well as completing investigations for the Intake Department and carrying cases for the Early Intervention Services Team and Family Integrated Treatment Team. Lisa assisted in the development of the Quality Assurance Program to oversee that children were receiving appropriate care and treatment in residential care. She helped in the formation of the Collaborative Foster Care Program for Jefferson and Arapahoe counties.

Most recently, Lisa was providing families under court jurisdiction with visitation services for Jefferson County Division of Children, Youth, and Families. Through Maple Star Colorado, she has been completing SAFE Home Studies for potential foster parents, adoptive parents, and kinship providers.

Karen Nielsen, Intake and Administrative Coordinator, has been involved in public health and child welfare since 1994. Karen held positions as outpatient senior counselor, support staff supervisor, and administrative coordinator over an 18-year period at Jefferson County Public Health. She was further the onsite drug and alcohol liaison for eight years at Jefferson County Division of Children Youth and Families. Karen also served as member of the Jefferson County Division of Children, Youth and Families Utilization Review Team for eleven years, and served as a Design and Implementation Subcommittee member for the HB1451 Jefferson County Collaborative Management Interagency Oversight Group for two years. Karen also served as a member of the State of Colorado Specialized Women's Substance Abuse Program Collaborative Interagency Group for twenty-one years, and as a member of the Adult Diversion Council, Office of the District Attorney 1st Judicial District for seven years.

Additionally, Karen is a Certified Addiction Counselor III (CAC III) since 1990, as required by the Colorado Department of Regulatory Agencies. Most recently, Karen worked for Specialized Out-patient Treatment Services, LLC as an admissions and administrative coordinator, where she assisted with completing intakes and evaluations, identifying, consulting, collaborating, and educating a wide variety of community agencies and attorneys on agency DUI and substance abuse treatment services. Karen has twenty-four

years of experience in treating individuals with substance abuse and mental health issues in outpatient and residential settings, and has a vast knowledge within the field of substance abuse and mental health treatment. Her expertise is in the areas of community collaboration, substance abuse, women's issues, parenting, cultural issues, and in the child welfare system.

Kendall Marlowe is the Executive Director of the National Association of Counsel for Children, the national advocacy organization of attorneys and other professionals representing children and families in child welfare, juvenile justice, and custody cases. Mr. Marlowe served as chief of the Bureau of Operations and as Deputy Director for the Department of Children and Family Services in Illinois, where he was also spokesperson for the Department of Juvenile Justice and the Governor's Long Term Care Reform Task Force. Mr. Marlowe grew up in a family that welcomed six adolescent foster youth, has been a foster and adoptive parent himself, and worked as a social worker with at-risk, homeless, and foster youth on Chicago's South Side. He holds a master's in social work from the University of Chicago School of Social Service Administration, where he received the Wilma Walker Honor Award, and a J.D. and Certificate in Child and Family Law from the Loyola University Chicago School of Law, where he was an Honorary ChildLaw Fellow.

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

"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

community in strengthening families and keeping children safe. The Ombudsman staff participate in many community events and educational forums on an ongoing basis.

Outreach Efforts

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

- ❖ Presentation to Colorado Human Services Director's Association members, Aurora, CO
- ❖ Presentation to legal and social work staff of Children's Hospital, Aurora, CO
- ❖ Presentation to Colorado Counties Inc. County Commissioners quarterly meeting, Denver, CO
- ❖ Presentation on Child Fatality Review Processes at the US Ombudsman Association Annual Conference, Spokane, WA
- ❖ Served as an expert panelist for University of Denver Conflict Resolution Summit, Denver, CO
- ❖ Presentation on Adoption Collaboration to Adoption Alliance staff, Aurora, CO
- ❖ Presentation to State Meth Task Force and Attorney General, Denver, CO
- ❖ Served as expert panelist for Denver Post live webinar, Denver, CO
- ❖ Presentation at Colorado Bar Association's Juvenile Law Section, Denver, CO
- ❖ Presentation to CDHS Child Welfare Leadership Council quarterly meeting, Denver, CO
- ❖ Presentation to CDHS Quarterly Child Welfare Trainer's Meeting, Denver, CO
- ❖ Presented as panelists on substance abuse issues to Children's Legislative Caucus at State Capitol, Denver, CO
- ❖ Presentation to Children's Legislative Caucus, Colorado Capitol, Denver, CO
- ❖ Keynote speaker at Optimist Club monthly breakfast, Denver, CO
- ❖ Presentation to Kempe Center's Fostering Futures staff & interns, Aurora, CO
- ❖ Presentation to the Colorado Foster Parent's Association on Ombudsman Office functions and substance abuse issues, Breckenridge, CO

- ❖ Presentation at National Association of Drug Endangered Children National Conference on substance abuse issues and child welfare, Des Moines, IA
- ❖ Webinar for National Association of Drug Endangered Children regarding substance abuse issues and child welfare, Westminster, CO
- ❖ Participation in the Child Abuse Prevention Month kick-off rally, Denver, CO
- ❖ Presentation to Voices for Children, Boulder, CO
- ❖ Participants in the Adoption Resource Fair, Denver, CO

Online Presence

During Year 2, the Ombudsman Office has maintained its online presence that was established during Year 1. The Ombudsman Office continues to work in partnership with Relish Studios regarding the office's website, protectcoloradochildren.org. The site launched in September 2011 and since that time, the Ombudsman Office has maintained and updated the site with pertinent information, articles, investigative reports, and findings. 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. (Appendix D)
- ❖ 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.
- ❖ 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.

The Ombudsman Office also established profiles on the social networking sites Facebook (OmbudsmanCO) and Twitter (@OmbudsmanCO). The Facebook page has grown from 227 "likes" in Year 1 to 262 in Year 2, while the Twitter feed has grown from 77 followers in Year 1 to 99 in Year 2. The Ombudsman Office maintains the pages with up-to-date information pertaining to the office and other related topics.

Media Communications and Engagement

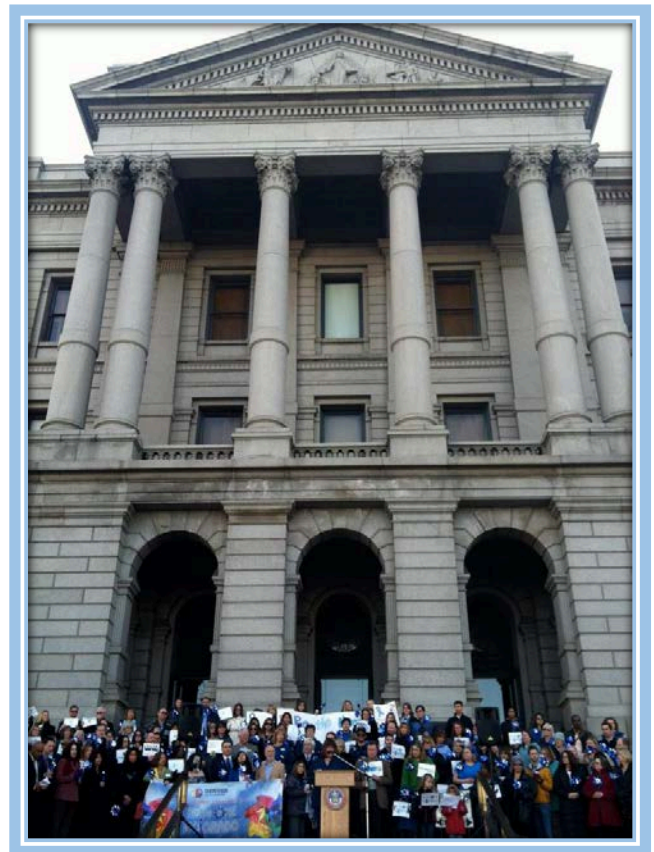
During Year 2, the Ombudsman Office continued to engage with local media regarding relevant topics surrounding child protection. The Ombudsman Staff participated in a live webinar with *The Denver Post*, alongside other relevant child protection advocates from across Colorado. Further, Ombudsman staff were the subject of multiple newspaper and local media interviews throughout the year. Those contacts include, but are not limited to, 9News, *The Denver Post*, Fox 31, and Channel 7, along with other various local media outlets. National Public Radio also featured information regarding the Office of Colorado's Child Protection Ombudsman.

Outreach to Counties and State Human Services

Throughout Year 2, the Ombudsman Office continued to reach out to local child welfare agencies throughout the 64 Colorado counties. The Ombudsman also participated in discussions and presentations with the Colorado Human Services Director's Association, as well as Colorado Counties Inc. and the Colorado Department of Human Services Child Welfare Leadership Council during FY 2012-2013.



“CHILD ABUSE AND NEGLECT
PREVENTION MUST BE PROACTIVE”



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

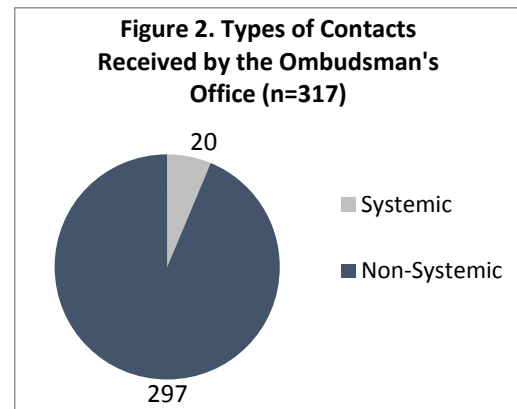
From July 1, 2012, to June 30, 2013, the office received 317 total contacts (Appendix E). Of these:

- 297 contacts (94%) were non-systemic; and
- 20 contacts (6%) involved systemic issues.

This chapter provides details on the non-systemic contacts to the Ombudsman Office during FY 2012-2013.

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.

Table 3. Relationship of Referring Party to the Family or Child on the Case: in Non-Systemic Cases

Biological Parent	33%
Child's Grandparent	16%
Foster/Adoptive Parent	4%
Other Relative	14%
Friend/Neighbor	3%
DHS Employee	3%
Attorney	3%
Advocate	2%
Medical Professional	2%
Law Enforcement	2%
Other	11%
Unknown	8%
Number	(297)

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 how the party contacting the Ombudsman Office is related to the child on the child welfare case. Most of the parties contacting the Ombudsman Office are a relative to a child in the child welfare system. One third of the parties are the biological

parent, and 30 percent are another type of biological relative. A few are DHS employees, attorneys, or another type of community professional.¹

¹ The numbers in the tables and figures presented in this report may not add up to 100 percent due to rounding.

Table 4. How the Referring Party Heard about the Ombudsman Office in Non-Systemic Cases

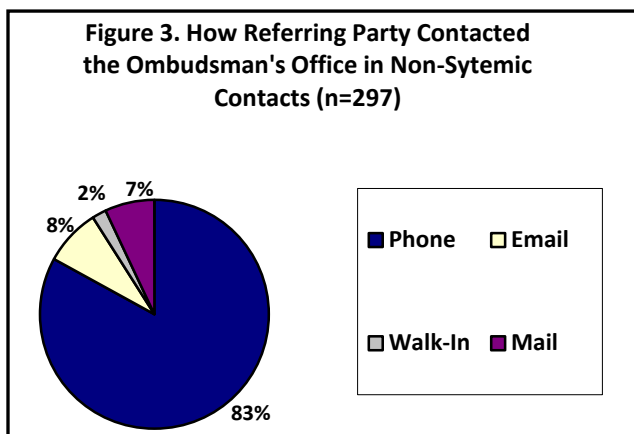
Previous contact to Ombudsman Office	10%
Media	9%
State DHS	7%
Ombudsman's website, Facebook page, or Twitter feed	6%
Legislator's office	5%
Friend or family member	4%
County DHS	4%
Attorney	3%
Medical professional	3%
Internet search, operator, or phone book	3%
Court or Judicial	2%
Law enforcement	2%
Community agency	2%
GAL or CASA	2%
Advisory board	2%
Other	16%
Unknown	20%
Number	(297)

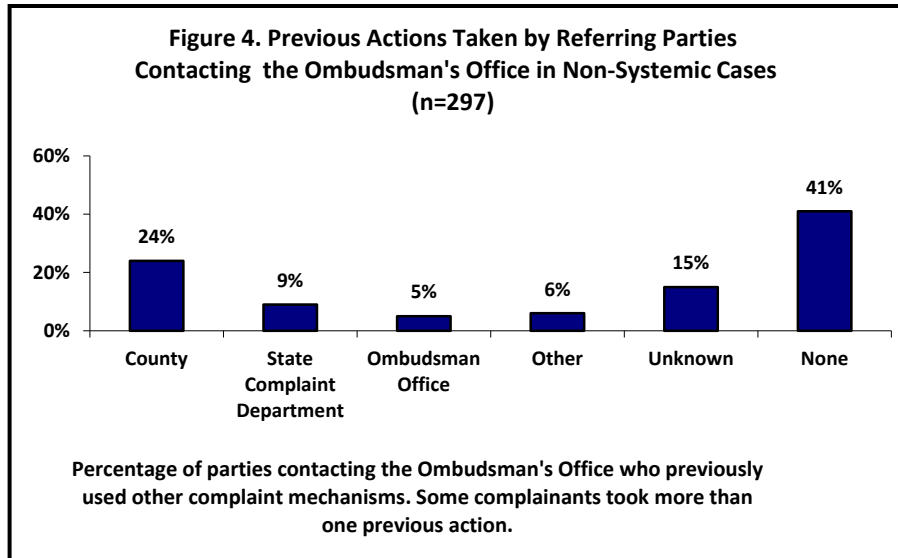
There was a wide variety of ways that the contacting parties heard about the Ombudsman Office. About 10 percent of contacting parties heard about the office by being a previous contact to the office or through the media. Seven percent heard about the office from the Colorado Department of Human Services; 6 percent from the Ombudsman Office's website, Facebook page, or Twitter feed; 5 percent heard about the office from a legislator; while 4 percent heard about the office from a friend or family member or a County DHS employee. (See Table 4 for more details).

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 person. As displayed in Figure 3, most of these contacting parties contacted the Ombudsman Office over the phone (83%). A few of the referring parties mailed or emailed their complaints to the office (7% and 8%, respectively), while just 2 percent went to the office in person to speak to the Ombudsman Office staff members.

For 41 percent 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.



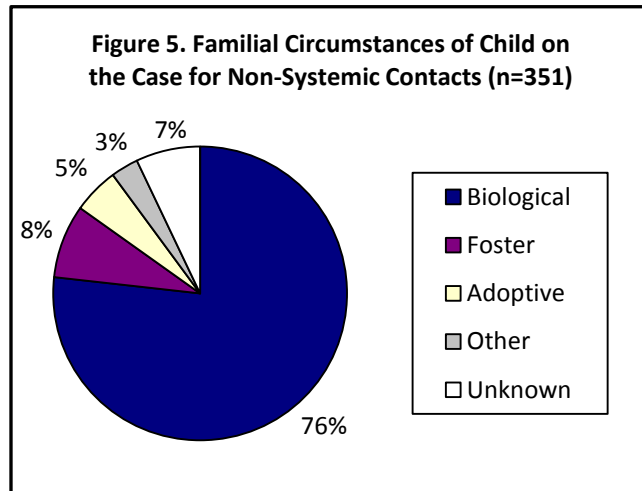


Information about the Child on the Case

The Ombudsman Office also collects limited information on the child about whom the referring party is calling. There were a total of 351 children included in the cases included in the 297 contacts received by the Ombudsman Office in FY 2012-2013. This is an average of 1.2 children per Ombudsman Office case. Of these 351 children, about half are Caucasian, just under one quarter (22%) are Hispanic, 3 percent are African American, and 2 percent are Native American.

Table 5. Information about the Children on the Non-Systemic Cases

Total number of non-systemic cases	297
Total number of children covered by the non-systemic cases	351
Average number of children per OCCPO case	1.2
Race/Ethnicity of the children involved in OCCPO cases	
African American	3%
Hispanic	22%
Native American	2%
White, non-Hispanic	49%
Refused/Unknown	24%
Number	351

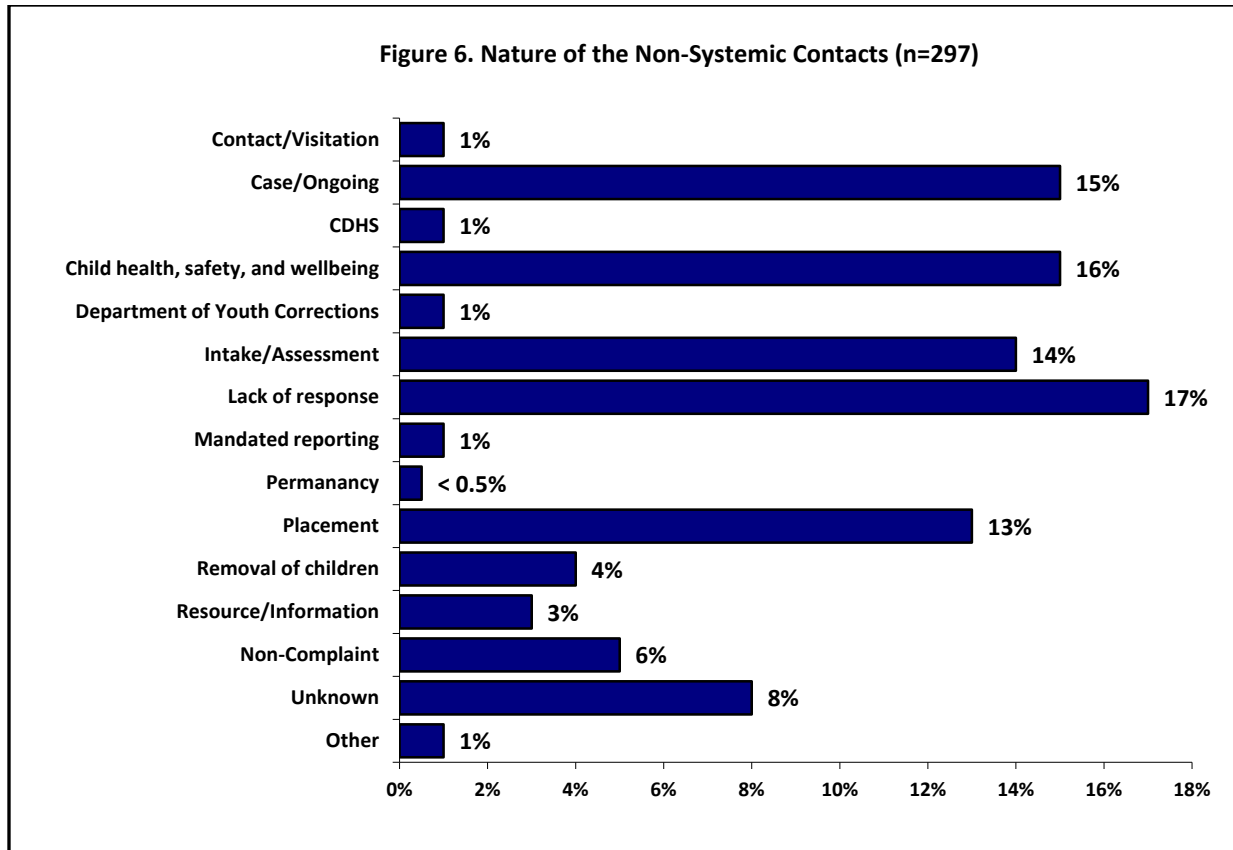


Over three-quarters of the contacts made to the Ombudsman Office included cases where the child was living with one or both biological parents or other relative. Eight percent were living with a foster family when the contact came into the Ombudsman Office, and 5 percent were living with an adoptive family. See Figure 5 for more information.

Nature of Contacts

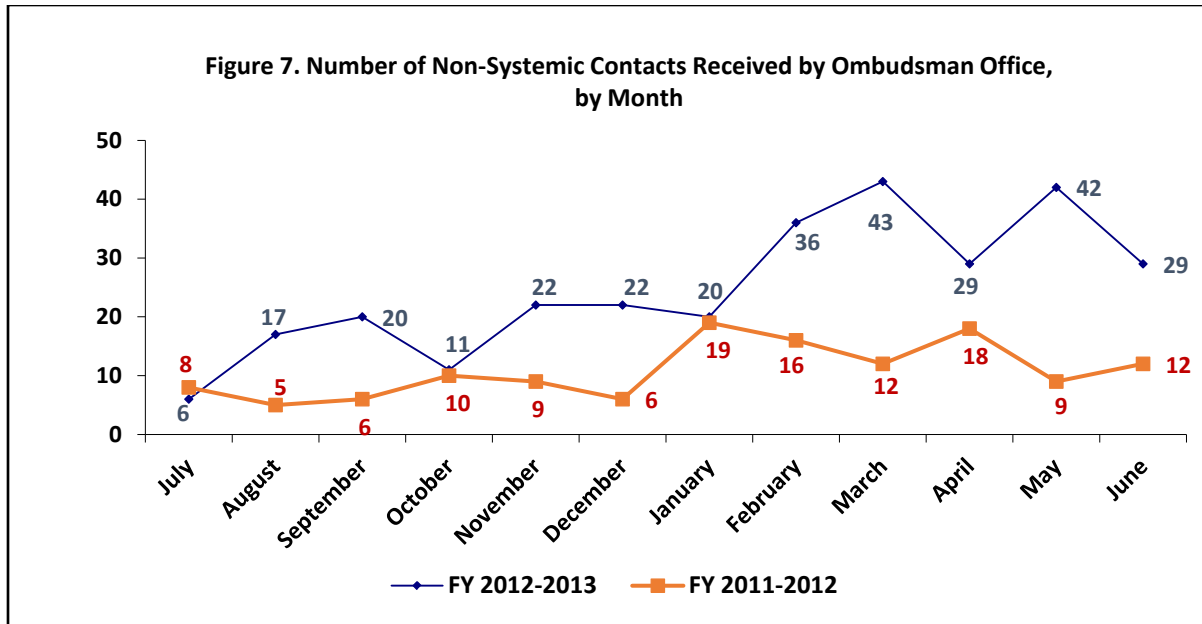
Ombudsman Office staff members ask parties who contact the office to describe their concerns. If the referring party has several, then the staff member asks the party to identify his or her top three issues. This helps the Ombudsman Office focus its actions on the referring party's priorities.

As shown in Figure 6, the most commonly cited nature of the contacts made to the Ombudsman Office was a lack of response by an agency or caseworker, with 17 percent of the referring parties citing this as the nature of their contact. Other frequently given natures were child health, safety, and well-being (16%); case or ongoing case work (*e.g.*, a concern with the management, decisions, services, being offered to a party during their child welfare case), with 15 percent of referring parties citing that as the nature of their contact; the intake or assessment process (14%); and placement issues (*e.g.*, Interstate Compact on the Placement of Children, kinship placement, non-kinship placement, etc.). Fewer than 10 percent of the contacts were in regard to contact or visitation, the Colorado Department of Human Services, the Colorado Department of Youth Corrections, mandated reporting, permanency, the removal of children, a call for resources or information, a non-complaint, or another issue.



Contacts to the Ombudsman Office, by Month

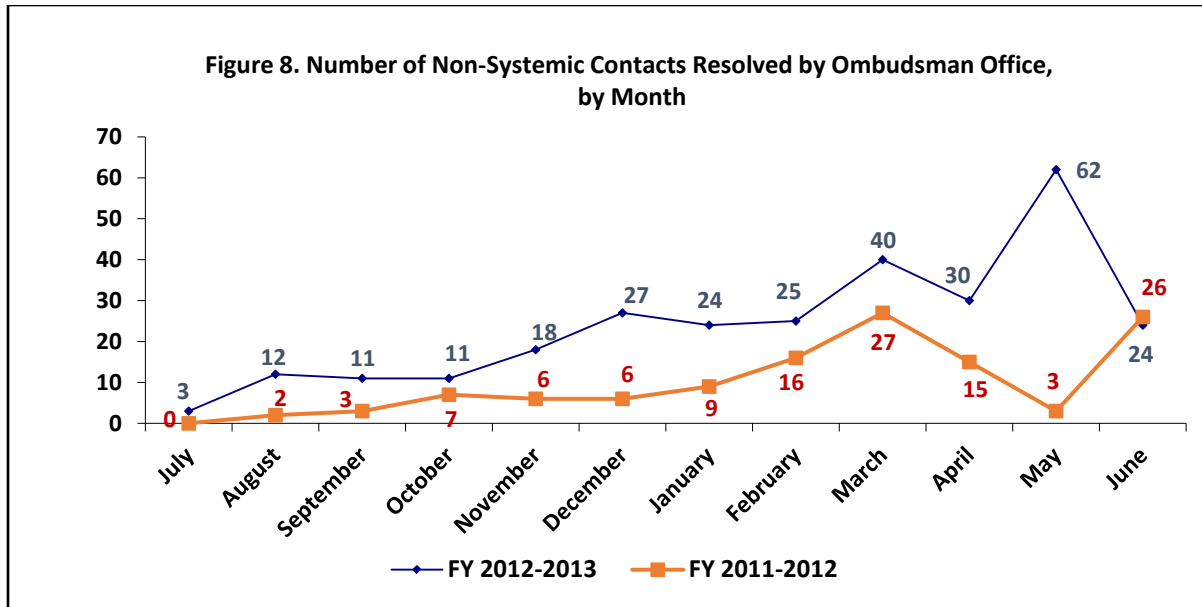
Figure 7 shows the number of contacts that came into the Ombudsman Office by month during the current fiscal year (FY 2012-2013) and the previous fiscal year when the office first opened (FY 2011-2012). The Ombudsman Office received a total of 297 non-systemic contacts this year. During the first 13 months of operation, the Ombudsman Office received 135 non-systemic contacts. As shown in the figure, the number of contacts started low at the beginning of the fiscal year, with just six coming in during July 2012. The number of contacts increased to 17 in August 2012 and 20 in September of that year. In October, the number fell to 11. There were about 21 contacts per month during November, December, and January. Beginning in February 2013, the contacts increased and stayed at or above 29 contacts per month through the end of the fiscal year. The most contacts came into the office during March and May of 2013, when the office received 43 and 42 contacts, respectively. During FY 2011-2012, the highest number of contacts in a month came in January 2012, when the office received 19 contacts.



Contacts Resolved, by Month

During FY 2012-2013, the Ombudsman Office resolved 287 total cases. Of these, 275 of the contacts were made to the office during FY 2012-2013 and 12 were made to the office during the previous fiscal year. The cases that are open and have not been resolved will be worked on during the next fiscal year.

Figure 8 shows the number of contacts that the Ombudsman Office resolved by month during the current and previous fiscal years. The office resolved three contacts in July 2012. The number of contacts resolved then increased to about 11 resolved cases per month from August to October 2012. The Ombudsman Office resolved 18 cases in November 2012 and then resolved more than 20 cases per month for the rest of the fiscal year. In March and May of 2013, the Ombudsman Office resolved the most contacts, closing 40 in March and 62 in May. In FY 2011-2012, the office resolved 120 cases.



Time Frames of Ombudsman Office Contact Resolution

In FY 2012-2013, the average amount of time that the Ombudsman Office spent resolving a contact was an estimated 20 business days.² Over time, the Ombudsman Office began resolving contacts much more quickly. In the first quarter of FY 2012-2013, the average number of estimated business days from the date the case opened to the date the case was resolved was 49.4. This average fell to 23.57 business days in the second quarter. It decreased even further to 16.97 business days in the third quarter, and fell to 7.11 business days in the final quarter. (These data only include the 275 resolved cases that came into the office during the current fiscal year.) Thus, the speed with which contacts were resolved was significantly faster after the first quarter and continued to improve throughout FY 2012-2013. The Ombudsman Office's contact resolution average complied with the Work Group time frames in Quarters 2 to 4. Further detail can be found in Table 6.

² 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 one day to resolve remained the same, cases that took a total of seven days to resolve were converted to five 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.

Table 6. Time Frame for Contact Resolution, Total and by Quarter Case Opened In, for FY 2012-2013

	Total Number of Days	Estimated Number of Business Days
Contacts made to the Ombudsman in FY 2012-2013		
Average	27.65	20.37
Median	11	9
Range	1-256	1-184
Number	275	275
Contacts made to the Ombudsman in Quarter 1		
★ Average	68.09	49.40
Median	61	45
Range	1-256	1-184
Number	43	43
Contacts made to the Ombudsman in Quarter 2		
◆ Average	32.17	23.57
Median	7	5
Range	1-192	1-138
Number	53	53
Contacts made to the Ombudsman in Quarter 3		
Average	22.87	16.97
Median	15	11
Range	1-105	1-75
Number	97	97
Contacts made to the Ombudsman in Quarter 4		
Average	9.18	7.11
Median	7	5
Range	1-51	1-37
Number	82	85

★ 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.

◆ The differences between the Quarter 2 Total Number of Days and Estimated Number of Business Days means and the Quarters 1 and 4 Total Number of Days and Estimated Number of Business Days means are statistically significant at ≤.003.

The Ombudsman Office closed cases at a much faster rate in FY 2012-2013 than in the first fiscal year. As shown in Table 7, the average number of business days the office resolved cases in during FY 2011-2012 was 41.8, compared to an average of 20.4 business days during FY 2012-2013. This difference is statistically significant.

Table 7. Number of Business Days for Contact Resolution, FY 2011-2012 and FY 2012-2013

	FY 2011-2012	FY 2012-2013
Contacts made and closed in each fiscal year★		
Average	41.81	20.37
Median	20.50	9
Range	0-256	1-184
Number	120	275

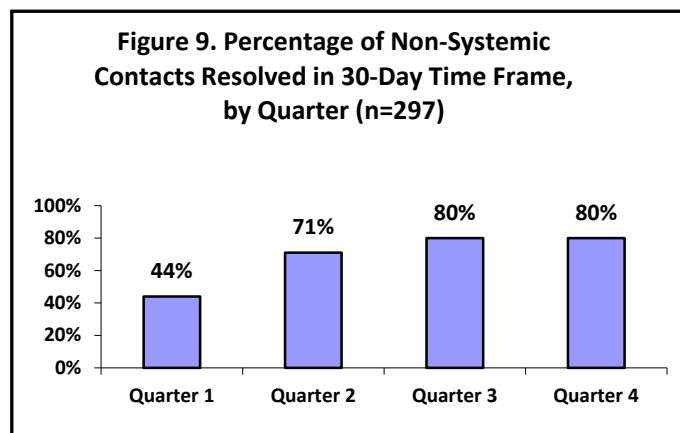
★ The difference between the averages is statistically significant at .001.

Of the 22 contacts that were opened in FY 2012-2013 and still open at the end of the fiscal year:

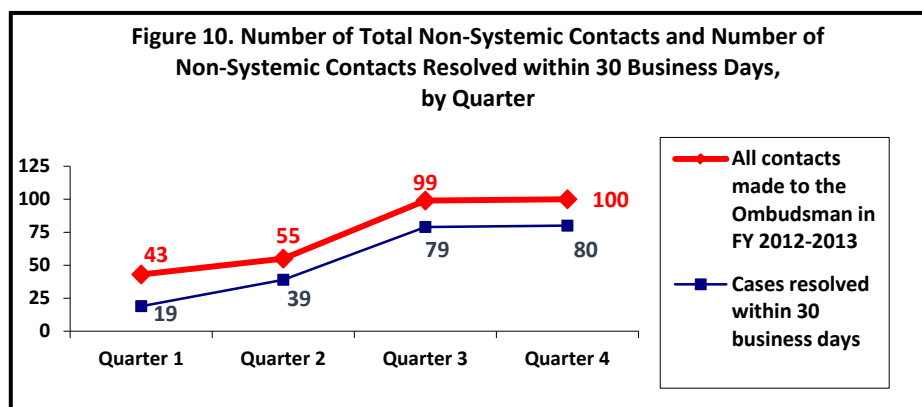
- None came in during the first quarter of operations;
- Two came into the office during the second quarter;
- Two came in during the third quarter.
- Eighteen were received during the fourth quarter.

The Ombudsman also has two contacts that were opened during FY 2011-2012. This is a total of 24 open cases that the Ombudsman office staff will continue to work in FY 2013-2014.

Figures 9 and 10 give more details on closure time frames of the contacts by quarter. As shown in the two figures:

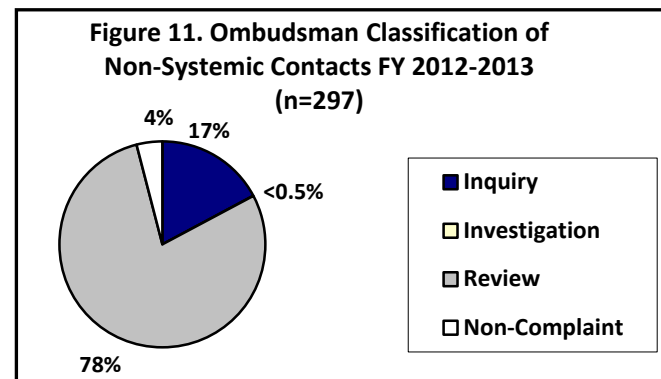


- In Quarter 1, 44 percent, or 19 contacts, were resolved within the 30-business-day requirement;
- Timeliness improved during Quarter 2. Thirty-nine (or 71%) of the contacts that came into the Ombudsman Office during the second quarter of operations were resolved within the 30-business-day standard;
- During the third quarter, the Ombudsman Office resolved about 80 percent, or 79 of the contacts, within 30 business days; and
- The Ombudsman Office is within the 30-business-day range for 80 percent, or 80, of the contacts that came into the office during the fourth quarter.



Classification of Contacts

A contact to the Ombudsman's Office can be classified in one of four ways: Inquiry, Review, Investigation, or a Non-Complaint. As shown in Figure 11, the majority of contacts to the office during FY 2012-2013 were classified as a review. This means that the Ombudsman Office staff members conduct 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. Only one contact (*i.e.*, less than 1 percent of contacts in the current fiscal year) that came into the office elevated to the level of an investigation, which includes 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. Seventeen percent of the contacts that come into the Ombudsman Office during FY 2012-2013 were classified as inquiries (*i.e.*, a question or a request for information), while just 4 percent were non-complaints, which may include requests for materials, assistance, or other information that is relevant for tracking but is not considered a complaint.



During the Ombudsman Office's last fiscal year, the office had more inquiries and non-complaints (19% and 7%, respectively) and a greater percentage of investigations, with 4 percent of the contacts elevating to the level of investigation. There were also fewer reviews (70% of contacts).

Contact Outcomes

Of the 275 resolved contacts that came into the Ombudsman Office during the current fiscal year, just over half (56%) were resolved with the Ombudsman Office affirming the child welfare agency and/or caseworker actions. In 2 percent of the cases, the office affirmed the agency or caseworker actions, and also offered some additional recommendations on how the case may have been handled differently. Eighteen percent of the contacts were closed due to a lack of information, and 11 percent were closed with a resource referral. In 2 percent of the resolved contacts, the office found that the agency or caseworker was not in compliance with policy of law in the handling of the original case. Table 6 gives more information.

Table 8. Ombudsman Office Contact Dispositions for Non-Systemic Cases, FY 2012-2013 (n=275)

Affirmed Agency or Worker Actions	56%
Affirmed with Recommendations	2%
Agency or Worker Non-Compliance with Policy or Law	2%
Case Closed per Complainant	3%
Case Closed, Lack of Information	18%
Resource Referral	11%
Systems Problem Identified	1%
Declined to Investigate	2%
Case Closed, Duplicate Complaint	4%
Investigation Initiated	<0.5%
Other	<0.5%
Not Applicable	2%

Of the 12 resolved contacts resolved during the current fiscal year that came in during the previous fiscal year, three-quarters of the cases (or nine contacts) ended with the Ombudsman Office affirming the agency or caseworker actions, two contacts (17%) ended with a resource referral, and one contact (8%) ended with the office finding caseworker or agency non-compliance with law or policy.

FY 2011-2012 Investigation Resolution

During FY 2011-2012 the Ombudsman Office opened three investigations that did not reach resolution until FY 2012-2013. Two investigations involved Logan County while the other involved a child in Park County. The delay in resolution to these cases was as follows:

- 1) Complexity of Issues.** Investigations into complaints involving actions and inactions to county practice, along with policy violations are extremely in depth and take a great deal of time to gather documentation, as well as reviewing the materials and seeking further clarification to the issues. In these two instances, there was a great deal of information sought and provided, extending the time frames for resolution. The Ombudsman Office seeks to deliver the most accurate information in an effort to provide accurate recommendations that will target the issue and serve to improve compliance and practice for future family involvements.
- 2) Restrictions on Release.** Oftentimes cases that the Ombudsman Office has under review and/or investigation are also involved in criminal or civil proceedings that

disallow for the release of information prior to the resolution of those matters. In the instance of one of these investigations, a gag order was issued in the criminal case, disallowing the Ombudsman Office to release any information in the investigation until receiving release from the district attorney in the charging matter. Once the order was lifted, the Ombudsman Office compiled the information necessary for the complete investigation into the complaint and issued findings to the county, as well as to the Colorado Department of Human Services and the public. Based on these restrictions, two remaining investigations that were initiated in FY 2011-2012 remain on hold pending release from the criminal justice and judicial systems.

In these three investigations, the Ombudsman Office found instances of practice concerns, along with policy violations. It is important to note that the Ombudsman Office also found areas of strength in each investigation, and that information, along with the findings of concern were forwarded to Logan County and Park County for response prior to releasing the reports to the Colorado Department of Human Services or posting the reports on the Ombudsman website. The complete public release of these reports outlining concerns and strengths identified by the Ombudsman Office can be found at www.protectcoloradochildren.org under the "Reports" tab.

FY 2012-2013 Investigations

The Ombudsman Office opened one investigation in FY 2012-2013 in which the office investigated a child fatality review report released from the Colorado Department of Human Services. The Ombudsman released a report detailing the findings of the investigation on April 24, 2013, and found that the CDHS public report contained numerous errors and omissions. This report, in its entirety, can be located on the Ombudsman website at www.protectcoloradochildren.org under the "Reports" tab.

It is the Ombudsman Office's position that the practice of child fatality review should include a thorough, accurate, and transparent account of practices and involvement with the child and family. Findings from child fatality reviews may be used in conjunction with other data measures to inform systemic improvements within the child protection community, as well as provide information to the general public, which will foster accountability and transparency.

Investigative Recommendations

In all of the above investigations, the Ombudsman Office offered a comprehensive list of recommendations to both the county Departments and the Colorado Department of Human Services. In making recommendations, the Ombudsman Office is seeking to offer solutions to issues on a multi-level basis, including recommendations for specific caseworkers, recommendations for agency improvement around specific practice related issues and issues for improvement in overall child protection policy. It is the Ombudsman Office's desire to work with county Departments and the Colorado Department of Human Services to improve overall

child protection policy and practice to ensure the safety and well-being of Colorado's children. A comprehensive list of the Ombudsman recommendations can be found in Appendix F.

Conclusions

The following are key findings of a statistical analysis of information recorded by ombudsman office staff on all contacts to the office during Fiscal Year 2012-2013:

- The Ombudsman Office received 317 contacts: 297 non-systemic contacts and 20 systemic contacts.
- The Ombudsman Office was the first place that 41 percent of complaining parties turned for help, with smaller fractions reporting that they had used a county (24%) and/or state (9%) complaint process.
- During the 12-month study period, contacts averaged 24.75 per month, with referral activity increasing after November 2012.
- Most contacting parties were biological parents (33%), grandparents (16%), or other relatives (14%).
- Most contacting parties learned about the Ombudsman Office by having previously contacted the Ombudsman Office (10%) or through the media (9%).
- The majority of cases (78%) were classified by ombudsman staff as needing a review. Only one contact involved an investigation.
- Overall, 73 percent of cases referred during FY 2012-2013 were resolved within 30 business days, with the rate of resolution within this time frame steadily rising from 44 percent during the first quarter to 71 percent in Quarter 2, and 80 percent in Quarters 3 and 4.
- During Quarters 2, 3, and 4, the Ombudsman Office met the timeliness standards set by the Child Protection Ombudsman Work Group for contacts.
- Over half (58%) of all cases were resolved with an affirmation of agency and/or caseworker policy. Most of the remainder were closed by the Ombudsman Office due to a lack of information (18%) or with a resource referral (11%).
- In six (2%) of the 287 contacts that the Ombudsman Office resolved during the current fiscal year, the office found agency or caseworker non-compliance with law or policy.
- The Ombudsman Office closed two investigations that were initiated during FY 2011-2012.
- The lengthy nature of the investigation process reflects the time required to contact and interview various professionals and/or obtain reports and documents, as well as court orders that restrict completion of the Ombudsman Office investigation and/or release of investigative reports.
- The Ombudsman Office initiated an investigation on one case during FY 2012-2013.

Issues Tracked by the Ombudsman Office in Year 2

The Ombudsman Office has been fully operational for two years at the writing of this report. Although the Ombudsman Office has been gathering large amounts of data throughout these two years, the data pool continues not to be large enough to adequately track and identify significant trends or issues. The Ombudsman Office, alongside of the Colorado Department of Human Services, began operating the Ombudsman Office with the shared knowledge that it may be two or more years of consistent data collection before trends or themes would emerge with some measure of reliability. This being said, the data collected throughout Year 1 and into Year 2 continues to identify areas of potential themes or issues.

Issues Identified in FY 2011-12

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

Summary of FY 2011-2012 concerns and Status at end of FY 2012-2013

Risk and Safety Assessments: The Ombudsman Office notes that at least 75 percent of its reviews involved issues regarding risk and safety assessments, including misuse of the tools, lack of documentation, or failure to complete the tools. The Ombudsman Staff shared this concern with the Colorado Department of Human Services leadership and supervisory staff in July 2012, and published concerns in the first Annual Report, September 2012. CDHS staff acknowledged the concerns and advised the Ombudsman Office that new Risk and Safety Assessment tools were being created. The Ombudsman Staff suggested that CDHS implement additional trainings or safeguards of the current process until the new tools became available. As of June 2013, the Ombudsman Office continues to find errors around risk and safety assessments and is unaware of any interim support and/or training that was initiated during the last fiscal year to address these concerns while a new tool was being developed and introduced. In July 2013, the Ombudsman Office again brought the issue to CDHS and was advised that training roll-out for the new tools will begin to take place in September 2013, with aspirations for full roll-out in October 2013 should TRAILS be able to support the new tool.

Year 3 Action Step: The Ombudsman Office will continue to monitor existing and new tools for effectiveness and appropriate use and will remain in communication with CDHS regarding any issues identified during and after roll-out.

Intake Inconsistencies or Issues: The Ombudsman Office identified a significant number of complaints and concerns regarding inconsistent intake practices across counties. Ombudsman staff found reports of abuse or neglect by mandatory reporters not being entered into TRAILS, and found reports of abuse added as notes to prior reports rather than being added to TRAILS as new reports. The passage of HB 13-1271 created a Child Abuse Reporting Hotline and requires CDHS to adopt rules around consistent and accurate recording of child abuse and neglect reports and allegations. The Ombudsman Office testified in favor of and supported the passage of HB 13-1271.

Year 3 Action Step: The Ombudsman Office will continue to track and monitor intake issues and inconsistencies for trends.

Mandatory Reporting of Child Abuse: The Ombudsman Office received numerous concerns from mandatory reporters regarding the handling of reports. Frustrated physicians, clergy, educators, and community members who are legally required to report child abuse and neglect do not know if or how their reports were ever acted upon, and sometimes assume their report was not investigated and thus ignored. The Ombudsman staff continued to receive complaints and concerns from mandatory reporters about this issue in Year 2. Physicians were the most frequent complainants, citing that in some instances, they should be privy to the status of the report follow-up.

The Ombudsman Office applied for grant funding from CDHS to provide an independent online discipline-specific mandatory reporter training for medical personnel, clergy, law enforcement, educators, and child care providers. The funding request was denied by CDHS, citing a conflict of interest.

During Year 1, the Ombudsman Office surveyed County Human Services Directors about mandatory reporter issues, and more than 80 percent of the respondents believed that school personnel, medical responders, clergy, and first responders need more or better training about mandatory reporting.

Year 3 Action Step: The Ombudsman Office continues to strongly support broad and accessible discipline-specific training for all mandatory reporters.

Substance Abuse and Implications for Parenting: The Ombudsman Office reported a strong relationship (approximately 80% of cases reviewed) between the involvement of substance abuse by caregivers and child welfare involvement. The first Annual Report cited a need to monitor the issue and implications for safe parenting. The first Annual Report supported legislative attention to caregiver substance abuse issues as a child abuse and neglect prevention

measure. The Ombudsman Office continued to see a strong relationship between caregiver substance abuse and child welfare involvement in cases reviewed or investigated in Year 2.

The passage of SB 13-278 creates a definition of drug-endangered children in Colorado, and attempts to support stronger understanding and collaboration among law enforcement, courts, and child welfare professionals as it relates to decision making and intervention with families substance abuse and child welfare. The Ombudsman Office testified in favor of and supported the passage of SB 13-278. The Ombudsman Office will continue to track and monitor substance abuse as it relates to child welfare involvement.

Year 3 Action Step: The Ombudsman Office strongly supports improved training for child welfare professionals regarding risks of substance abuse and implications for children and families.

Systems Navigation Issues: About 70 percent of contacts and complaints to the Ombudsman Office during FY 2011-2012 involved some element of misunderstanding about “the system” (i.e., child welfare, the courts, other stakeholders.) Many complainants failed to understand decisions being made about their family and expectations for compliance with courts and social workers. At least 70 percent of contacts and complaints to the Ombudsman Office in FY 2012-2013 continued to involve some element of misunderstanding or lack of clarity about decisions made about families and expectations set forth for families by the child welfare system stakeholders including human services and courts.

Year 3 Action Step: The Ombudsman Office continues to support more and/or better training for child welfare professionals and other stakeholders around educating clients about system navigation, decision-making, and expectations.

Concerns and/or Fear of Retribution: During Year 1, the Ombudsman Office received an unanticipated number of calls involving fear of retribution. Several complainants stated that they did not, or would not, file a complaint with a human services entity (or other child welfare agency) for fear of retribution. Ombudsman staff continued to receive complaints or concerns involving fear of retribution in Year 2. Complainants feared that decisions would be made differently in their case if they filed a grievance, or that they would not be unified with the child involved (whether through reunification, placement, and/or adoption). Other fears of retribution involved reduced ability to negotiate rates of reimbursement by providers, and adoption subsidies by adoptive parents.

Whether such fears of retribution are real or perceived, there is a growing number of clients (both families and providers) who report evidence of or fear retribution from county or state human services.

Year 3 Action Step: The Ombudsman Office will monitor, and also suggest that CDHS monitor, reports of threats of retribution, by county and by worker, to monitor for trends. The Ombudsman Office supports legislative or policy changes that address the

issue of threats of retribution from within the system, to decrease and mitigate inequities across counties while promoting the best interest of children and families.

Training Issues: The Ombudsman Office reported complaints from at least eight county departments of human services regarding training in Year 1. Complaints concerned geographic challenges for trainings held exclusively in the Denver metro area. Complaints also addressed the need for updated training and an increased variety of trainings. Complainants felt the training offerings were outdated and lacking in variety.

The Ombudsman Office continued to receive complaints regarding child welfare training at all levels during FY 2012-2013. In 2013, CDHS issued a request for proposals for the Child Welfare Training Academy. The Kempe Center for Children was selected as the new host for the Child Welfare Training Academy and is working diligently to revise training competencies to assess areas of need for revision or enhanced caseworker training. The Ombudsman Office applauds CDHS for prioritizing improvement of child welfare training.

Year 3 Action Step: The Ombudsman Office will continue to track and monitor complaints and concerns regarding training issues.

Adoption Subsidies: The Ombudsman Office received concerns and complaints from adoptive parents, stakeholders, and the Colorado Coalition of Adoptive Families (COCAF). The primary concerns were variation in adoption subsidy negotiations by county statewide, and lack of post-adoption services and supports for families.

Throughout FY 2012-2013, the Ombudsman Office continued to facilitate the conversation between adoption stakeholders and CDHS, working toward recognition and resolution of these issues. The Ombudsman Office initiated meetings and facilitated dialogue between adoption stakeholders (parents and COCAF leaders) and CDHS in November 2012 and April 2013. CDHS officials agreed to convey concerns to CDHS Policy Advisory Committee (CDHS PAC/SubPAC) as of the April 2013 meeting.

Year 3 Action Step: The Ombudsman Office will continue to lead and facilitate communications between adoption stakeholders and CDHS regarding adoption subsidies, post-adoptive services, and other issues brought forth in these dialogues. The Ombudsman Office will continue to track and monitor complaints, trends, and legislative/policy progress on these issues.

Child Fatality Review Team/Ombudsman Office's Role: In the first Annual Report, the Ombudsman Office reported challenges establishing the role of the Ombudsman at CDHS Child Fatality Review Team (CFRT) meetings. Specifically, some CFRT members questioned the ability of the Ombudsman to initiate an investigation (at the Ombudsman's discretion) as opposed to only investigating issues brought to the Ombudsman via complaints. The Ombudsman agreed to further explore the issues in the Year 1 Annual Report.

The role of the Ombudsman Office was further questioned by members of the CDHS CFRT in the Year 2 meetings. The Ombudsman was advised by legal counsel that indeed, the Ombudsman Office has the legal authority and responsibility to initiate investigations at the Ombudsman's discretion, and is not limited to investigating issues that arise solely from public complaints. Members of the CFRT registered strong opposition to the Ombudsman's participation in the CDHS CFRT based on the Ombudsman's ability to initiate investigations independently and the CFRT's apprehension about sharing information freely in the presence of the Ombudsman. Also during Year 2, SB 13-255 passed, which modified the role of the Colorado Department of Public Health and Environment's (CDPHE) role in child fatality review, and also added the Ombudsman to the CDPHE Child Fatality Review process. While some county stakeholders expressed interest in removing or limiting the role of the Ombudsman in participating in CDHS CFRT, no legislative amendment occurred and the Ombudsman now serves on both the CDHS and CDPHE Child Fatality Review processes by law.

Year 3 Action Step: The Ombudsman Office continues see value in participation in the Review Team and will continue to participate in and monitor these processes.

Child Protection Team Issues: The Ombudsman Office listed Child Protection Teams (CPTs) as a concern in the first Annual Report because CPTs vary widely across counties, and county staff report variances in the scope and effectiveness of Child Protection Teams.

The Ombudsman Office continued to monitor Child Protection Teams in Year 2, and participated in an ad hoc work group with counties and other stakeholders to explore ways to maximize the effectiveness of CPTs. Several county workers question the effectiveness of CPTs and report that workers spend a lot of time preparing for very short presentations on cases with minimal yield for their efforts that does not change or improve practice. Other counties, however, find the CPT process to be a positive and valuable learning experience.

The Ombudsman Office supports flexibility for counties to conduct Child Protection Team meetings in whatever manner most effective and productive for improving and analyzing practice. The Ombudsman Office suggests that CDHS assist counties in identifying effective practices of CPTs, while also assisting counties in maximizing effectiveness of time and effort spent preparing for and participating in CPTs.

Year 3 Action Step: The Ombudsman Office will continue to monitor the issue and is willing to continue serving on the ad hoc work group to help improve CPTs statewide.

Grievance Processes: The Ombudsman is mandated to explore grievance processes across child welfare and to recommend ways to streamline and eliminate duplication across grievance processes. In Year 1, the Ombudsman Office surveyed county Human Services directors to explore their perspectives about grievance processes. The results of that survey were documented in the first Annual Report.

The Ombudsman Office continued to explore grievance processes in Year 2. The Ombudsman Office hosted and facilitated a Grievance Process Roundtable, inviting counties, state, and other stakeholders to share about individual grievance processes and explore ways to streamline processes and decrease duplication. Participants presented their grievance processes and materials, and discussed challenges and strengths. The Ombudsman Office compiled the meeting summary and materials used by each entity for grievances and made materials available for all child welfare stakeholders to use as a reference or template.

Year 3 Action Step: The Ombudsman Office will continue to explore ways to improve and streamline grievance processes across child welfare systems.

Allegations of Child Abuse and/or Lack of Representation in Divorce (Civil) Cases: In Year 1, the Ombudsman Office reported receiving a large number of complaints from parents alleging abuse or neglect in the home of their current or former spouse, many times during or related to civil (divorce) proceedings. The Ombudsman identified a lack of resources for these complainants, especially for those who were unable to afford private legal representation.

The Ombudsman Office continued to receive a significant number of complaints in this category in Year 2. The Ombudsman Office continues to consider each individual complaint based on the merits of the complaint, and is unable to become involved in civil disputes that involve no evidence of inappropriate action or inaction of the child welfare system.

Year 3 Action Step: The Ombudsman will continue to track and monitor complaints involving alleged child abuse in conjunction with a civil case, but is not equipped to assist parents in finding resources and assistance in these cases. The Ombudsman Office will seek no further action or research on these issues, beyond the initial impartial review of the case for inappropriate child welfare action or inaction.

New Issues Identified FY 2012-2013

The following list of issues has been extracted from the second year's observations and data collection during case research and review, or from direct input from large stakeholder groups. Some of the issues identified in Year 1 continued to prove to be ongoing issues in Year 2. The Ombudsman's monitoring of these issues is clarified in the above section of this report. The issues below 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 Colorado's child protection system.

- Lack of after-hours response to law enforcement; and
- Ombudsman oversight.

Lack of After-hours Response to Law Enforcement: In Year 2, the Ombudsman Office received complaints from three separate law enforcement jurisdictions regarding lack of or inadequate

responses from county departments of human services after-hours and or during weekends. Specifically, law enforcement officials complained that county DHS workers either failed to respond or responded inappropriately to requests to respond to an arrest scene with children present. Law enforcement reported that on numerous occasions, county DHS workers claimed they were understaffed and unable to respond directly to the scene, leaving law enforcement to find care for the child or children involved until county DHS workers were able to respond.

Recommendations: The Ombudsman Office has discussed this issue with CDHS and continues to monitor and track the issue. The Ombudsman Office recommends that CDHS monitor the issue for county action, inaction, and compliance with law in situations involving arrests and decisions about child care and custody.

Ombudsman Oversight: The Ombudsman Office has served via contract at the pleasure of Colorado Department of Human Services since the office opened in 2011. During this time, the Ombudsman Office has maintained compliance with the law and the contract with CDHS, including monthly reporting and meeting with CDHS leadership. While the Ombudsman Office understands and appreciates the value of collaboration and partnership with the Colorado Department of Human Services, the Ombudsman asserts that the office is unable to function truly independently while being managed by the entity it was intended to monitor and investigate.

Recommendations: The Ombudsman Office, together with the Ombudsman Advisory Council and members of the legislature, will begin to explore avenues through which to function independently of the Colorado Department of Human Services. In the spirit of true independence and best practice, (according to the American Bar Association and the United States Ombudsman Association), the Ombudsman Office can and should be managed by a neutral entity independent of the Colorado Department of Human Services. Only then can the public, legislature, and child protection stakeholders be assured that the Ombudsman Office is able to function in an independent and unbiased manner working for the best interest of children and families.

Special Projects Pursued by the Ombudsman Office in Year 2

The Ombudsman Office pursued two special projects during Year 2.

- **Special Project I: Facilitation of Adoption Stakeholder and CDHS Meetings**
- **Special Project II: Facilitation of Grievance Process Roundtable**

Special Project I: Facilitation of Adoption Stakeholder and CDHS Meetings

- The Ombudsman Office facilitated an initial meeting between adoption stakeholders and CDHS staff regarding Annual Report Year 1 Issues and ongoing concerns in November 2012.
- The Ombudsman Office later facilitated a follow-up meeting between adoption stakeholders and CDHS staff regarding ongoing issues and concerns in April 2013.

The Ombudsman Office received concerns and complaints from adoptive parents, stakeholders, and the Colorado Coalition of Adoptive Families (COCAF) during Year 1. The primary concerns were a variation in adoption subsidy negotiations by county statewide, and lack of post-adoption services and supports for families. The Ombudsman Office continued to facilitate the conversation between adoption stakeholders and CDHS, working toward recognition and resolution of these issues.

In Year 2, the Ombudsman Office initiated meetings and facilitated dialogue between adoption stakeholders (parents and COCAF leaders) and CDHS in November 2012 and April 2013. CDHS officials agreed to convey concerns to CDHS Policy Advisory Committee (CDHS PAC/SubPAC) as of the April 2013 meeting. Specific issues and concerns submitted to CDHS by COCAF and the Ombudsman Office are included in Appendix G.

Year 3 Action Step: The Ombudsman Office will continue to lead and facilitate communications between adoption stakeholders and CDHS regarding adoption subsidies, post-adoptive services and other issues brought forth in these dialogues. The Ombudsman Office continues to receive complaints involving lack of post-adoptive services and supports available to adoptive families. In the interest of permanency and preventing disruption of adoptions, the Ombudsman Office shares concern about the need for additional services and supports for adoptive families. The Ombudsman Office will continue to track and monitor complaints, trends, and legislative/policy progress on these issues.

Special Project II: Facilitation of Grievance Process Roundtable

- In April 2013, the Ombudsman Office facilitated a Grievance Process Roundtable for county and state DHS staff. Participants included representatives from CDHS; the Ombudsman Office; ; Arapahoe, Boulder, Denver, Jefferson, Larimer, and Eagle counties; and the Center for Policy Research.

The Ombudsman Office is mandated to explore grievance processes across child welfare and to recommend ways to streamline and eliminate duplication across grievance processes.

In Year 1, the Ombudsman Office surveyed county Human Services directors to explore their perspectives about grievance processes. The Ombudsman Office continued to explore grievance processes in Year 2. The Ombudsman Office hosted and facilitated a Grievance Process Roundtable, inviting counties, state, and other stakeholders to share about individual grievance processes and explore ways to streamline processes and decrease duplication. Participants presented their grievance processes and materials, and discussed challenges and strengths. The Ombudsman Office compiled the meeting summary and materials used by each entity for grievances, and made materials available for all child welfare stakeholders to use as a reference or template.

A summary of Grievance Process Survey conducted by Center for Policy Research, along with the meeting minutes, and the grievance materials submitted by participants of the meeting are included in Appendix H.

Year 3 Action Step: The Ombudsman Office will continue to explore ways to improve and streamline grievance processes across child welfare systems.

Moving Forward: Year 3 Plans

The Ombudsman Office is looking forward to another successful year. Under new leadership, the Ombudsman Office will look to improve how daily business is conducted including how the Ombudsman Office provides services to Colorado families, professionals, and stakeholders. The Ombudsman Office is now fully staffed with experienced and dedicated professionals willing to make a difference.

In addition to the Year 3 Goals listed earlier, the Ombudsman's Office will strive to improve the following areas of performance:

- **Initial Response Time to Initiating Complainant.** The Ombudsman Office strives for a positive and responsive client experience for every complainant that reaches out to the Ombudsman Office. Standards for a return call to the initial complainant are two business days. The Office has improved in this standard dramatically over Year 2 and will continue to offer an exceptional client experience for all those reaching out to the Ombudsman Office.
- **Timelines for Completion of Reviews and Investigations.** As the Year 2 data reflects, the Ombudsman Office reached the established standard for completion of reviews in Quarters Two, Three and Four. The Ombudsman Office will continue to use best efforts to bring resolution to complaints within 30 working days. Further, the Ombudsman Office will strive for timely completion of investigations. The Ombudsman Office goal for completion of investigations is 60 business days; however, this time frame often requires extensions based on challenges previously listed in this report. When challenges and/or delays arise, the Ombudsman Office will be diligent in offering notification to the County Department or other agency being investigated, as well as the Colorado Department of Human Services when necessary.
- **Effective and Efficient Completion of Reviews and Investigations.** The Ombudsman Office strives to ensure an exemplary customer service experience for each individual or agency reaching out to the Ombudsman Office. The Ombudsman Office will continue to provide thorough and efficient reviews and investigations of all complaints that meet review and/or investigation criteria, communicating outcomes of such reviews and investigations to all parties directly involved in the process (*e.g.*, complainant, county directors or appropriate staff, agency staff).
- **Data Tracking.** During Year 2 the Ombudsman Database has become fully operational and is now being used for all data tracking purposes. The Ombudsman Office will continue to input all necessary information into the database to ensure that a thorough analysis of all data, as well as documentation of developing trends can be appropriately identified and analyzed at the conclusion of Year 3.

- **Public awareness.** The Ombudsman Office will develop and implement ongoing strategies to increase public awareness of the purpose, functions, and accessibility of information relating the Ombudsman Office. The Ombudsman Office will continue to provide education to the public concerning prominent child maltreatment issues Colorado children are facing, as well as the role of the community, and the necessity for collaboration in strengthening families and overall prevention and recognition of child abuse and neglect.
- **Ongoing Promotion of Best Practice Standards.** In every review and/or investigation, the Ombudsman Office is continually looking at standards that meet or exceed those outlined in Volume VII, as well as areas that warrant review and possible clarification or change to related child protection rule and policy. As part of the Ombudsman Office mission, the Ombudsman staff will continue to promote better outcomes for children and families involved in the child protection system, utilizing data gained through reviews and investigation to provide recommendations for individual County or worker practice, as well as overall systemic improvements.
- **Document Compliments; Solicit and Highlight Successes and Compliments about Individuals, Organizations, or Efforts.** The Ombudsman Office recognizes that the field of child protection is overwhelming and exhausting work that often does not receive the appreciation or recognition warranted for a job well done. The Ombudsman Office will continue to make an effort to solicit compliments and highlight best practice successes across child protections systems. The Ombudsman Office will track notable and positive outcomes and report these outcomes to the county Departments and the Colorado Department of Human Services to be used as a model for best practice standards.
- **Continue to Provide and Independent Forum to Register Concerns.** The Ombudsman Office strives 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 “system navigator” to educate the general public and stakeholders about these two systems; and promoting the best interest of children and families.
- **Provide Appropriate and Adequate Resource Referrals to Constituents and Stakeholders reaching out to the Ombudsman Office.** The Ombudsman Office receives numerous calls weekly from members of the public seeking a variety of resources within the community, including resources for out-of-state complainants or need for services outside of Colorado. The Ombudsman Office will continue to grow the list of resources previously compiled to ensure that the information is readily accessible, current, and relevant for all callers to the Ombudsman Office.

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 promote better outcomes for children and families. We join our partners statewide in working to make Colorado a leader in ensuring children are protected and given the opportunity to thrive.

Conclusions

While Colorado's Child Protection Ombudsman Office workload volume continues to increase, data continue to reveal strengths and challenges about child protection in Colorado. The role of the Ombudsman is to ensure an independent and impartial mechanism for reviewing grievances and investigating concerns to inform the improvement of policies and systems that exist to protect Colorado's most vulnerable children.

This report summarizes the second year of data collected by the Ombudsman Office and evaluates Ombudsman Office response time to public input. Finally, this report summarizes the primary issues monitored by the Ombudsman Office over the past two years and provides recommendations for further exploration and improvement of these issue areas.

Colorado's Child Protection Ombudsman continues to strive to serve as an independent intermediary between the public and Colorado's child protection system, addressing individual grievances while tracking data and trends to assess greater systemic issues and concerns. The Ombudsman Office was created to improve systems that protect children, and the data and recommendations presented in this report seek to serve that purpose. The staff of Colorado's Child Protection Ombudsman Office are honored to serve the children and families of Colorado, and enter their third year of service dedicated to continued improvement of child protection.

References

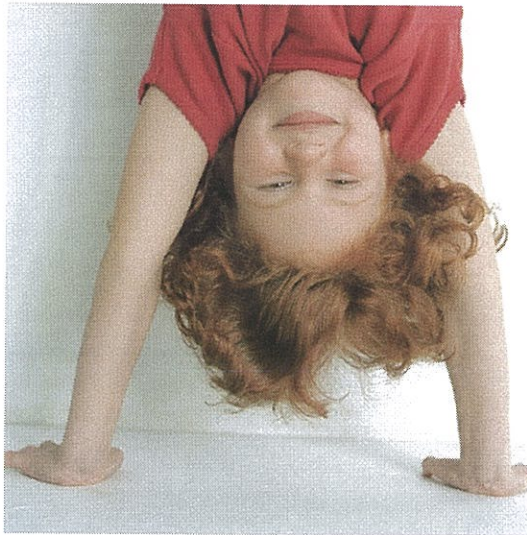
Colorado Child Protection Ombudsman Program Work Group. (2010). *Detailed Plan for the Establishment and Operation of the Child Protection Ombudsman Program*. Denver, CO.

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 July 24, 2013 from:
http://www.state.co.us/gov_dir/leg_dir/olls/sl2010a/sl_225.pdf.

Office of Colorado's Child Protection Ombudsman. (2012). *2011-2012 Annual Report*. Aurora, CO.

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.

An Act

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 CONVENEED, 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

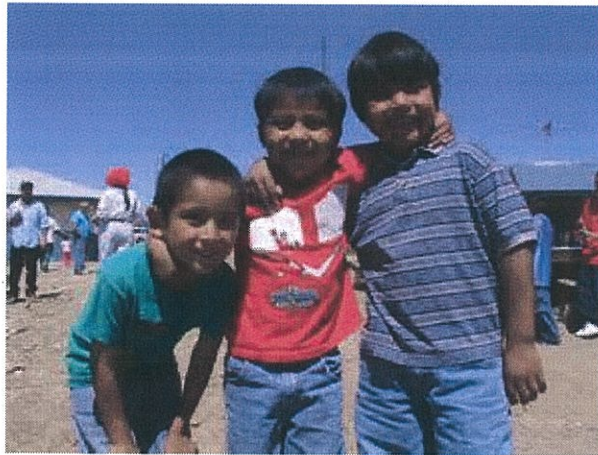
Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Appendix B:
Senate Bill 10-171 Fiscal Note



Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

Drafting Number: LLS 10-0661	Date: May 20, 2010
Prime Sponsor(s): Sen. Newell Rep. Gagliardi	Bill Status: Signed into Law
	Fiscal Analyst: Janis Baron (303-866-3523)

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

Fiscal Impact Summary	FY 2010-11	FY 2012-13
State Revenue Cash Funds Child Protection Ombudsman Program Fund	Potential Gifts, Grants, and Donations Not Quantified	
State Expenditures General Fund* Cash Funds Child Protection Ombudsman Program Fund	\$175,000 Not Quantified	\$370,000 Not Quantified
FTE Position Change		
Effective Date: The bill was signed by the Governor and became law on May 14, 2010.		
Appropriation Summary for FY 2010-2011: See State Appropriations section.		
Local Government Impact: None.		

* See State Expenditures section for discussion regarding General Fund support and overall funding.

Summary of Legislation

The bill requires the Department of Human Services to establish and administer a Child Protection Ombudsman Program by contract with a public agency or private nonprofit organization. The program is required to receive and review complaints, investigate and resolve cases when appropriate, evaluate and make recommendations for the creation of a statewide grievance policy, make recommendations to improve the child welfare system, promote best practices, and report to the Governor and the General Assembly. Any complaints relating to the Judicial Branch and judicial proceedings shall be referred to the appropriate agency within the branch. Subject to available appropriations, the department is required to make legal counsel available to the program in the performance of its duties, and may provide legal representation to the ombudsman in any action brought against the ombudsman in connection with his or her duties.

Within 45 days of the bill's effective date, the executive director of the department is required to convene a voluntary advisory work group to assist in developing a detailed plan for program design, including the qualifications of the ombudsman. Two members of the work group shall be appointed by the President of the Senate and the Minority Leader of the House of Representatives

(1 member each). The Governor shall make the remaining appointments (number not specified in the bill). Within 90 days of convening the work group, a detailed plan for the program must be completed. The work group shall advise the executive director regarding the length of the contract and criteria for the request for proposals to operate the program. The bill also delineates a timetable for award of contract.

At the beginning of the third year after program implementation, the State Auditor's Office is required to conduct a performance and fiscal audit of the program.

State Revenue

The Department of Human Services is authorized to accept gifts, grants, and donations to support the ombudsman program. All moneys received are to be credited to the Child Protection Ombudsman Program Fund. No specific gifts or grants have been identified for purposes of supporting the program.

State Expenditures

The bill is assessed at having a General Fund impact of \$175,000 in FY 2010-11. Costs for FY 2011-12 are estimated at \$370,000 and may include both General Fund and the Child Protection Ombudsman Program Fund. First year costs are lower because they reflect 5 months of program implementation. Before the program becomes operational, a work group must be convened, a study is required, and a contract award process must be completed. No contract shall be awarded unless sufficient moneys are available or committed for program operations. The bill delineates a time table for completion of certain requirements. For purposes of identifying costs, this analysis presumes an effective date of June 1, 2010, a program implementation date of February 1, 2011, and the maximum days allowable for each requirement as noted in the table below.

Program Requirement	Time Table
Convene Advisory Working Group	Within 45 Days After Effective Date
Complete Written Plan for Program Operation	Within 90 Days After Working Group is Convened
Issue the Request for Proposals (RFP)	Within 30 Days After Completing the Plan
Award the Contract	Within 60 Days After Issuance of RFP

Program Costs. Although program design and duties/qualifications of the ombudsman will be determined by the voluntary advisory work group, this analysis is based on the following facts and assumptions:

- the department will contract for program operations;
- no state administrative costs will be incurred;

- during the past two fiscal years, an average of 156 complaints were reported to the Division of Child Welfare, with 93 complaints (60%) related to child protection matters;
- the number of complaints will be higher once initially established;
- the program will require four contractors to record, review, research and investigate complaints received — these include an ombudsman, two ombudsman specialists, and an ombudsman support technician;
- additional duties will include evaluating and making recommendations for a statewide grievance policy, educating the public on the prevention of child maltreatment, promoting best practices, and recommending statutory, regulatory, and budgetary changes to improve the state's child protection system (as required in the bill);
- the department will require a temporary contractor (6 months) to facilitate the advisory work group, assist in developing a detail plan for program design, and assist in issuing the request for proposals for the actual contract/consultant staff that will run the program; and
- limited legal services will be provided in connection with the performance of the ombudsman's duties but not for legal representation in any action brought. It is assumed that the advisory working group will define whether legal representation will be provided to the ombudsman. Future costs for this purpose will be addressed through the annual budget process.

Table 1. Estimated Contract Costs Under SB10-171 (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

* Assumes phased hiring of the 4 contract staff in year one.

General Fund Support and Ongoing Funding. Gifts, grants and donations have not been identified to operate the program in both FY 2010-11 and FY 2011-12. This analysis assumes that General Fund will be the primary source of support for its operations. Moneys in the Child Protection Ombudsman Program Fund may augment program funding should gifts and grants be forthcoming. The cash fund is continuously appropriated to the department.

Out Year Costs — State Auditor's Office. The bill requires the State Auditor to complete a performance and fiscal audit of the program at the beginning the third year of program operations. The cost of such an audit is estimated at \$192,000, but would be absorbed within the office's ongoing General Fund appropriation. The soonest the audit would be performed is FY 2012-13. Audit costs may also be spread across fiscal years depending on when the program is actually implemented.

State Appropriations

For FY 2010-11, the bill includes a General Fund appropriation of \$175,000 to the Department of Human Services. Any moneys in the Child Protection Ombudsman Program Fund are continuously appropriated to the department.

Departments Contacted

Human Services

Judicial

Legislature — State Auditor's Office

Appendix C:
Detailed List of Ombudsman Office's
Year 2 Outreach Activities



**Internal Outreach Efforts from Ombudsman's Office Personnel
2012-2013**

Audience/ Conference/ Group	Date	Location	Number of People	Topic	OCCPO Representative
Colorado Human Services Director's Association	07-12	Aurora, CO	14	Child Fatality Review and Ombudsman Policies and Procedures	Becky Updike
Legal and Social Work Staff at Children's Hospital	08-12	Aurora, CO	54	Ombudsman Office Functions	Becky Updike
Colorado Counties Inc. County Commissioners Quarterly Meeting	09-12	Denver, CO	25	Ombudsman Office Functions	Becky Updike
Adoption Collaboration	09-12	Aurora, CO	6	Adoption Issues Identified in Year 1	Becky Updike
US Ombudsman Association Annual Conference	10-12	Spokane, WA	15	Child Fatality Review	Becky Updike
University of Denver Conflict Resolution Summit	10-12	Denver, CO	30	Expert Panelist, Ombudsman Office Functions	Becky Updike
Colorado Foster Parent Association	10-12	Breckenridge, CO	75	Ombudsman Office Functions and Substance Abuse Issues	Sabrina Byrnes
National Drug Endangered Children's Conference	10-12	Des Moines, IA	100	Substance Abuse Issues related to Child Welfare Practice and Safety	Sabrina Byrnes
Colorado State Meth Task Force and Attorney General	11-12	Denver, CO	28	Ombudsman Office Functions	Becky Updike
Denver Post Live Webinar	11-12	Denver, CO	Undisclosed	Expert Panelist addressing Failed to Death Series	Becky Updike
Colorado Bar Association's Juvenile Law Section	11-12	Denver, CO	12	Ombudsman Office Functions	Becky Updike
CDHS Child Welfare Leadership Council Quarterly Meeting	12-12	Denver, CO	18	Ombudsman Office creation and status update	Becky Updike
CDHS Quarterly Child Welfare Trainer's Meeting	01-13	Denver, CO	25	Ombudsman Office Functions	Becky Updike

Children's Legislative Caucus at the State Capital	01-13	Denver, CO	40	Substance Abuse Issues related to Child Welfare Practice and Safety	Becky Updike and Sabrina Byrnes
Children's Legislative Caucus at the State Capital	03-13	Denver, CO	35	Ombudsman Office Functions	Becky Updike
Child Abuse Rally at the State Capital	04-13	Denver, CO	150+	Support Prevention of Child Abuse and Neglect	Sabrina Byrnes and Karen Nielsen
Optimist Club Monthly Breakfast	04-13	Denver, CO	30	Keynote Speaker, Ombudsman Office Functions	Becky Updike
Kempe Center's Fostering Futures Meeting to Staff and Interns	04-13	Aurora, CO	10	Ombudsman Office Functions	Becky Updike
Adoption Resource Fair	06-13	Denver, CO	20	Ombudsman Office Functions	Dennis Goodwin and Sabrina Byrnes
Boulder CASA - Voices for Children	06-13	Boulder, CO	15	Ombudsman Office Functions	Dennis Goodwin and Sabrina Byrnes

Appendix D:
2013-2014 Policies and Procedures



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

POLICIES AND PROCEDURES

"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 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."

I. DEFINITIONS

The Office of the Colorado Child Protection Ombudsman (OCCPO) has developed these guidelines to assist OCCPO in carrying out its functions and to establish a process for when members of the public contact the office. The following definitions apply throughout these policies and procedures:

Case Specific Investigation:

An investigation into one or more individual's and/or agency's failure to comply with laws or policies governing child protection practices in Colorado.

Contact:

Any communication to the OCCPO by a member of the public, including complainant inquiries and complaints.

Complainant:

A person who contacts the OCCPO with a complaint 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 monies and that may adversely affect the safety, permanency, and well-being of the child.

Complaint:

A concern, problem or issue which the OCCPO records and documents in writing. Complaints may be specific to an individual person or case, or may involve general practice, procedural or systemic issues affecting multiple participants in the child protection system.

County Department:

A county, or city and county department of social/human services.

Database:	The OCCPO's confidential electronic database for tracking details and producing reports regarding all inquiries, reviews and investigations received or conducted by the OCCPO. The database houses case information, actions, demographics and status.
Executive Director:	The Executive Director of the Colorado Department of Human Services.
Inquiry:	A question, request for information, resource referral, referral not related to OCCPO business or administrative operations and not related to a specific child or case, or 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. This may include, but is not limited to, action that does not progress due to lack of cooperation from a complainant or lack of information to proceed further with the complaint.
Interfere:	Any 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.
Investigation:	A comprehensive independent examination of facts, records and statements of individuals deemed by the OCCPO to be relevant to the complaint.
Review:	The research stage of looking into an issue raised by a complainant.
Review with Recommendations:	A review during which minor policy violations, not related to the complaint, are found and relayed to the agency being reviewed.
State Department:	The Colorado Department of Human Services as set forth in C.R.S. § 24-1-120.
Systemic Investigation:	An investigation of systemic issues, which may result in recommendations to the legislature or recommendations to the agency subject to investigation, regarding changes in policy and procedure that relate to systems improvement.

II. COMPLAINT PROCESS

The OCCPO is prohibited by law from intervening in any criminal or civil judicial proceeding or interfering in a criminal investigation. (See C.R.S. § 19-3.33-103 (4)). To the extent possible, the OCCPO reviews and/or investigates all complaints without interfering in ongoing court or child protection cases.

A. Filing a complaint

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

1. Who May File a Complaint

Any person may file a complaint with the OCCPO at any time, including, but not limited to:

- Children currently in the custody or under the court-authorized care and control of a county (including those in foster care, residential treatment centers, or correctional facilities)
- Family members of the child who is the subject of a complaint
- Members of the general public
- Individuals designated by law as mandatory reporters
- Persons involved in the child protection system
- Professionals who work with children and families
- Employees of the State Department
- Employees of a county department
- Employees of other publicly funded entities that serve children

2. Documenting Complaints

OCCPO staff shall document all complaints by entering them into the OCCPO database. Information that has been provided on the complaint form shall be entered into the database within ten (10) business days following receipt of the complaint. Complainant information will also be kept in a confidential case file.

3. Complaint Forms

A complaint form must be completed before OCCPO will take action on a complaint. Each complaint form shall include the complainant's identity and the decision, 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 ensure 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 cite the Colorado statute concerning confidentiality of complaints submitted to the OCCPO (presently C.R.S. § 19-3.3-103(1)(a)(I)(B)).

Alternatively, if the complaint form is completed by phone, OCCPO staff must inform the complainant verbally that their identifying information or anything that Ombudsman deems as potentially identifying information will remain confidential.

The OCCPO staff shall also notify the complainant that their identifying information may not be kept confidential if the Ombudsman determines that disclosure is necessary to perform his or her statutory duties, and to support any recommendations resulting from an investigation.

OCCPO Staff shall document the release of any confidential information, in the database. Documentation of the release of any confidential information shall include a detailed basis justifying the release, and each method used to verify the identity of the individual requesting information.

4. Identifying Previous Contacts

Prior to taking action on a complaint, the OCCPO shall search the database to identify all previous contacts related to the complainant, and shall ask the complainant if they have ever contacted the OCCPO. Previous inquiries or complaints by the complainant shall be reviewed, assessed and noted in the database.

5. Responding to Complaints

The Ombudsman will review the complaint, assign the complaint to OCCPO staff for response, and will provide assigned OCCPO staff expected timeframes to contact the complainant. Timeframes will be determined on a case-by-case basis.

B. Written Complaint

A complaint obtained through either e-mail or paper mail shall be responded to in one of the follow ways:

- If the complainant seeks information about the OCCPO, that complainant may be responded to via telephone or in writing.
- If the complainant seeks a list of services, that complainant may be responded to via telephone or in writing.
- If a complainant has an immediate need for assistance finding resources or has written to OCCPO in order to report child abuse and or neglect, OCCPO staff will respond to the complainant via telephone call and refer the complainant to the appropriate agency.
- In the case of a report of the child abuse and or neglect, OCCPO staff shall direct the complainant to call the appropriate county department, and shall provide the complainant with the county department telephone number for reporting child abuse or neglect. In addition, the OCCPO will confirm with the county department that a report has been made or make a report.

C. Telephone Complaints

All complaints received by telephone will be responded to in one of the following ways:

If the complainant seeks general information about the OCCPO, OCCPO staff may inform the complainant that a general information sheet can be mailed or e-mailed to them, or they may be directed to the OCCPO website (www.protectcoloradochildren.org).

If the complainant seeks a resource referral, OCCPO staff will refer them to their local county department or other appropriate agency. The OCCPO may also provide additional resource contact information, other than contact information for the County Department, if deemed appropriate.

If the complainant is reporting child abuse or neglect, OCCPO staff shall direct them to call the appropriate County Department and shall provide them with the telephone number. OCCPO staff will also file a report of abuse or neglect with the local County Department or law enforcement agency, per mandated reporting law.

When a complaint is received by telephone, OCCPO staff will explain the complaint process and document all of the information received from the complainant on a complaint form.

If the complainant either refuses or is unable to provide OCCPO staff with sufficient information to complete a complaint form, that staff member may end the conversation and send the complainant a blank complaint form through paper or electronic mail.

If the complainant does not have either an electronic or paper mailing address, OCCPO staff may make a reasonable effort to obtain as much information as possible from the complainant over the telephone.

If the OCCPO is unable to obtain the necessary information to review the complaint, it will be coded as an inquiry and documented in the OCCPO database. The original complaint form will be filed in a confidential file at the OCCPO office under the last name of the child who was the subject of the complaint.

D. Walk-In Complaint Policy

For the comfort and safety of both National Association of Counsel for Children (“NACC”) staff, which houses the OCCPO, and OCCPO staff, it is the policy of the OCCPO not to accept walk-in complaints. OCCPO staff shall ensure that the reception desk at the OCCPO office has the following, at all times:

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

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

III. Classification of Complaints

Complaints are classified as **inquiries, reviews or investigations.**

If a complaint concerns a matter that is within the OCCPO’s statutory authority, the complaint will be reviewed and labeled as an Ombudsman inquiry or review. If, during the review process, the OCCPO staff determines that it is necessary to conduct an investigation into the complaint, the OCCPO will notify the agency involved and will document the investigation in the OCCPO database.

A. Reporting Child Abuse or Neglect

If any OCCPO staff member has reasonable cause to know or suspect that a child has been subjected to abuse or neglect, or has observed a child being subjected to circumstances or conditions that would reasonably result in abuse or neglect, the OCCPO staff member shall immediately, upon

receiving such information, report or cause a report to be made of such fact to the appropriate County Department or local law enforcement agency. OCCPO staff members will inform the Ombudsman when a report of possible abuse or neglect has been made.

B. Criminal Activity

If any OCCPO staff member has reasonable cause to believe that any person has committed an act that violates Colorado statute(s) or regulation(s) the Ombudsman or OCCPO staff member shall report the matter, or cause a report to be made, to the appropriate authorities.

IV. INQUIRIES

A. Inquiry Process

The following policies and procedures apply to inquiries received by the OCCPO:

- Once an inquiry has been received, it will be documented on an inquiry form and entered into the database. The OCCPO staff will either contact the inquirer by phone or through a letter to request additional information regarding the inquiry, if needed.
- Should the complainant not have a complaint, is unable to provide sufficient information to open a review (i.e. names of children or family, agency information, etc.), or does not state a specific complaint, the inquirer will be provided with resources that may be helpful to assist them in their specific situation.
- All information provided to the inquirer will be entered into the database and the original inquiry record will be kept in a file under the last name of the inquirer, or the last name of the child subject to the inquiry.
- If a call is received that concerns a matter that is outside of the statutory authority of the OCCPO (for example, a complaint about a judicial action or decision), the OCCPO will document the complaint and refer the complainant to the proper resources. The complaint will remain categorized as an inquiry.

B. Documenting Inquiries

OCCPO staff shall document inquiries by completing a complaint form. The nature of the inquiry is documented and the complainant is given the information or resources responsive to the inquiry. All information related to the request and or complaint shall be entered into the database. OCCPO

staff shall document any resource referrals provided to the complainant in the database.

C. Identifying Previous Contacts

Prior to taking action related to any inquiry, OCCPO staff shall search the database to identify all previous contacts with the complainant, for the purposes of avoiding duplicative reviews.

D. Responding to Inquiries

OCCPO staff may respond to the inquiry either verbally, by electronic mail, or in writing. If the complainant does not have a mailing address, OCCPO staff may make other arrangements, including, but not limited to, verbal or electronic mail acknowledgement to the complainant that their inquiry has been received and documented.

The Ombudsman shall be advised of any inquiry 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 directly to the Ombudsman.

E. Request to Contact a Third Party

If a complainant asks the OCCPO to contact a third party regarding an alleged child protection concern that the third party has, OCCPO staff shall decline and ask that the complainant have the third party contact the OCCPO directly. The OCCPO will not initiate contact with a third party concerning an alleged child protection concern of the third party, if that individual has not first contacted the OCCPO themselves.

F. Resource Referrals

OCCPO staff shall provide information regarding non-OCCPO resources that may assist complainants. Inquiries relating to specific treatment services will be referred to the county department where the client may be eligible to receive such services.

Inquiries relating to the judicial department, judicial proceedings or attorneys shall be referred to the appropriate entity or agency within the judicial department. If the complainant does not have a mailing address or electronic mail, OCCPO staff may provide the resource contact information verbally.

V. REVIEWS

The following policies and procedures apply to reviews conducted by the OCCPO:

A. Review Process

Upon receiving a complaint, the OCCPO will do an initial search of TRAILS and Colorado Court Database and will gather any information necessary to determine whether the complaint received warrants a review or investigation by the OCCPO.

If a review is deemed appropriate, the OCCPO may contact county and/or State staff and other witnesses. The OCCPO may also contact other entities to gather necessary information. After a review is completed the OCCPO staff will determine whether an investigation should be opened.

Regardless of whether an investigation is opened, at the conclusion of a review the OCCPO will provide written findings, concerns or recommendations to the entity or relevant individuals involved in the complaint.

A letter will be sent or a phone call will be made by OCCPO staff to the complainant, advising them of the outcome of the review. The OCCPO will also document any findings in the database, as well as the date the complainant and the agency were notified.

B. Review with Recommendations

A review with recommendations is a review in which minimal policy violations or other practice concerns, not related to the complaint, were identified, which the OCCPO staff felt warranted recommendations to the entity being reviewed.

Recommendations regarding such findings will be sent to the director of the reviewed entity in writing. Recommendations may include, but are not limited to, compliance with minimal policy violations or minimal practice improvements in accordance with best practice standards.

C. Ombudsman Initiated Reviews

The OCCPO may act on its own initiative to address issues or concerns within the Ombudsman's prescribed jurisdiction. (See C.R.S. §§ 19-3.3-102 and 103).

Accordingly, if, during the process of reviewing a complaint, an issue is identified by the OCCPO that is beyond the specific scope of the initiating complaint, OCCPO staff may open a review regarding the newly identified concern. At that point, the new complaint will be logged into the database

and a file will be opened. In such instance, the OCCPO shall be identified as the complainant.

D. OCCPO Request for Records

The OCCPO has statutory authority to access and review any information, records and documents, as long as either the State Department or a county department would be entitled to access or receive such information, records or documents. (See C.R.S. § 19-3.3-103(1)(a)(II)(A).

When seeking access to information, records, or documents pursuant to statutory authority, the OCCPO staff shall submit a written request for the same, to the agency or entity that maintains the information, records or documents sought.

Inclusion of the aforementioned in a request for information, records, or documents by the OCCPO pursuant to statutory authority, shall not be construed as giving any agency or entity discretion to deny the OCCPO's request, and is for transparency purposes only.

OCCPO staff shall limit their request for records to those that are related to the complaint being reviewed and/or investigated.

V. INVESTIGATIONS

A. Investigations Process

The OCCPO will not conduct or duplicate a DHS/SS investigation into alleged child abuse or neglect.

If, during the course of a review, the OCCPO identifies any of the following, an investigation may be opened:

- Information collected in the review process corroborates the concerns raised by the complainant;
- There are multiple violations of law (Colorado Children's Code at Title 19 of the Colorado Revised Statutes) or policy (12 CCR 2509-3 Rule Manual Volume 7 - Overview of Child Welfare Services or "Volume VII");
- There are egregious actions employee or agency being reviewed;
- There are multiple inaccuracies in documentation that may compromise the authenticity or credibility of such documentation;

- .The decisions, actions, or inactions of an investigated entity appear to be recurring and/or could seriously harm children and/or parents/caregivers;
- An issue or problem in the investigated entity’s child protection service delivery appears to be systemic or chronic and adversely affects children and/or their parents/caregivers.

B. Conducting an Investigation

Investigations include a review of records, actions or inactions, and decisions of the investigated entity and may also include assessing additional facts and statements by re-interviewing witnesses or reporting parties.

When the OCCPO elects to conduct an investigation, written notice will be provided to the Executive Director of the investigated entity.

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

- Recommendations to the investigated entity regarding agency policy, procedure, or practice that should be implemented to improve delivery of child protection services, compliance with Colorado statute and rules, and/or accountability of the investigated entity;
- Recommendations regarding the agencies internal or external investigation, review, or audit of the issue that formed the basis for the complaint to the OCCPO;
- Recommendations to the state legislature regarding policies, procedures or practices that may improve child protection services and/or accountability in the delivery of such services statewide;
- Recommendations regarding legislation, policy, and/or executive orders that would improve child protection services and/or accountability in the delivery of such services statewide;
- Recommendations regarding training needs; and
- Areas of practice strength identified during the investigation.

C. OCCPO Investigation Report Process

Following the completion of any investigation conducted by the OCCPO as a result of a complaint, OCCPO staff will compose a comprehensive report detailing the actions taken by OCCPO as a part of the investigation, the reasons behind those actions, and any recommendations or affirmations that OCCPO staff has for the agency which is subject to investigation.

The identities of all individuals involved, including, but not limited to, family members, practitioners (including case workers), the complainant, and reporting parties, shall be confidential and will not be disclosed in the public report.

The OCCPO will provide the investigated entity a draft report to the investigated entity will have fourteen (14) business days to respond in writing with an addendum to the OCCPO report. Extensions of the fourteen (14) day response period will be by agreement only.

The OCCPO may change or edit its report or findings based on the response provided by the investigated entity. Any such changes or edits shall be made at the sole discretion of the OCCPO. The Ombudsman shall have final decision-making authority over any such changes or edits.

After OCCPO staff has completed the report, a final draft of the report will be provided to the investigated entity and the Executive Director of the State Department. The investigated entity will have the opportunity to comment on and respond in writing to the investigation. Any comment or response by the investigated entity will be included as an addendum to the OCCPO's report.

If recommendations are made regarding the State Department or another agency other than the investigated entity, said agency will have ten (10) days to respond to the recommendations regarding their agency. Extensions of the ten (10) day response period will be by agreement only.

After expiration of the ten (10) day period, the OCCPO report will be finalized. A copy of the final report will be provided to all investigated agencies and posted to the OCCPO website. The final report will exclude identifying information of individuals involved in the report, including, but not limited to, exclusion of the name of child or family, names of individuals involved in the complaint or investigation, and reporting party information.

The OCCPO will also report the results of their investigative findings in the annual report, including recommendations made regarding policy, procedure and practices, and any recommendations made to the State Department or the state legislature.

A public version of all final OCCPO reports will be posted for viewing on the OCCPO's website (protectcoloradochildren.org). The public version of any OCCPO report will exclude any identifying information regarding the individuals involved in the report, including, but not limited to, exclusion of the name of the subject child and the child's family members, names of individuals involved in the complaint or investigation, and any reporting party information.

The public report will be a summary of issues, concerns, strengths, and recommendations.

D. Ombudsman Initiated Investigations

The OCCPO may act on its own initiative to address issues or concerns within the Ombudsman's prescribed jurisdiction. (See C.R.S. §§ 19-3.3-102 and 103). Accordingly, if, during the process of conducting a review, an issue is identified by the OCCPO that is beyond the specific scope of the initiating complaint, OCCPO staff may open an investigation regarding the newly identified concern. In such instance, the OCCPO shall be identified as the complainant.

E. OCCPO Investigations involving Child Fatalities

When the OCCPO receives a complaint or initiates a review regarding a child fatality, the OCCPO will conduct an investigation based on that complaint and independent of the CDHS Fatality Review Process. This investigation will:

- Conduct an initial search for all public information regarding the death of that child.
- Follow the same processes specified for inquiries, reviews and investigations arising from complaints that do not involve a child fatality.
- Review and document issues identified during its investigation, and provide the State Department, and the relevant County Department or other agency with a report of findings, strengths and recommendations.

VI. Confidentiality (C.R.S. § 19-3.3-103(1)(a)(I)(B))

OCCPO shall treat all complaints received as confidential, including the identities of complainants and individuals from whom information is acquired during the investigation of a complaint. The OCCPO shall not disclose, confirm or deny, to any person that the OCCPO has received a particular inquiry, or received an inquiry from a particular individual. Exceptions to this policy may be made only

upon the consent of the individual who placed the inquiry, or if disclosure is deemed necessary to carry out the duties and responsibilities of the office

A. Confidentiality Regarding Complaints:

- OCCPO will protect the confidentiality of the complainant's identity. OCCPO staff shall inform a complainant that the complainant's identity may only be disclosed if deemed necessary to carry out the duties and responsibilities of the office or to ensure safety of any party involved.
- Confidentiality shall be protected by the OCCPO during any receipt of complaints and subsequent communications with complainants by mail, electronic mail, telephone, or personal interview in order to maintain confidentiality. OCCPO staff shall maintain privacy by conducting daily business in a secure and confidential fashion, including secure locked files, secure technology and appropriately discreet communications.
- All mail addressed to an OCCPO staff member by name or title shall be delivered unopened to that staff member.

B. Confidentiality Regarding Records

- OCCPO staff members have access to the State Department case file records, which includes full and continuous (read only) access to the web-based TRAILS system.
- All OCCPO staff members shall comply with C.R.S. §§ 19-1-303 and 19-1-307, and the rules found at 12 C.C.R. 2509-3 § 7.202.609 and § 7.000.72, when accessing any child welfare records in the possession of or maintained by the State Department or any County Department.
- All OCCPO files will be maintained in a locked cabinet with access limited to OCCPO staff. OCCPO data shall be maintained on OCCPO's secure and protected database, and all web-based and electronic data and materials shall remain secure and protected. Only OCCPO staff and contractors who have signed a confidentiality agreement will have access to the secure database. This information will not be made public.
- Any records or information received from a complainant that would otherwise be protected will be treated as confidential by OCCPO staff.

- If the OCCPO receives confidential information that is subject to protections required by the Health Insurance Portability and Accountability Act (“HIPAA”), the OCCPO will ensure compliance with applicable provisions of HIPAA as it relates to such confidential information, to the extent and or subject to the same limitation that apply to the state department .

VII. DATA REPORTING REQUIREMENTS

The OCCPO shall comply with the reporting requirements set forth in any contract with the State Department and do not contradict or conflict with confidentiality requirements set forth in C.R.S. §§19-1-303, 19-1-307, or 12 C.C.R. 2509-3 §7.202.609 and §7.000.72 or other applicable Colorado law.

A. DATA TRACKING

The OCCPO will track documents, such as police reports, DVDs, or judicial database records related to inquiries, reviews and investigations by entering necessary information into the OCCPO database. All information not entered into the database will be kept in a confidential file maintained by OCCPO staff.

The OCCPO shall record general data regarding the types of complaints received for its annual report. The type of information that will be recorded includes, but is not limited to, the following:

- Reporter category (family, agency, educator, etc.)
- County Department, other agency or person that is the subject of the complaint
- Race/ethnicity of complainant
- Nature of the referral
- Basic demographic information of the child(ren) and families who are the subject of a complaint
- Number of complaints/inquiries received
- Number of complaints/inquiries reviewed
- Number of complaints/inquiries investigated
- Number, disposition and type of complaints/inquiries not accepted for review
- Number, disposition and type of complaints/inquiries accepted for review but not investigated
- Disposition of complaints/inquiries, reviews or investigations
- Type and nature of recommendations made to agencies/entities that are the subject of a complaint
- Categories of complaints/inquiries by type, family demographics, agency/County Department involved and by dispositions
- Number of contacts submitted to the OCCPO by phone, in person, through web-based complaint form and through paper mail
- Number and type of presentations/reports made by the OCCPO

- Number of and reason for consultations with other agencies/entities

VIII. OFFICE ORGANIZATION

A. Ombudsman

B. National Association of Counsel for Children Executive Staff

The Executive Staff of the NACC manages the OCCPO program and supervises the Ombudsman. The NACC monitors contract and budgeting functions and provides periodic consultation with Ombudsman and/or OCCPO staff as needed. NACC houses and provides fiscal management of the OCCPO Program.

IX. OMBUDSMAN PERSONNEL POLICIES

A. Media Inquiries

All media inquiries related in any way to the OCCPO shall be directed to the Ombudsman.

B. Grievances against the OCCPO

Any grievance against the OCCPO or OCCPO staff shall be forwarded to the Ombudsman. The Ombudsman shall document such grievances and shall direct the aggrieved individual to the State Department.

In accordance with the detailed plan constructed by the Colorado legislature, the Executive Director of the State Department shall develop and publish such policy and procedures as are necessary to address any grievance filed concerning the conduct, practices or procedures of the OCCPO. Such policies shall be transparent and hold the OCCPO accountable to the public.

An annual report concerning any grievances against the OCCPO or OCCPO staff will be available to the general public and will be included in the annual report to the Colorado General Assembly. The report shall include the nature of the grievance and the resolution, if any.

C. Workplace Safety

1. Disruptive or Unreasonably Persistent Complainants

The OCCPO recognizes that it may often be the last resource accessed by or available to a complainant. The OCCPO is committed to responding to all complaints fairly and impartially, and to providing a high quality of service to complainants. As part

of this service, the OCCPO will not normally limit the contact complainants may have with the office.

However, there are complainants who, because of the frequency of their contact with the OCCPO, hinder the OCCPO's ability to consider or act upon complaints. Such complainants are referred to as "persistent complainants" and, in cases where the frequency or nature of their contact is deemed disruptive, unreasonable, or excessive, action will be taken to limit their contact with the OCCPO. The decision to limit a persistent complainant's contact with the OCCPO shall be made by the OCCPO staff. Prior to limiting a persistent complainant's contact with the OCCPO, OCCPO staff will communicate with the persistent complainant to explain to them why their behavior is disruptive, unreasonable, or excessive and request their agreement to change their behavior.

If the behavior continues, OCCPO staff will communicate with the persistent complainant to explain that their access to the OCCPO will be limited effective immediately, and what manner of contact will be permitted, if any. OCCPO staff will also inform the persistent complainant that they can file a complaint with the Executive Director of the State Department, if they disagree with the OCCPO decision to limit their access to the OCCPO member;

Restricting phone calls from the complainant to specified days and times; and or Requiring the complainant to enter into a written agreement regarding acceptable and safe future conduct by them.

If a complainant continues to behave in a way that is unacceptable or dangerous, the OCCPO may terminate all forms of contact with that complainant and if necessary, close the OCCPO's inquiry, review or investigation of their complaint.

2. Unacceptable or Dangerous Behavior of a Complainant

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

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

If the unacceptable or dangerous behavior continues, the OCCPO will communicate with the complainant to explain that the OCCPO is limiting their access to the office. Limited access may include but is not limited to:

Requiring contact in a specified form (ex: letters only)

Requiring contact take place with a specific OCCPO staff member

If the complainant's behavior threatens the immediate safety and welfare of OCCPO staff or other individuals, or in the interest of public safety, the OCCPO may report the complainant to any law enforcement agency.

The OCCPO may also take appropriate legal action, including, but not limited to, seeking a temporary or permanent restraining order. The OCCPO is not required to give the complainant notice prior to taking any such action.

If the complainant makes a threat to OCCPO staff or anyone outside of the OCCPO office, the OCCPO will contact said threatened parties and law enforcement.

OCCPO will inform a complainant that they may file a complaint with the Executive Director of the State Department, if the complainant disagrees with the course of action taken by the OCCPO in responding to unacceptable or dangerous behavior by the complainant.

X. Employee Policies

The OCCPO staff shall comply with all NACC employee policies with the following exceptions regarding travel, cell phones and full-time status.

A. Full-Time Status

The OCCPO defines Full-Time status as a minimum of 40 hours per work week.

OCCPO staff shall comply with all other NACC employment policies as listed in the NACC Employee Policies Handbook.

B. Legal Advice

OCCPO does not provide legal analysis or advice. OCCPO staff may describe general legal procedures and options when responding to OCCPO inquiries, but shall not provide legal analysis or advice. OCCPO may refer complainants to legal services if appropriate.

C. Travel

The OCCPO staff shall comply with Office of the State Controller's State of Colorado Fiscal Rule 5-1 with regard to all OCCPO related travel, with the exception that OCCPO staff may select travel arrangements outside STMP approved designees. (For example, OCCPO staff may use a third-party travel booking entity such as Hotels.com or Expedia.com to obtain most reasonable rates.)

D. Cell Phones

The OCCPO staff shall comply with Office of State Controller's Cell Phones Policy.

XI. CONFLICTS OF INTEREST

OCCPO staff must have the ability to act independently and impartially in order to perform the duties required by their position with the OCCPO. OCCPO staff must be above reproach in all relationships and must avoid the appearance of any conflict of interest.

The OCCPO shall uphold its obligations to the public and ensure that conflicts of interest are not created through hiring, contracting, doing business with the State Department, or other state, county or other child protection agencies, fundraising activities, financial obligations, gifts, gratuities or family interests. The Ombudsman shall adhere to the secondary employee policy of the State Department and shall not use the Office of the Ombudsman for personal financial gain.

If a situation should occur that causes the Ombudsman or other OCCPO employee to question his or her ability to act objectively in making decisions or recommendations related to a complaint, another member of the OCCPO will take the lead role in responding to that complaint. The reason for the conflict shall be noted and referenced in the final report made subsequent to an investigation of the complaint, as well as in the annual report related to the specific complaint.

For purposes of this policy, the term "family" means the interdependent group of persons that consists of: (1) a parent, child, sibling, grandparent, aunt, uncle, spouse, or any combination thereof and an OCCPO staff member; (2) an adoptive parent of an OCCPO staff member; (3) one or more persons to whom legal custody of an OCCPO staff member was previously given and has been terminated by a court, or was given by a court and is still in effect.

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

- Conflicts of interest which arise from an employee's financial interests, personal interests, and or political activities.
- OCCPO staff must maintain awareness regarding anything which may impair their ability to objectively investigate complaints.
- An OCCPO staff member shall not review a complaint regarding which that OCCPO staff member had prior direct involvement.
- No OCCPO staff member shall be involved in any complaint where the complainant is a member of his or her direct or extended family.
- If an OCCPO staff member is identified as a complainant under the circumstances set forth in Section IV.C above, that staff member shall be prohibited from any involvement in the review or investigation of that complaint. The OCCPO shall take reasonable measures to ensure that staff member does not have access to, or participate in, any activities undertaken by the OCCPO in the review or investigation of that complaint.
- OCCPO staff members shall not accept gifts or hospitality in anything other than a nominal amount related to their work as OCCPO staff members.
- No OCCPO staff member 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 OCCPO.
- No OCCPO staff member 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 OCCPO staff member's official actions or judgment or could reasonably be considered as a reward for any official act or omission on the part of the OCCPO staff member.
- No OCCPO staff member who is assigned or acts as an official representative of the OCCPO 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, and not to any individual OCCPO staff member.

- OCCPO staff members may serve as officers or board members of a social, fraternal or religious organization for which the OCCPO staff member receives no compensation or anything of value, as long as the organization that the OCCPO serves with is not affected by exercise of the staff member's discretion in his or her capacity as an OCCPO staff member.
- OCCPO staff members may only use or disclose information gained in the course of, or by reason of, their official position or activities in furtherance of their job duties as OCCPO staff members, unless otherwise specified herein.
- OCCPO staff members shall disclose all past appointments, involvement, membership, affiliations or interest prior to employment with the OCCPO. The OCCPO shall then determine whether that individual's past appointments, involvement, membership, affiliations or interests may affect or could reasonably be expected to affect the staff member's ability to review and resolve complaints received by the OCCPO in an objective and independent manner. It shall be at the discretion of the OCCPO whether to extend an offer of employment to any individual, subsequent to the disclosure described herein.
- OCCPO staff members must report a conflict of interest or potential conflict of interest to the Executive Director of the National Association of Counsel for Children as soon as the conflict of interest is discovered. Furthermore, an OCCPO staff member who is aware that there may be a conflict of interest concerning another OCCPO staff member should first disclose this information to the OCCPO staff member in question and then report the same to his or her supervisor within 5 calendar days.
- Any person who has an open complaint with the OCCPO will not be considered for any staff or volunteer position with the OCCPO.

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

Appendix E: Detailed Data Runs



Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County for Fiscal Year 2012-2013*							
County	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number		
Adams	33	Case/Ongoing Child Health, Safety and Well-being Intake/Assessment Lack of Response Mandated Reporting Non-complaint Placement Resource/Information Unknown	8	Inquiry Non-Complaint Review	2 1 30	Affirmed agency/Caseworker actions Affirmed agency or caseworker actions, with recommendations Agency/Caseworker non-compliance with policy or law Closed per complainant Closed, lack of information Declined to investigate Closed, duplicate referral Resource referral	20 1 1 1 3 1 1 1
			8				
			3				
			7				
			1				
			1				
			2				
			1				
			2				
			Alamosa				
1							
1							
1							
1							
1							

County	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)		
		Nature	Number	Response	Number	Result	Number	
Arapahoe	30	Case/Ongoing	5					
		Child Health, Safety and Well-being	5					
		Contact/Visitation	1					
		Intake/Assessment	3		Inquiry	5	Agency/Caseworker actions	19
		Lack of Response	4		Review	25	Closed per complainant	1
		Non-Complaint	1				Closed, lack of information	2
		Permanency	1				Closed, duplicate referral	2
		Placement	5				Declined to investigate	2
		Removal of Children	2				Resource referral	2
		Resource/Information	2					
Unknown	1							
Archuleta	2	Intake/Assessment	1		Review	2	Closed, lack of information	1
Baca	0	Placement	1					
Bent	0							
Boulder	8	Case/Ongoing	2					
		Child Health, Safety and Well-being	2					
		Intake/Assessment	1		Inquiry	1	Affirmed	7
		Lack of Response	2		Review	7	Agency/Caseworker actions	1
Unknown	1					N/A		
Broomfield	0							
Chaffee	0							
Cheyenne	1	Lack of Response	1		Review	1	Affirmed	1
Clear Creek	0							
Conejos	1	Case/Ongoing	1		Inquiry	1	Closed, duplicate referral	1

County	Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County for Fiscal Year 2012-2013*						
	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number	Result	Number
Costilla	2	Intake/Assessment	2	Review	2	agency/Caseworker actions	1
Crowley	0						
Custer	0						
Delta	0						
Denver	29	Case/Ongoing Child Health, Safety and Well-being	5	Inquiry Non-Compliant Review	3 1 25	Affirmed Affirmed agency/Caseworker actions, with recommendations Closed, lack of information Closed, duplicate referral Resource referral Systems problem identified	19
			5				
			5				
			9				
			2				
Delores	1	Case/Ongoing	1	Review	1	Agency/Caseworker actions	1
			1				
			1				
Douglas	10	Case/Ongoing Child Health, Safety and Well-being	1	Inquiry Review	1 9	Affirmed Affirmed agency/Caseworker actions, with recommendations Closed, per complainant Declined to investigate Resource referral	6
			1				
			1				
			3				
			2				
Eagle	1	Lack of Response	1	Inquiry	1	Closed, lack of information	1
			2	Review	3	Agency/Caseworker actions	3
Elbert	3	Removal of Children	1				
			1				

County	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number	Result	Number
El Paso	17	Case/Ongoing	2	Inquiry Non-Compliant Review	6 1 10	Affirmed agency/Caseworker actions Closed, lack of information Closed, duplicate referral Resource referral Closed, per complainant	9 4 1 2 1
		Child Health, Safety and Well-being	1				
		Intake/Assessment	1				
		Lack of Response	3				
Fremont	4	Non-complaint	2	Review	4	Affirmed agency/Caseworker actions Closed, per complainant	2 1
		Placement	2				
		Removal of Children	1				
		Resource/Information	1				
Garfield	5	Unknown	4	Inquiry Review	1 4	Affirmed agency/Caseworker actions Closed, lack of information Declined to investigate Closed, duplicate referral	1 2 1 1
		Child Health, Safety and Well-being	1				
		Contact/Visitation	1				
		Intake/Assessment	1				
Gilpin	1	Other	1	Review	1	Closed, per complainant	1
		Case/Ongoing	1				
Grand	0						
Gunnison	0						
Hinsdale	0						
Huerfano	2	Child Health, Safety and Well-being	2	Review	2	Affirmed agency/Caseworker actions Resource referral	1 1
Jackson	0						

County	Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County for Fiscal Year 2012-2013*						
	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number		Result
Jefferson	16	Case/Ongoing	4	Inquiry Review	2	Affirmed	9
		Child Health, Safety and Well-being	2				
		Intake/Assessment	3				
		Lack of Response	2				
Kiowa	0	Placement	4				1
		Resource/Information	1				
Kit Carson	0						
Lake	0						
La Plata	2	Contact/Visitation	1	Review	2	Affirmed	2
		Intake/Assessment	1				
Larimer	18	Case/Ongoing	5	Non-Complaint Review	1	Affirmed	13
		Child Health, Safety, and Well-being	2				
		Intake/Assessment	3				
		Lack of Response	1				
		Non-Complaint Placement	1				
		Removal of children	5				
Las Animas	4	Case/Ongoing	1	Inquiry Review	1	Affirmed	2
		Intake/Assessment	1				
		Removal of Children	2				
Lincoln	0						

Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County for Fiscal Year 2012-2013*							
County	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number	Result	Number
Logan	5	Child Health, Safety, and Well-being Intake/Assessment Mandated Reporting Removal of Children	2 1 1 1	Review	5	Affirmed agency/Caseworker actions Closed, per complainant Closed, lack of information	3 1 1
Mesa	6	Intake/Assessment Lack of Response	2 4	Inquiry Review	1 5	Affirmed agency/Caseworker actions Agency/Caseworker non-compliance with policy or law Closed, duplicate referral	3 2 1
Mineral	0						
Moffat	2	Lack of Response Other	1 1	Review	2	Affirmed agency/Caseworker actions	1
Montezuma	2	Case/Ongoing	2	Review	2	Closed, per complainant	1
Montrose	10	Child Health, Safety, and Well-being Intake/Assessment Placement Removal of Children Resource/Information	1 4 3 1 1	Inquiry Review	2 8	Affirmed agency/Caseworker actions Closed, lack of information Closed, duplicate referral Resource referral	5 2 1 1
Morgan	1	Lack of Response	1	Review	1	Affirmed agency/Caseworker actions	1
Otero	1	Removal of Children	1	Review	1	Affirmed agency/Caseworker actions	1
Ouray	0						

County	Number of Contacts	Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County for Fiscal Year 2012-2013*			Ombudsman Response to Contacts (n=297)			Disposition of Resolved Contacts (n=278)		
		Nature of Contacts (n=297)			Response			Result		
		Nature	Number	Number	Response	Number	Number	Result	Number	
Park	1	Lack of Response	1		Review	1	Other	1		
Phillips	1	Unknown	1		Inquiry	1	Closed, lack of information	1		
Pitkin	0									
Prowers	1	Case/Ongoing	1		Review	1	Closed, lack of information	1		
Pueblo	7	Case/Ongoing	1		Inquiry Review	1 6	Affirmed agency/Caseworker actions	4		
		Child Health, Safety, and Well-being	1	Affirmed agency/Caseworker actions with recommendations			1			
		Intake/Assessment	3	Closed, duplicate referral			1			
		Lack of Response	1							
	1	Placement	1		Review	1	Affirmed agency/Caseworker actions	1		
Rio Grande	1	Placement	1		Review	1	Affirmed agency/Caseworker actions	1		
Routt	1	Intake/Assessment	1		Review	1	Affirmed agency/Caseworker actions	1		
Saguache	1	Placement	1		Review	1	Affirmed agency/Caseworker actions	1		
San Juan	0									
San Miguel	0									
Sedgwick	0									
Summit	1	Resource/Information	1		Inquiry	1	Resource Referral	1		
Teller	2	Child Health, Safety and Well-being	1		Review	2	Affirmed agency/Caseworker actions	2		
		Lack of Response	1							
Washington	0									

County	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number	Result	Number
Weld	12	Case/Ongoing Contact/Visitation Intake/Assessment Lack of Response Non-Complaint Placement Resource/Information	3 1 2 2 1 2 1	Non-Complaint Review	2 10	Affirmed agency/Caseworker actions Closed, lack of information N/A Resource referral	9 1 1 1
Yuma	0						
Colorado Department of Human Services	4	CDHS Lack of Response	2 2	Investigation Review	1 3	Affirmed agency/Caseworker actions Agency/Caseworker non-compliance with policy or law Investigation initiated	2 1 1
Department of Youth Corrections	3	DYC Lack of Response	2 1	Inquiry Review	1 2	Affirmed agency/Caseworker actions Closed, duplicate referral	2 1
Unknown**	39	Child Health, Safety, and Well-being Lack of Response Non-Complaint Placement Resource/Information Unknown Other	6 1 11 2 4 14 1	Inquiry Non-Complaint Review	19 7 13	***Agency/Caseworker non-compliance with policy or law Closed, lack of information Resource referral N/A	1 19 17 2

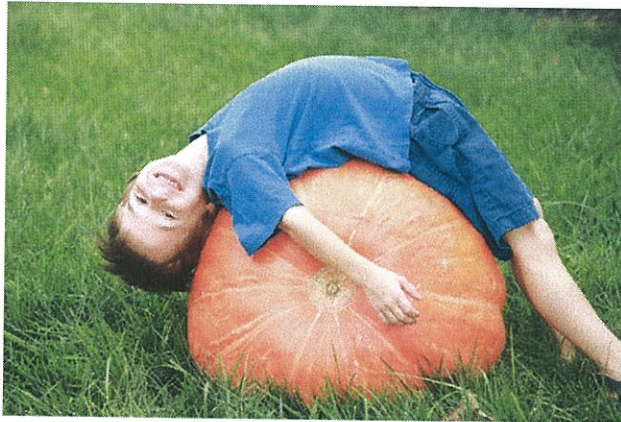
Number and Nature of Contacts, Ombudsman Responses, and Results of Inquiries, Reviews, and Investigations, by County for Fiscal Year 2012-2013*							
County	Number of Contacts	Nature of Contacts (n=297)		Ombudsman Response to Contacts (n=297)		Disposition of Resolved Contacts (n=278)	
		Nature	Number	Response	Number		Result
Total	297	Case/Ongoing	45	Inquiry Investigation Review Non-Complaint	50 1 233 13	Affirmed	156
		CDHS	2			agency/Caseworker actions	
		Child Health, Safety and Well-being	43			Affirmed	
		Contact/Visitation	4			agency/Caseworker actions, with recommendations	
		DYC	2			Agency/Caseworker non-compliance with policy or	
		Intake/Assessment	40			law	
		Mandated Reporting	2			Closed, per complainant	
		Lack of Response	49			Closed, lack of information	
		Non-complaint	19			Declined to Investigate	
		Permanency	1			Closed, duplicate referral	
		Placement	38			Investigation initiated	
		Removal of Children	12			Resource referral	
		Resource/Information	13			Other	
		Other	3			N/A	
		Unknown	24			Systems problem identified	

* 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.

** Callers with an unknown county include those needing help with systems navigation or looking for other, general information.

*** OCCPO found an issue of non-compliance with a licensed child protection facility and is not reflective of County Department of Human Services actions.

Appendix F:
Ombudsman Investigative Reports
Recommendations



In reference to the first reported released investigation into Logan County regarding policy and practice the following recommendations were made.

The OCCPO made the following recommendations:

The OCCPO recommends the following to CDHS and the County DHS:

1. CDHS/County DHS provide additional training to workers involved in child protection to more accurately address the signs, indicators, and characteristics of substance use, the inherent risks of substance use to children, and how substance use impacts family dynamics and child safety. The OCCPO recommends that mandatory yearly training be provided in order for staff to keep apprised of substance use trends to include drug testing, new drugs/substances being used and manufactured, and updates on the effects of substance use on the safety of children.
2. CDHS/County DHS provide additional training to caseworkers, supervisors, and any other staff that may approve work or supervise staff around the use of the safety assessment tool, the utilization of safety plans, and the risk assessment tool as specified in CDHS policy, Volume VII, 7.202.53 and 7.202.54. The OCCPO recommends that there be a yearly mandatory testing process for all staff that would utilize these tools or supervise workers utilizing the tools in order to make sure that staff have a functional understanding of the tools and are utilizing them accurately and appropriately.
3. CDHS adopt policy that mandates the frequency and documentation of supervision of caseworkers and program staff by supervisors during assessments and require supervisors to review all relevant information in the assessment file prior to approving assessment closure.
4. CDHS/County DHS provide training and policy clarification to caseworkers about issues of documentation to include what to document and when to document. The OCCPO believes that entering information into the Trails automated system will assist the State and County DHS departments when researching information on a child or family. Without this information in the automated system, County and State DHS departments would not have pertinent information needed to make or inform appropriate decisions. This is especially relevant for tracking higher-risk or vulnerable families that are more transient due to their circumstances and experience a higher likelihood of re-locating from county to county.
5. OCCPO recommends that the County DHS partner and collaborate with neighboring county DHS agencies when there are staffing issues or issues that arise with workers going on leave or having family emergencies. This allows the County DHS to be adequately staffed so that all work is completed according to law.
6. OCCPO recommends that the County DHS increase their proactive partnering and collaboration with other agencies in order to gather information, including but not limited to law enforcement, drug task forces, probation, parole, etc. In this instance, this particular county has access to a Drug Task Force in an immediately neighboring county but has yet to utilize that or other similar regional or statewide resources and supports. Training on effective collaboration should be explored and initiated if needed, and is currently available through in-state resources.

In reference to the second report released investigation into Logan County regarding policy and practice the following recommendations were made.

The OCCPO made the following recommendations:

1. The County DSS develop policy surrounding substance use testing to ensure that immediate child safety is being addressed. Should the use of hair follicle testing continue to be the primary method of substance use detection for the County DSS, it is recommended that the County DSS develop policy to ensure that child safety is controlled for while awaiting results of the hair follicle test.
2. CDHS/County DSS provide additional training to caseworkers, supervisors, and any other staff that may approve work or supervise staff around the use of the safety assessment tool, the utilization of safety plans, and the risk assessment tool as specified in 7.202.533 and 7.202.54. The OCCPO recommends that there be a mandatory testing process yearly for all staff, to include direct line staff, supervisors and managers, which would utilize these tools or supervise workers utilizing the tools in order to make sure that staff have a functional understanding of the tools and are utilizing them accurately and appropriately.
3. CDHS adopt policy that mandates the frequency and documentation of supervision of caseworkers and program staff by supervisors during the assessment process.

In reference to the first report released investigation into Park County regarding policy and practice the following recommendations were made.

The OCCPO made the following recommendations:

1. CDHS/County DHS provide additional training to caseworkers, supervisors, and any other staff that may approve work or supervise staff around the use of the safety assessment tool, the risk assessment tool, and the NCFAS as specified in 7.202.53 and 7.202.54. The OCCPO recommends that there be a mandatory testing process yearly for all staff, to include direct line staff, supervisors and managers, which would utilize these tools or supervise workers utilizing the tools in order to make sure that staff have a functional understanding of the tools and are utilizing them accurately and appropriately.
2. County DHS provide training to supervisors to ensure they understand their role and responsibility in ensuring the documentation by caseworkers is being entered into the TRAILS database in a timely and complete fashion, documenting all activity on a case.
3. CDHS provide policy clarification and training to caseworkers around issues of documentation to include what to document and when to document. The OCCPO believes that entering information into the Trails automated system in a more timely fashion would assist the state and county DHS departments when researching information on a family. Currently Volume VII requires caseworkers to enter documentation into the automated system at "least every 6 months as necessary" (7.002.1). The OCCPO would recommend CDHS tighten these time frames in an effort to eliminate gaps in pertinent information for CDHS and other county departments that may encounter families

currently working within the system. Without this information in the automated system, County and State DHS departments would not have pertinent information in order to make appropriate decisions.

4. CDHS develop policy and provide training and direction to County Departments on how to proceed with assessments and cases when issues are present in multiple program areas (i.e. PA4 and PA5).

In reference to the first report released investigation CDHS regarding policy and practice the following recommendations were made.

The OCCPO made the following recommendations:

1. The Colorado Department of Human Services should review its policies and practices surrounding the writing of, review of, and supervision surrounding Child Fatality/Near Fatality/Egregious Incident Non-Confidential Case-Specific Executive Review Reports to ensure that documentation is accurate and all policy and/or law violations are identified and clearly documented. As a document utilized to inform the public, including policy makers working to improve child protection practices, it is imperative that the information released is factually accurate, so as not to compromise the credibility and validity of the Child Fatality Review process and to maximize the opportunity to inform future practice and child abuse/ neglect/ child fatality prevention.
2. When writing a Child Fatality/Near Fatality/Egregious Incident Non-Confidential Case-Specific Executive Review Report, the Colorado Department of Human Services should not summarize information located within county referrals and/or assessments, as well as other pertinent documents utilized in the review; rather, it should use the specific language that is written in those reports. Direct quotations of documentation will promote the most accurate summarization of incidents and/or involvements with a family. As a document utilized to inform the public, including policy makers working to improve child protection practices, it is imperative that the information released is factually accurate, so as not compromise the credibility and validity of the Child Fatality Review process and to maximize the opportunity to inform future practice and child abuse/neglect/child fatality prevention.
3. When writing a CDHS Child Fatality/Near Fatality/Egregious Incident Non-Confidential Case-Specific Executive Review Report, the Colorado Department of Human Services should indicate the date the report was released publicly on Page 1 of the report. Providing this information would increase transparency, as well as allow for accountability in the timeliness of completion of reports and their public release.
4. When documenting the County Internal Review information, the Colorado Department of Human Services should identify the specific name of the county completing the internal review, along with the date of the review, information discussed within the internal review, and recommendations and/or changes in county policy or practice the reviewing county identified.

In a state-supervised, county administered system, it is imperative for counties to be able to identify both strengths and weaknesses within their own practice, while also learning from the practice of colleagues in other counties statewide in an effort to monitor service delivery within the overall child protection system. Identifying the county specifically, in correlation to their internal review, will increase transparency and accountability. Providing county identity in reports will also enable CDHS to more effectively supervise counties regarding compliance with law and Department rules, as well as allow for external entities, including the state legislature, to identify possible gaps in service delivery and make appropriate recommendations for change to improve policy and practice as they relate to child safety and wellbeing.

5. The Colorado Department of Human Services should not bring a fatality review before the Child Fatality Review Team prior to obtaining all necessary reports related to the fatality. To complete a thorough review of the fatality and the circumstances surrounding the fatality, it is imperative to have all vital documentation for the various entities involved in the investigation of the fatality prior to reviewing the death. Lack of information may lead to missed opportunities to identify system gaps and areas of potential practice improvement across systems in an effort to deliver services that may prevent future fatalities.

6. The Colorado Department of Human Services Division of Child Welfare should thoroughly review all referrals and assessments in accordance with the Colorado Children's Code to identify any violations of law. Failure to do so inhibits CDHS's ability to appropriately identify areas in which county departments are not adhering to law, therefore not allowing the opportunity for targeted supervision of county practice.

7. When writing a Child Fatality/Near Fatality/Egregious Incident Non-Confidential Case-Specific Executive Review Report, the Colorado Department of Human Services should review the assessment specific to the investigation of the fatality for policy and/or practice violations, as well as to identify gaps in services that may have assisted the family. Failure to appropriately and thoroughly review the investigation of the fatality inhibits the opportunity to identify areas in which practices may have been more effective or conducted differently, such that the fatality may have been prevented. Failure to do so also inhibits the ability to inform future practice and/or policy changes necessary to ensure improved child safety.

8. The Colorado Department of Human Services should develop a policy addressing actions that should be taken by a county department when assessments of a family indicate "High Risk," in an effort to intervene with the family prior to abuse and/or neglect occurring. Requiring counties to take specific action when a family is identified as "High Risk" allows the opportunity for the child protection system to offer preventative services to a family to mitigate risk prior to the child becoming unsafe in its home, which often requires a higher level of intervention and a more reactionary approach to the family.

9. The Colorado Department of Human Services should review all child fatalities related to abuse and/or neglect, regardless of whether the family has prior history with child protective services. If the family had prior history with child protective services in any county department, CDHS should review all prior history as a part of the Child Fatality Review process. All prior

Appendix G:
Adoptions Meetings Documentation





*Colorado Coalition
of Adoptive Families*

Memorandum

November 30, 2012

To: Julie Krow, Director, Office of Children, Youth and Families, Colorado Department of Human Services

From: Deborah Cave, Executive Director, Colorado Coalition of Adoptive Families (COCAF)

Cc: Becky Miller Updike, Ombudsman, Office of Colorado's Child Protection Ombudsman

Subject: Adoption/kinship issues identified by COCAF and the Office of Colorado's Child Protection Ombudsman office

I would like to thank you for taking the time to discuss issues impacting Colorado's pre- and post-adoptive, and kinship families. I have listed issues of concern below. This is a preliminary summary, and I would be glad to discuss/provide additional information as I am able. This may be in the form of data requests from the State, design of surveys for COCAF members addressing specific issues, etc.

Adoption Subsidies

- Adoption subsidy policies, rates, and negotiation standards vary county-by-county, sometimes significantly. Additionally, over the past several years, many counties have begun capping subsidy rates at an arbitrary ceiling, independent of the needs of the child or the circumstances of the family (please see Attachment 1—ALJ and Office of Appeals opinions disagreeing with arbitrary subsidy caps). *The differences in subsidy policy and negotiation practice can result in significantly different subsidy rates between counties for children with similar special needs.*
- Counties must identify an appropriate adoptive family for a child, independent of and prior to negotiating an adoption subsidy. However, in Colorado, there is no requirement that a county first select an appropriate family prior to negotiating the subsidy, and the two processes can be blurred. This can (and has) result in a situation where a family may feel intimidated during the subsidy negotiation – e.g., if the family does not agree with the offered subsidy rate, they may be fearful that the child will be removed.



*Colorado Coalition
of Adoptive Families*

This issue could be addressed by developing a form that must be signed prior to conducting a subsidy negotiation, identifying the family as the adoptive placement.

- Many counties have trained personnel who conduct subsidy negotiations for that county, but adoptive families do not have access to this same level of information or expertise. Counties have done a good job in decreasing subsidy rates over the past several years (in the process of requesting updated subsidy data); we do not believe, though, that the needs of children adopted from foster care during this same time period are decreasing.

We are concerned that the decrease in average subsidy rates is not based on decreased needs of the children, or improved financial situations of adoptive parents, but rather the intent of counties to decrease their overall subsidy rates. We believe that families need to be better informed, and provided with impartial information regarding the subsidy negotiation process to ensure that the child and family receive appropriate post-adoption support.

- Adoption subsidies currently only cover issues identified at the time of adoption. This requirement was not originally included in Colorado subsidy regulation, and is not a federal requirement. The regulatory language is (Regulation No. 7.306.41.E.12.a):

“Any change in the adoption assistance agreement shall be related to the original barrier(s), identified at the time the decision was made that adoption assistance was needed.”

Many times children do not begin to exhibit mental health and other disorders or behavioral problems until after the adoption, sometimes many years after finalization. This issue can be addressed by removing Regulation 7.306.41.E.12.a, which will provide adoptive families the safety needed to care for children with significant special needs associated with birth family history and trauma.

- Families must be provided with complete information on their child’s history in a timely manner.
- The manner in which subsidy rates are included within a county’s child welfare allocation block is troubling (at least as of 2007), in that it seems to encourage counties to decrease subsidy rates solely to increase the county’s allocation (and also increases the county’s flexibility in redistributing funds away from subsidies) – please see Attachment 2. Is this the same methodology used today to calculate the subsidy component of a county’s allocation?



*Colorado Coalition
of Adoptive Families*

- Based on all of the issues identified above (and that have been present for years), we believe it would be supportive of adoptive families to move the subsidy process from the county to the state level.

Out-of-Home Placement

- This continues to be one of the most difficult and harmful issues impacting adoptive families. Many of our families are adopting older children who have a history of mental health issues, or indicators that they could develop such issues (e.g., in utero exposure to drugs and/or alcohol, birth family history of mental illness, sexual abuse, etc.). There are several mechanisms for families to access this level of care for their child, but the process is usually intimidating and contentious, and sometimes punitive.

In order for families to feel ‘safe’ in making this significant level of commitment to a child with this potential level of need, there should be a standardized process--consistent across counties--in place for families to follow in accessing out-of-home care. *Additionally, this should be discussed with the parents prior to the adoption* (mentioning that out-of-home placement is not covered as part of an adoption subsidy, while correct, does not appropriately address the issue).

- The county of residence is responsible for covering the costs for placement if a child who was adopted and has a subsidy is placed out-of-home. If a child was adopted from a different county, that county has no financial obligation or incentive to provide preventative/core services, and is not responsible for out-of-home placement costs.

Kinship

- Counties, by regulation, are required to inform kinship families of different placement options when they are approached to care for kin children—including foster care and adoption (and the availability of adoption subsidies)—if the child is in the custody of the county. This does not appear to be the practice in all cases. Additionally, families are sometimes told it is possible the child will not be placed with them if the child is first placed in foster care (e.g., if the kin family does not agree to guardianship prior to the county taking custody of the child).

Post-Adoption Services

- Many adoptive parents express frustration and concern with what they identify as inadequate or non-existent services, resources and supports post-adoption. This issue is especially significant in cases where the child’s mental health status worsens or changes (often at the onset of adolescence or during other developmental shifts), or



*Colorado Coalition
of Adoptive Families*

other issues emerge that present new or increasingly complex challenges to the family. This issue could be addressed through an inventory of existing post-adoptive services for families, a survey of services needed or requested by adoptive families (or evaluation of recently completed surveys, e.g., those completed by COPARC and NACAC), and exploration of potential evidence-based services that might be established to strengthen the capacity of adoptive families and decrease the number of post-adoption failed adoptions and disruptions.

Additional Issues

- *Monthly rosters for children who were adopted* – Adoptive families must complete a 'monthly roster' for each of their children who were adopted from foster care and who receive an adoption subsidy. The roster consists of providing the number of days the child was in the home for that month, and a parental signature. The monthly documentation is not a federal requirement, and does not appear to be a state regulatory requirement as well; the state is only obligated to provide this information on an annual basis (for example, New York distributes a letter to its adoptive parents annually requesting verification of the child's status).

If this practice were implemented in Colorado (e.g., replace the monthly roster with an annual roster), the roster could be distributed at the same time a second annual letter is required of adoptive families – verification that their child is still attending school. An annual roster would save the counties both time and monies.

- *Electronic homestudies* – Home studies should be completed electronically, and available on a secure website for access by appropriate county and CPA personnel. This will ensure that children available for adoption have the greatest chance of being matched with a family, and will remove the practice that a homestudy is the property of the county for 6 mos. The state can develop a payment schedule to reimburse a county for costs associated with training, if the adopted child is from a different county.



*Colorado Coalition
of Adoptive Families*

Attachment 1

ALJ and Office of Appeals Comments on Fair Hearing No. SHS 05-0398 RE CDHS Regulation 7.306.42.F.2 [Current Regulation No. 7.306.41.E.7]

An initial decision was rendered by an Administrative Law Judge (ALJ), on August 9, 2005, in case SHS 05-0398. The judge found for the county regarding the county's ability to cap adoption subsidies, based on CDHS Regulation 7.306.42.F.2:

“The county shall establish a maximum amount that could be provided to a family.”

However, the ALJ raises significant concerns regarding the state's allowing a county to set arbitrary subsidy caps (Notice of Initial Decision, August 9, 2005, Discussions and Conclusions of Law, No. 15), and takes the unusual action of raising these concerns with the State Department:

“Having determined the County Department's actions in this matter were consistent with State Department rules and County Department policies, the ALJ nevertheless recognizes the facts of this case raise issues of concern regarding the establishment of adoption subsidy rates in Colorado. The ALJ raises these issues for consideration of the State Department pursuant to Section 3.850.13.C (one objective of the state hearing process is to bring to the attention of the State Department and county departments information which may indicate a need for clarification or revision of state and county policies and procedures).

As noted, in the present case the County Department has established a maximum adoption subsidy rate as applicable to VH and KH that is less than half the amount Appellant received in foster care payments for these children. The County Department has acknowledged it reached its adoption subsidy maximum based solely on the special needs of the children, without being able to consider if, in the absence of the adoption subsidy cap, the financial circumstances of the family would have justified additional subsidy amounts. The record also does not establish the County Department's maximum adoption subsidy rate for VH and KH, which is capped substantially below their foster care rate, is sufficient to appropriately address the children's acknowledged severe special needs, even in the absence of any consideration of the family's financial circumstances.



*Colorado Coalition
of Adoptive Families*

The implications of these actions are troubling. The County Department has capped its adoption subsidy payments at a level at which it cannot effectively address the impact of Appellant's family circumstances, despite the fact that this is a factor county departments are mandated to consider pursuant to Section 7.306.44. Additionally, the County Department has set its maximum adoption subsidy payment at a level so substantially below the previous foster care rate as to call into question the efficacy of the subsidy in achieving the stated purpose of adoption subsidies: assisting the family in meeting the special needs of the children. Section 7.203.A. [Emphasis added].

Furthermore, the repercussions of establishing maximum adoption subsidies at these levels likely go beyond the facts of the present case or this particular county department. When a county department establishes across-the-board maximum adoption subsidy rates at such a reduced level the county is likely to reach the maximum subsidy amount for many, or perhaps, most of its adoption subsidy-eligible children, without being able to achieve the goal of individualizing adoption subsidy considerations so as to effectively address each child's special needs. This result would appear to be at odds with underlying policy considerations expressed elsewhere in the State Department's rules. See Sections 7.203.23.A; 7.306.43; 7.306.44."

Although the Office of Appeals upheld the ALJ's initial decision, again because of regulation No. 7.306.41.E.7, the Office reiterated the ALJ's concerns and again took the unusual step of recommending review of the regulation by CDHS:

"As identified in Appellant's Exceptions, despite upholding the County Department's action, the Administrative Law Judge has concerns regarding the establishment of adoption subsidy rates in Colorado. The Administrative Law Judge raised a number of issues for the State Department's consideration and though not binding, the Office of Appeals reiterates the concerns identified in the Initial Decision. *First the low subsidy amounts established by the county Department limits the County Department's ability to fully effectuate State Department rules.* Because the subsidies were maximized based upon the special needs of the children alone, the County Department did not contemplate the prospective adoptive family's circumstances, see State Department Rule 7.306.44.B. For the same reason, little in the way of negotiation occurred, see Rule 7.306.43.D. Second, as identified by the Administrative Law Judge, *the low adoption subsidy amounts undercut the stated purpose of the Adoption Subsidy Program which is to achieve permanency for special needs children by removing barriers to their adoption,* see generally Rule 7.203.1-.2 and limits the County Department's ability to individually tailor subsidies to the needs of the particular



*Colorado Coalition
of Adoptive Families*

child and prospective adoptive family. The State Department is encouraged to review State Department rules as they relate to this issue to ensure the rules are being applied as intended and in a manner consistent with federal law (for Title IV-E subsidies) and state law.” [Emphasis added]

Appendix H:
Grievance Roundtable Supporting Documents

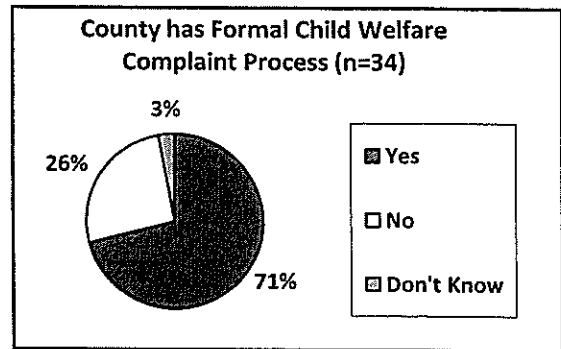


**Child Welfare Complaint Processes:
 Survey of County Directors**

The Ombudsman Office contracted with the Center for Policy Research (CPR) to design a survey administered to Colorado counties to determine how the counties address child welfare complaints and how the Ombudsman Office might help counties with complaints in the future. The Ombudsman Office emailed a link to the survey in July 2012 to the 64 county directors and reminded the county directors of the survey at an in-person meeting.

The survey asked questions regarding the methods, policies and procedures, by which different Colorado counties handle incoming child welfare complaints. A total of 34 respondents began the survey and 29 respondents completed the entire survey. Some of the findings from the survey include:

- The majority of county directors (71%) reported that their county has 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.
- County directors handle complaints in most counties (56%). In about one-quarter of the counties, (26%) DHS administrators who were also charged with other duties handle complaints. 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 both responsible for handling complaints.
- 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. 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.



Child Welfare Complaint Process (n=34)	
Complainant must start with a caseworker and work their way up.	18%
Complainant must follow a specific process.	24%
Complainants may file a complaint at any level at any time	56%
Don't know	3%

- Nearly all respondents (91%) reported that their county did have a method for avoiding duplicative efforts.
- The survey inquired further asking respondents what specific methods they used in their counties to ensure that 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.

**Child Welfare Complaint Processes:
Survey of County Directors**

Avoiding Duplicative Efforts in Complaint Investigations* (n=31)

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%

*Some respondents gave multiple answers.

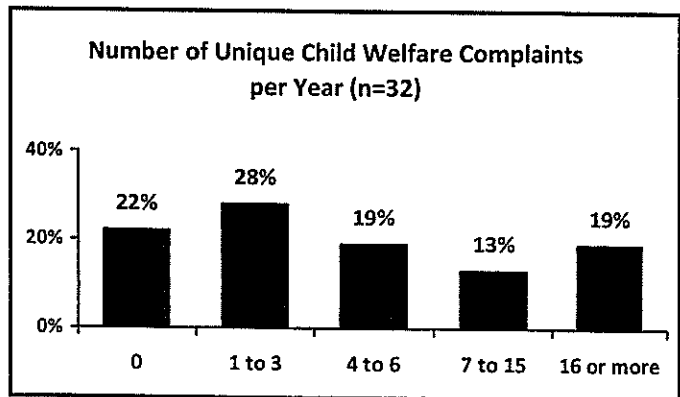
- Respondents reported various methods to inform clients and stakeholders about their complaint processes. Sixty-three percent of those surveyed reported that information about the complaint process was included in papers that were given to clients when DHS first opened a case involving a child. In nearly 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.

Methods of Informing Clients and Stakeholders about the Child Welfare Complaint Process* (n=32)

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%

*Some respondents gave multiple answers.

- The survey also asked respondents about the frequency of complaints that they received. 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.



- 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%).
- Sixty-one percent of respondents reported that their county has written policies and procedures for handling complaints. About a third (32%) reported did not.

**Child Welfare Complaint Processes:
 Survey of County Directors**

- 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.

What County Does with Investigation Findings* (n=31)

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%

*Survey respondents could give multiple responses.

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

When Would Respondents Refer Complainants to the Ombudsman Office* (n=31)

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.

- Respondents were asked how often, if ever, complainants appealed to the county's Citizen Review Panel (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.

How Often do Complainants go to the County Citizen Review Panel (n=31)

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%

Child Welfare Complaint Processes: Survey of County Directors

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

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.

1. Introductions by attendees

- A. Becky explained that a part of the Senate Bill 10-171 is to talk about grievance procedures.

2. Agenda Overview

- A. All documentation received by our office from other counties was distributed in packets to all attendees.
- B. Goal is to share resources and learn about each counties process.

3. Background – Jessica Pearson, Denver Center for Policy Research

- a. She indicated OCCPO office contracted with the Center for Policy and research to design a survey administered to Colorado counties to determine how the counties address child welfare complaints and how the Ombudsman Office might help with complaints in the future.
- b. The Ombudsman emailed a link to the survey in July 2012 to the 64 county directors and reminded the county directors of the survey at an in-person meeting as well.
- c. She reported that their office received 34 responses
- d. Jessica handed out Survey of County Directors
- e. Jessica reviewed the Results
 - 71% of County Directors reported that their county has a formal complaint process
 - 26% of County Directors reported not having a formal complaint process

Of those with a formal complaint process –

- 56% of County Directors handled complaints
- 26% of Administrators handled complaints
- 15% Specific personnel handled complaints

f. Feedback

- Wants OCCPO to create standard form and process
- Would like OCCPO to inform practice

g. Individuals that turned to OCCPO

- 32% Fear of retribution
- 61% Complainant was dissatisfied with outcome of an internal investigation
- 36% Repeat Complainants
- 71% Complainant had exhausted all other complainant channels

h. Discussed Suggestions from County Directors

i. Talked about how to streamline complaint process

j. Discussed Citizen Review Panels (CRP) with attendees

- County Directors & representatives talked about how often their used
- Appears that they aren't used very frequently

k. Reviewed how the group notifies complainant of CPR

- Flyers posted around buildings
- Letter's with Volume 7 noted
- Posters throughout visitation rooms, etc.

4. County Administrators Sharing Current Processes

a. Jody Martinez, Colorado State Human Services

- The state handles the complaints within 10 days including weekends and holidays
- She encourages the complainants to follow the chain of command at the count level IE; caseworker, supervisor, program manager, administrator director or grievance personnel
- She defined contacts –vs- complaints
- She gathers the data from trails and the court database and submits an end of the year report to the county administrators
- Doesn't like that both the state and the counties are getting duplicate complaints. State tracks data and identifies practice issues and technical issues. This information is then communicated back to the county directors
- State is rolling out a marketing campaign on "Parental Rights" and a "Rules" package. Each county will decide where and how they post this information.
- There is a need for a universal communication tool

b. Tim Young, Jefferson County Human Services

- Complainants are encouraged to talk to caseworker, then to the caseworker's supervisor, then the program manager either via a conference call or a face to face meeting
- If the issue cannot be resolved at the program manager level, then it goes up to the division director
- If division director cannot resolve issue then complainants are
- TDM's is another way complainants can participate in the process
- Each Program Manager track's complaints for the Units as it relates to caseworker complaints and systemic issues and how they are resolved
- This information is presented to the management team regularly
- Tim will email OCCPC Jeffco Forms

c. Angela Lytle, Arapahoe County Human Services

- Arapahoe County has a complaint manager

- The county typically tries to resolve complaints on a lower level
- A supervisor will sit down in a face to face mtg with complainant if necessary
- They have had a decrease in complaints
- Different people track the complaints differently

d. Tammie Raatz, Denver County

- She believes that the majority of their complaints are due to a lack of understanding of the process
- 90% of client(s) have significant mental health issues or a history of mental health issues
- Majority of complaints they get are about court
- They review all the complaints and explain the process over the phone, in a letter, TDM, or through the GAL
- She reviews the info in Trails, court database, TDM and Home Visit info
- Responds in writing to complainants
- Bulk of the calls don't like the caseworker or the supervisor
- She tracks the complaints and includes those findings in the Annual Report
- Reports go to executive management and the local City Council
- Sometimes caseworkers are reassigned
- Have Spanish speakers if necessary
- All forms are translated into Spanish as well
- Some cases can take up to 80 hours
- The impact on her workload is significant
- They educate the public on Cultural Concerns

e. Eileen Brittingham, Larimer County

- Very formal process
- Been tracking complaints internally since 2004
- They ensure that the complainants talk to the caseworker and supervisor
- Supervisor gets 10 business days to respond to the complaint
- Responses to complaints are all done in writing
- Receive and average of 15 to 20 complaints a quarter

- Most complainants don't like "Court Decisions"
- Since RED (re-evaluate design) Teams, their numbers are down

f. Sabrina Byrnes, Office of Colorado's Ombudsman

- Indicated that the Ombudsman office receives lots of civil court complaints
- Some specifically related to custody abuse
- These calls are referred to the Office of Child Representatives and Chief Judges
- Sometimes Judges order and investigation
- Discussed role of the Assistant Ombudsman and her process
- Resource Referral Process
- Ombudsman provides bi-monthly reports from the Ombudsman Office to the State and County DHS

g. Toni Rozanski, Eagle County

- Less formal grievance process
- Grievances are handled at the lowest level possible then goes up the latter
- Small family community
- Sometimes meeting with complainants is necessary

5. Strengths & Challenges: What works, what doesn't?

a. Becky Miller Updike, Office of Colorado's Ombudsman

- When Counties take complaints is data used in a useful manner?
- Are we all learning from our complaints?
- Our counties identifying specific Units, Caseworkers, and Supervisors where concerns are?
- Is there a complaint resolution process?

6. Next Steps

- A. What would be helpful for other counties to have to have a better Grievance Process in their County?

- Conflict resolution training through HR Departments
- Skill Path
- Family Engagement
- Grief -vs.- Solution Focused Approach
- Crucial Conversations and Confrontations

B. What else can the Office of the Ombudsman do?

- Have a specific format that they can respond to the State too
- Annual Report to the State has some value
- Survey/Incentives
- Reach out to the attorneys and judges to educate them on the process and how everyone can work together better



**Procedure for Filing a Complaint with the
Arapahoe County Department of Human Services
Children, Youth and Family Services Division**

Need to file a complaint?

Positive customer service is our priority and that includes promptly and thoroughly addressing a complaint.

As indicated in the Colorado Department of Human Services' Volume VII Manual, each County must attempt to resolve complaints informally within their department before utilizing the formal grievance process. In accordance with this standard, please refer to the process outlined below to address a complaint involving the Arapahoe County Department of Human Services Children, Youth and Family Services Division.

Please follow steps 1- 5 when filing a complaint with Arapahoe County's DHS Child, Youth and Family Services Division:

1. Talk with your caseworker directly regarding your concern and attempt to resolve the conflict. If you feel as though your concern has not been resolved, please contact your caseworker's supervisor and request a meeting with both the caseworker and supervisor to discuss the concerns and find resolution.
2. If you feel the meeting between the supervisor and caseworker was not helpful in resolving your concerns, please call 303-636-1589 and request the name for your caseworker's administrator. Request a meeting with the administrator, supervisor and caseworker to discuss your concerns.
3. If you believe that this meeting was not helpful in resolving the concerns you have, please call Lori Oswald, Client Services Administrator, at 303-636-1778, and she will attempt to resolve your concerns.
4. If after steps 1 - 4 have been taken and you still believe your concerns have not been addressed, write to Angela Lytle, Division Manager, and outline your remaining concerns. Within 20 days, an independent examination will be conducted and you will be notified of the findings.
5. If you believe your concerns remain unaddressed, please write to Cheryl Ternes, Director. She will determine the best course of response which may include a referral to the Citizen's Review Panel. The five members of the Panel are community members appointed by the Board of County Commissioners which makes recommendations to the Department of Human Services regarding the grievance as a part of the conflict resolution process.

Cheryl Ternes
Human Services Director
14980 E. Alameda Drive, Suite 007
Aurora, Colorado 80012
Fax: 303-636-1586

Important Note: Each step must be followed in order to move the next level. For instance, if you are unsatisfied about the way in which your case was handled and immediately request a citizen review hearing, you will be instructed to follow steps 1-5 before a citizen review hearing can be considered.

Thank you for your cooperation. We look forward to working with you to resolve your concerns.

Department of Human Services Complaint Process

1. How did you file your complaint?

- Phone
- Email
- Complaint form (on-line)
- In person
- Mail
- State Department of Human Services
- Other, please specify

2. Please indicate which program(s) area you had concerns about:

- Adult Protection
- Child Care Assistance Program (CCAP)
- Child Support
- Child Protection
- Food Assistance
- Fraud and Recovery
- Low Income Energy Assistance (LEAP)
- Medicaid
- TANF
- Other, please specify

3. How easy or difficult was it for you to file your complaint?

- Very Easy Somewhat Easy Neither Easy nor Difficult Somewhat Difficult Very Difficult
-

4. If you had difficulty filing your complaint please explain why.

5. Prior to filing a formal complaint, did you request to speak with a program manager?

- Yes
- No

Department of Human Services Complaint Process

6. If you did not speak with a program manager, please explain why?

7. Did you receive an acknowledgement within one business day letting you know that your complaint was received?

Yes

No

Additional Comment

8. Did you receive a written response regarding the outcome of your complaint?

Yes

No

9. Did you receive the written response in the timeframe you were given?

10. How easy or difficult was the written response for you to understand?

Very Easy

Somewhat Easy

Neither Easy nor
Difficult

Somewhat Difficult

Very Difficult

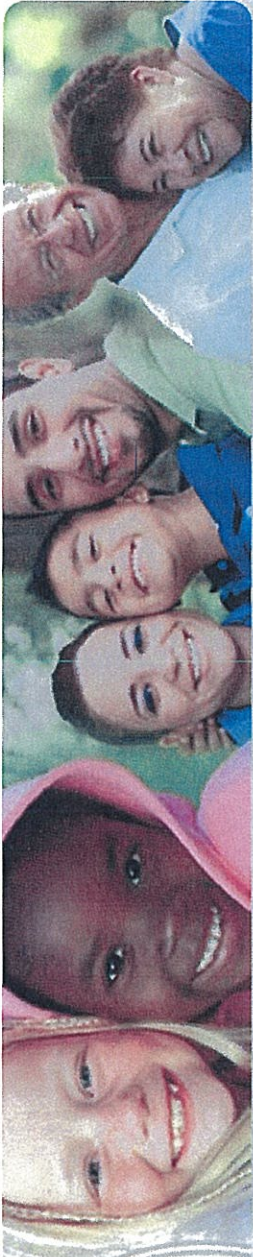
11. Do you have any additional suggestions for improvement or comments about the complaint process?

12. Do you feel that your complaint has been resolved? If no, please explain.

Yes

No

Additional Comment



Client Services and Controlled Correspondence



Colorado Department
of Human Services
people who help people

Introduction

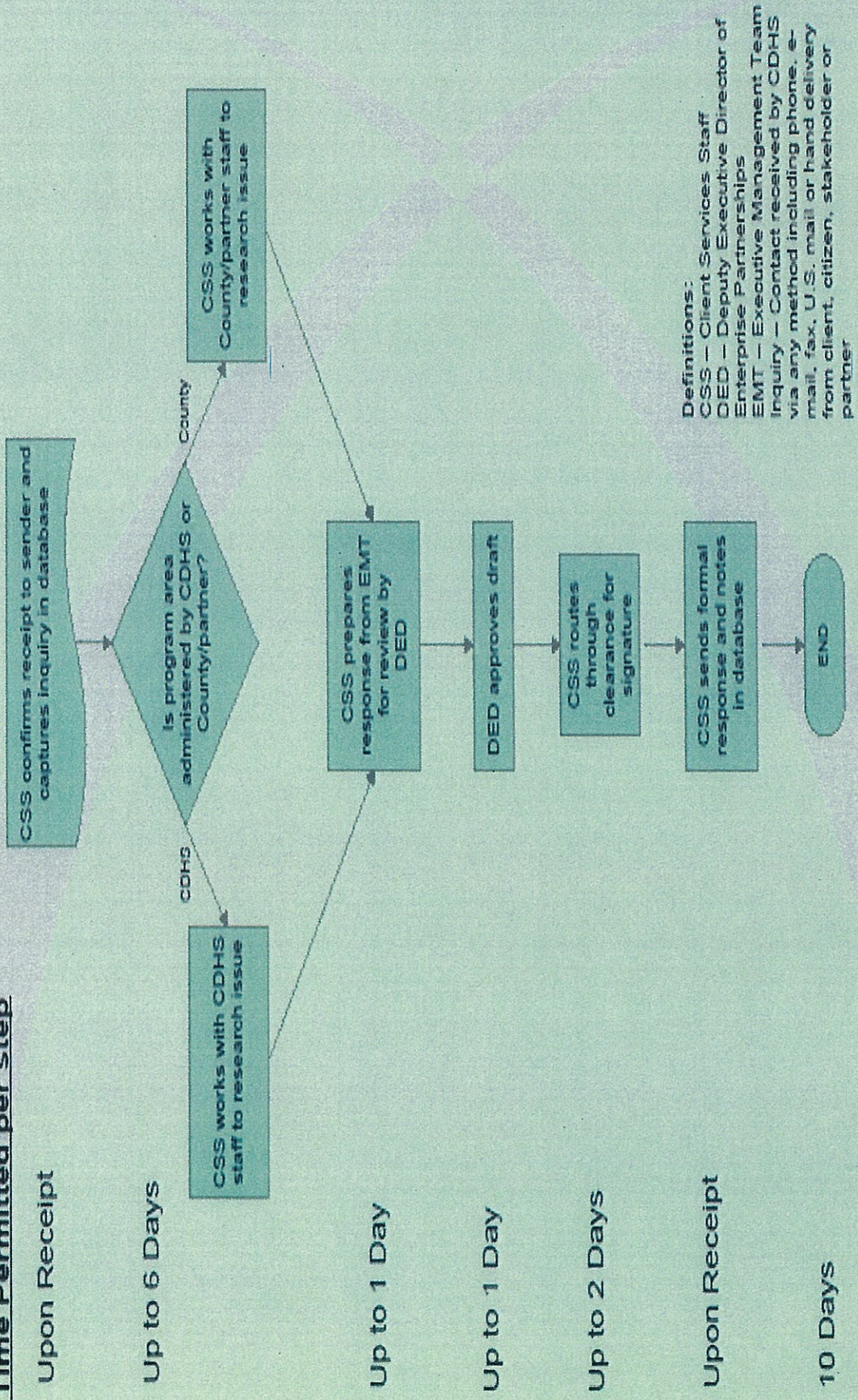
- I have been transferred to the Office of Enterprise Partnership here at CDHS, August 2012, to manage the Client Services and Controlled Correspondence Unit.
- This unit will handle all requests that come to the department including special circumstances such as responding to the Legislators, Child Advocate, Guardian ad Litem, etc.
- I will still handle child welfare complaints, whether it involves a county department action on a case, or a county worker's conduct. I will email complaints to the county director and request investigation and response back to me. I will follow up with the complainant.

Description

- Complaint is received:
- US Mail, E-Mail, Telephone, Fax, Legislators – Legislative Council Staff, Governor’s Advocate Office Staff, Other CDHS Divisions –
- Assignments: Complaint will be sent to the Office Director requesting assignment to program staff to research (contact county; view data systems) and provide summary of findings. A letter will be drafted by Client Services in conjunction with the Office Director who signs the letter.
- Child Welfare: Complaint will be emailed to County Director for investigation and response to Client Services who will follow up with complainant.
- Time Frame: 10 days

Client Services and Controlled Correspondence Flowchart¹

Time Permitted per step



Definitions:
 CSS – Client Services Staff
 DED – Deputy Executive Director of Enterprise Partnerships
 EMT – Executive Management Team Inquiry – Contact received by CDHS via any method including phone, e-mail, fax, U.S. mail or hand delivery from client, citizen, stakeholder or partner

¹Excepted from this process are legislative and budget requests and matters relating to litigation.

Colorado Department of Human Services
 Complaint, Information/Referral
 Contact Log - December, 2012

ID #	COUNTY	SOURCE	NAME	PROGRAM AREA	DATE RCD	DETAIL
120312-1	Larimer	Email	[REDACTED]	Complaint FollowUp	12/11/2012	Rosemary Van Gorder requests status of this complaint. Replied and asked her to have Ms. Lopez contact me.
120312-2	Pueblo	Email	[REDACTED]	Long Term Care	12/11/2012	Response to complaint from J. Gay. Concerned that their 16 yr old daughter's bio mother allowing her to attend adult parties and gives her money to buy drugs. Replied and requested she call me to talk about this. Received ARD review from Marc Makert. Wants to file a complaint; replied with process.
120312-1	Denver	Email	[REDACTED]	Abuse/Neglect	12/3/2012	County response to complaint; followed up with Ms. Apodaca.
120312-2	Saguache	Email	[REDACTED]	Complaint FollowUp	12/3/2012	Family living in his home were arrested for selling drugs; would like to check on the children and ask for them to be placed in their home. Referred him to county.
120312-3	Arapahoe	Email	[REDACTED]	Child Care	12/3/2012	Step daughter was taken out of school by mother who flew her out of State to attend a birthday party where drinking was involved.
120312-4	Larimer	Email	[REDACTED]	Complaint FollowUp	12/3/2012	Mother brought her back 1 day late. Advised her to have father contact school social worker and his attorney as this appears to be a custody issue.
120312-5	Denver	Phone	[REDACTED]	Foster Care	12/3/2012	TC to Mr. Divine regarding his complaint that was forwarded by Boards & Commission: His son accused him of abuse; county removed him and placed him w/ sister of mother who is deceased. County not handling case appropriately. Advised him that I will forward his complaint to the county for response and will follow up with him.
120312-6	Denver	Phone	[REDACTED]	Abuse/Neglect	12/3/2012	Food stamp problem - her monthly amount was decreased; has not had any changes (increase/decrease) in income. Will email summary of concerns.
120312-7	El Paso	Phone	[REDACTED]	Abuse/Neglect	12/3/2012	8 yr old granddaughter living w/ mother, mother will not allow father (her son) visitation; makes false reports the county that father is sexually abusing his daughter. Will have father call me or send in complaint.
120312-8	Arapahoe	Phone	[REDACTED]	Economic Security	12/3/2012	Her infant in day care was not cared for properly; blood in diaper and provider did not notify her. Fwd to child care.
120312-9	Jefferson	Phone	[REDACTED]	Abuse/Neglect	12/3/2012	Complaint with county investigating abuse he is accused of. Forward to county for response.
120312-10	Arapahoe	Phone	[REDACTED]	Child Care	12/3/2012	
120312-11	Jefferson	Email	[REDACTED]	Abuse/Neglect	12/3/2012	

Summary of Complaints



Complaints/Assignments		Information and Referral Contacts					Total	
CDHS Division	CDHS Division	Oct	Nov	Dec	Oct	Nov	Dec	Total
Ofc Executive Director	Ofc Executive Director							
Ofc Behavioral Health	Ofc Behavioral Health		3	1	11	2	1	14
Ofc Early Childhood	Ofc Early Childhood				1	1	2	4
Ofc Economic Security	Ofc Economic Security	2	1	4	17	11	14	42
Ofc Children, Yth, Families	Ofc Children, Yth, Families	15	18	17	126	114	98	338
Ofc Long Term Care	Ofc Long Term Care	2	6	3	16	8	9	33
Other - DORA	Other - DORA				1		1	2
Other - HCPCF	Other - HCPCF					1	1	2
Other - Bds & Commiss	Other - Bds & Commiss			1			3	3
Other -	Other - Dep of Education				2	1		3
Other -	Other - Ofc Adm Soluton					1		1
Other -	Other - Veterans Admin					1		1
Other -	Other -							
TOTALS	TOTALS	19	28	26	174	140	129	443

Monthly Report



EXECUTIVE OFFICES	# COMPLAINTS	# RESOLVED	# OPEN	RESOLVED IN 11 DAYS	%
Office of Executive Director	1	1	1	1	100%
Office of Long Term Care	27 *	25	2	19	76%
Office of Children, Youth & Families	9 **	8	1	7	88%
Office of Economic Security					
Office of Administrative Solutions					
Office of Early Childhood					
Office of Behavioral Health	1	1	1	1	100%
Boards and Commissions					
Totals	38	35	3	28	80%

* 2 Complaints in past months resolved in March (1 resolved 198 days/1 resolved 35 days)

** 1 Compliant in past month resolved in March (29 days)

Year End Summary

COUNTY DEPARTMENT	TOTAL YTD COMPLAINTS	COUNTY RESOLVED	% RESOLVED	PRACTICE ISSUES IDENTIFIED	% FOLLOW UP and RESOLVED
ADAMS	13	12	92%	1	8%
ALAMOSA					
ARAPAHOE	6	5	83%	1	7%
ARCHULETA					
BACA					
BENT					
BOULDER	4	4	100%		
BROOMFIELD					
CHAFFEE					
CHEYENNE					
CLEAR CREEK					
CONEJOS	1			1	100%
COSTILLA	1			1	100%
CROWLEY					
CUSTER					
DELTA	1	1	100%		
DENVER	10	9	90%	1	10%
DOLORES	1	1	100%		
DOUGLAS	4	3	75%	1	25%
EAGLE					
ELBERT	1	1	100%		
EL PASO	14	8	57%	6	43%
FREMONT	5	4	80%	1	20%

Year End Summary

COUNTY DEPARTMENT	TOTAL YTD COMPLAINTS	COUNTY RESOLVED	% RESOLVED	PRACTICE ISSUES IDENTIFIED	% FOLLOW UP and RESOLVED
GARFIELD	1	1	100%		
GILPIN					
GRAND	1			1	100%
GUNNISON	1	1	100%		
HINSDALE					
HUERFANO					
JACKSON	1	1	100%		
JEFFERSON	6	5	83%	1	17%
KIOWA					
KIT CARSON					
LAKE	2	2	100%		
LA PLATA					
LARIMER	3	3	100%		
LAS ANIMAS	5	4	80%	1	20%
LINCOLN	1	1	100%		
LOGAN					
MESA	3	3	100%		
MINERAL					
MOFFAT	2			2	100%
MONTEZUMA	3	2	67%	1	33%
MONTROSE	2	1	50%	1	50%
MORGAN	1			1	100%

Year End Summary

COUNTY DEPARTMENT	TOTAL YTD COMPLAINTS	COUNTY RESOLVED	% RESOLVED	PRACTICE ISSUES IDENTIFIED	% FOLLOW UP and RESOLVED
OTERO					
OURAY					
PARK	1			1	100%
PHILLIPS					
PITKIN					
PROWERS	3	2	67%	1	33%
PUEBLO	8	7	88%	1	12%
RIO BLANCO					
RIO GRANDE					
ROUTT	2	2	100%		
SAGUACHE					
SAN JUAN					
SAN MIGUEL					
SEDGWICK					
SUMMIT					
TELLER	4	4	100%		
WASHINGTON	1	1	100%		
WELD	1			1	100%
YUMA					
TOTAL	113	88	78%	25	22%

DENVER HUMAN SERVICES CHILD WELFARE DIVISION

CLIENT/COMMUNITY COMPLAINT INVESTIGATION PROTOCOL

1. Complaint is received by email or U.S. Mail and immediately given to Child Welfare complaint investigator and entered onto the Excel Tracking Log.
2. Complaint is date stamped the day it is received.
3. Investigator reviews complaint – outlines issues in writing, creates the Complaint Tracking Form.
4. Investigator contacts complaining by phone or email if no phone is available.
5. Investigator reviews pertinent case information depending upon the nature of the complaint. This includes reviewing the case record; foster care file; looking at information entered into the Trails computer system; and reviewing court orders.
6. Investigator emails Child Welfare staff [caseworker(s) or other DDHS staff involved with a copy to supervisor] informing them that a complaint has been received and requesting a meeting occur with the worker within 48 hours to discuss the complaint. [The supervisor may or may not attend depending upon availability]. Note Confidentiality Statement on email.
7. Investigator, caseworkers, supervisors or other staff meet as needed and discuss the complaint letter.
8. If necessary, parties may be re-contacted for clarification and further information.
9. Response letter is drafted, reviewed with Division Director, and letter is signed by both.
10. Letter is mailed to required parties and pertinent Child Welfare staff.

PLEASE NOTE THE STATEMENT THAT APPEARS ON THE EMAIL SENT TO THE CASEWORKER REMINDING THEM ABOUT CONFIDENTIALITY:

“It is also my job to remind all parties involved that this is a confidential matter and it cannot be discussed outside the confines of private meetings between us. We must respect the confidentiality of the client, yourselves and the department. Thank You.”

Denver Department of Human Services
Child Welfare Divisions
Complaint Form

This form is to be used to file a complaint regarding Child Welfare cases within Denver County only. Please complete the form and return it via Fax, email or regular mail to: [tammie.raatz@denvergov.org]

Child Welfare Complaint Investigations
Attention: Tammie Raatz
1200 Federal Blvd.
Denver, CO 80204
[FAX: 720 944-6050]

Please be sure to include your current address and telephone number so a representative from the Child Welfare Divisions can contact you.

Your Name: _____

Address: _____

Home Telephone Number: _____

Cell Phone number: _____

Work Phone Number: _____

Name of Caseworker handling the case: _____

Name of the Child or Children involved in the case: _____

Name of Parent or Parents involved in the case: _____

Name of other involved Parties in the case: _____

Complaining Party (your) role in the case: _____

Please describe in detail the nature of your complaint concerning the Denver Department of Human Services Child Welfare Divisions. Please include the times, names, and dates of events. (Attach extra pages if necessary). Please sign and date this form and send it to the address above.

Please explain what you want as a result of this complaint investigation:

Signature: _____ **Date:** _____

Raatz/Child Welfare Complaint Form 6-2012

**Denver Department of Human Services
Client Complaint Tracking Form – Child Welfare Divisions**

Case Name: Caseworker None Date Complaint Received
 Open case yes no Response Letter Sent
 Investigation Result
 Total Hours of Investigation:

DATE	CONTACT PERSON	NOTES	MIN/HS
	Phone #		

DATE	CONTACT PERSON	NOTES	MIN/HS
	Phone #		

DATE	CONTACT PERSON	NOTES	MIN/HS
	Phone #		

DATE	CONTACT PERSON	NOTES	MIN/HS
	Phone #		

DATE	CONTACT PERSON	NOTES	MIN/HS
	Phone #		

Complaint Investigator Name:

Hours Spent:

Disposition:



Human Services Policy & Procedures

Client/Customer Services

I. COMPLAINTS, CUSTOMER/CLIENT

Date: September 27, 2010

Department of Human Services Forms Reference

Complaint Form

Complaint Review/Tracking Form

General Procedure

The Department strives to provide respectful, accurate, and timely service delivery and excellence in customer service. Customer complaints are inevitable given the nature of our services. Complaints should be addressed at the lowest possible level in the organization and employees are encouraged to seek help from their supervisor to deal with customer concerns. In most cases, complaints can be resolved at the line staff, supervisor, deputy or division manager level. However, some complaints cannot be resolved within the division, and some clients will raise complaints with state government officials, legislators, County Commissioners, and/or Department Director. In those cases, the Director's Business Operations Coordinator (BOC) may become involved. The Business Operations Coordinator will first ensure the client has attempted to resolve his/her concerns with the appropriate line staff and management levels within the program's division. If not, the Business Operations Coordinator will log the complaint into a tracking system and refer the complaint to the appropriate Division Manager, or designee, for resolution and response back to the client.

If the client has exhausted all of his/her options within the division, the Business Operations Coordinator will take primary responsibility for the complaint and work to facilitate resolution. This may include suggesting alternative resolution options to the Division Manager, facilitating communication between the client and the Department, or conducting a full review of the client's complaint. In any case, the Business Operations Coordinator will always conclude with a written response to the client. The Business Operations Coordinator will provide a draft copy of the written response to the appropriate involved staff and consider their feedback before mailing the final response to the client.

Specifics about the Complaint Review/Tracking Form

When Division Managers or designee receives a Complaint Review/Tracking form for resolution, it is up to them to determine which staff member they want to handle the complaint and to let that staff member know to what degree he/she is to be involved in the resolution. The Division Manager will also determine who should sign response correspondence, depending on the extent of the complaint. The Business Operations Coordinator is available to assist the Division Manager in making these determinations.

The complaint form is returned to the Business Operations Coordinator, signatures are required from the supervisor and the Division Manager, or designee, of the appropriate program or unit. The worker's signature is needed only if his/her input is given.

Action Taken Section

The Action Taken Section must always be filled out, and more than one box will almost always be checked. This section may be filled out by anyone who takes any action regarding the complaint. For example, a complaint (as it filters through the system) should entail a phone call to the client, a letter to the complainant

Human Services Policy & Procedures

Client/Customer Services

with copies to the Colorado Department of Human Services (CDHS) and the Department Director, thus producing four checked boxes.

The Business Operations Coordinator will send notification to the complainant within 24 hours of the formal complaint outlining their concerns, providing them with the contact information of the person assigned to assist them with their concerns, and informing them that a written response will be sent within 14 calendar days. If additional information or research is needed to examine the problem, the complainant is to be notified by the worker or supervisor on what the process will be and when he/she can expect to hear back. If the problem requires more research than anticipated and the original timetable cannot be met, the employee is to contact the complainant directly before the original timetable expires and explain the delay and provide a revised timetable.

When the review is complete, the Department will:

- Provide the complainant a written response addressing the issues contained in the human services complaint form to the extent allowed by law or regulation (for example, personnel information cannot be included).
- Notify the complainant of any other recourse, if the complaint is not resolved to the complainant's satisfaction.
- Specific case information protected by confidentiality statutes and rules cannot be released to a third-party caller without appropriate releases. Employees are to explain to the caller the process for the case client to provide appropriate releases to the Department. Employees are expected to use the opportunity to educate the third-party caller about the rules, regulations, statutes, processes, and procedures that govern the Department's program delivery, to the extent this can be done without giving legal advice that only an attorney can do.

Larimer County Department of Human Services (LCDHS) Complaint Form

Attn: Executive Assistant to the Director

Your Name: _____

Today's Date: _____

Social Security #: _____

Date of Birth: _____

Your Address: _____
Street City State Zip Code

Telephone: _____ Email: _____

For food, medical or financial assistance programs, please include your case number or social security number:

Your Current Status: Applicant for Services Parent, Guardian, or Legal Custodian of Client
 Client Other: _____

What is your concern or complaint? Please include the name(s) of any specific LCDHS employee(s) involved and details of their involvement.

What is your specific involvement with the concern or complaint?

What specific outcome(s) do you desire?

Please list the name(s) and title(s) (if you know) of any LCDHS employees with whom you have discussed your concerns, as well as the outcome of those discussions.

Once you have completed this form, please send it to either the fax number or mailing address listed below. The Executive Assistant or other staff member will contact you within 24 hours during the business week.

Your Signature: _____

Date: _____

Dept. of Human Services Complaint Review/Tracking

The Division handling the complaint must fill out the "Action Taken" section.

Complaint rec'd from: _____ Date Complaint Received: _____
Phone / Email: _____ Referred to: _____
Client: _____ Case # / SSN: _____ Referred on what date: _____
Client Phone / Email: _____ Referred by: Eileen Brittingham
Worker(s): _____ Date Due back to Director's office: _____

Action Taken by Complaint Coordinator:

An email will be sent from the Complaint Coordinator to client outlining their concerns and providing them with the primary contact (usually the supervisor or deputy division manager) for the complaint.

[] Yes: (Date) [] No:(Supervisor or DDM should follow up within 24 hours via email or phone)

Complaint Information

Worker Response & Recommendation:

Worker Signature: _____ Date: _____

Supervisor Comments:

Supervisor Signature: _____ Date: _____

Deputy Div Mgr Comments:

Deputy Division Manager Signature: _____ Date: _____

Div Mgr Comments:

Division Manager Signature: _____ Date: _____

Action Taken: (check all that apply)

Written Response sent: _____ (date) By: _____ (name)
As requested, letter or coples of written response sent to:
[] State Dept of Human Services (CODHS) [] Governor's office [] County Attorney
[] State Representative/Senator office [] Congressperson office [] _____
[] copy of written response provided to Dept Director [] BCC office [] _____

Director Comments:

Director Signature: _____ Date: _____

(,)

CONTACT INFORMATION

Eileen Brittingham, Executive Assistant
Department of Human Services
1501 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6311
(970) 498-7987 Fax

Ginny Riley, Director
Department of Human Services
1501 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6300

*What to do when you have
a complaint or concern about the
Department of Human Services*

Larimer County Department of
Human Services

Customer Driven

Community Partners

Mission Statement

To preserve and enhance the safety, self-sufficiency, and well being of low-income and at-risk populations in Larimer County through delivery of state and federally mandated benefit programs and services.



WHEN YOU HAVE CONCERNS

Resolving complaints or concerns informally is usually the best and quickest way to address conflicts.

Informal resolution encourages you to speak directly to the person with whom you have an issue.

Set out below are the steps you should take to address complaints or concerns involving services provided by the Larimer County Department of Human Services (LCDHS).

1. Talk to the worker directly about your concerns and attempt to resolve the conflict.
2. If talking directly to the worker does not resolve the conflict, please contact the worker's supervisor and request a meeting with the worker and supervisor to discuss the concerns and find a resolution.
3. If you find the meeting with the worker and supervisor did not resolve the matter, please contact the division manager. You may do this by calling the Department of Human Services at 970-498-6300 and asking to speak with the division manager of the program of which you have a concern. Once you have contacted the division manager, please request a meeting with the division manager, the supervisor and the worker to discuss your concerns.
4. If this meeting does not resolve your concerns, contact the Human Services Executive Assistant, Eileen Brittingham, at 970-498-6311 or ebrittingham@larimer.org. Eileen will attempt to help you resolve the conflict.

HOW TO RAISE YOUR CONCERN OR COMPLAINT:

You may contact us by telephone, fax, in person, mail, email or by downloading a complaint form and sending it to us. You will need to provide the following information:

- Your name, address, phone number and email;
- Your involvement with the complaint;
- A brief description of your complaint;
- Any action you are requesting;
- The name of the Larimer County Department of Human Services (LCDHS) staff person to whom you have spoken and what response you received.

HOW TO OBTAIN A LCDHS COMPLAINT FORM

If you have access to the Internet, you can obtain this form at www.larimer.org/humanservices/faq. You may also pick up a form at the office location listed on this brochure or call 498-6311.

WHAT HAPPENS WITH YOUR COMPLAINT?

- We will contact you and let you know your complaint was received within 24 hours during the business week.
- We will inform you in writing if and how we can be of assistance.
- If we cannot assist you, we will explain why and attempt to direct you to someone who can help.

HOW WE MAY HELP YOU RESOLVE THE CONCERN OR COMPLAINT

The Executive Assistant may do any of the following to coordinate the resolution of your concern or complaint:

- Discuss the complaint with the worker and/or supervisor and suggest a resolution;
- Suggest a meeting with you, the worker and the quality assurance staff to find a resolution to the complaint or concern;
- Discuss your concerns with any of the Department of Human Services division managers, administrators, or the director to help resolve the matter;
- Arrange for a full review of your complaint which will include an objective review of documents and interviews with persons who have first-hand information about the matter, followed by an impartial assessment of all information.



ABOUT CHILD WELFARE SERVICES

The Children, Youth and Family Services Division (CYF) strongly supports the rights of all children. A child has the following rights:

- The right to be in the care of his/her parents, or guardian (unless in protective custody by law enforcement or the court orders a different plan.)
- The right to food, shelter and clothing to meet his/her basic needs.
- The right to have his/her parent protect him/her from harm, danger, injury and neglect.
- The right to feel safe and secure.
- The right to health care.
- The right to have someone make sure his/her best interests are looked after in court. Your child will have his/her own lawyer, known as a guardian ad litem (G.A.L.), appointed by the court.

CYF also believes that child placement is not the solution; it is part of the process to ensure a safe and loving permanent home for all children. This is also a community responsibility of which the Department of Human Services has a vital role.

When you have concerns

Resolving complaints or concerns informally is usually the best and quickest way to address conflicts. Informal resolution encourages you to speak directly to the person with whom you have an issue.



Department of Human Services

Eileen Brittingham, Executive Assistant
1501 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6311
(970) 498-7987 Fax

Jim Drendel, Division Manager
Children, Youth and Family Division
2555 Midpoint Drive, Suite E
Fort Collins, CO 80525
(970) 498-6900

Ginny Riley, Director
Department of Human Services
1501 Blue Spruce Drive
Fort Collins, CO 80524
(970) 498-6300

*What to do when you have
a concern about the
Child Welfare System*

Larimer County Department of
Human Services
Children, Youth and Family Services

Customer Driven

Safety First

Community Partners

*As community partners, we support
children remaining safe, stable and intact
within their families and communities,
while respecting the culture of each family.*

Note: The process specified in this brochure cannot be used to appeal a **confirmation of abuse and/or neglect**. For that appeal process, please contact the State at (303) 866-5432 or www.cdhs.state.co.us.

STEPS YOU SHOULD TAKE FIRST

Set out below are the steps you should take to address complaints or concerns involving child welfare services provided by the Larimer County Department of Human Services (LCDHS).

1. Talk to the worker directly about your concerns and attempt to resolve the conflict.
2. If talking directly to the worker does not resolve the conflict, please contact the worker's supervisor and request a meeting with the worker and supervisor to discuss the concerns and find a resolution.
3. If you find the meeting with the worker and supervisor did not solve the matter, please contact the deputy division manager. You may contact the main telephone number of the Child Welfare Division at 970-498-6990 (The Hub) and request the name of the worker's deputy division manager, or you may ask the worker's supervisor with whom you previously met. Once you have contacted the deputy division manager, please request a meeting with the deputy division manager, the supervisor and worker to discuss your concerns.

4. If this meeting does not resolve your concerns, contact the Human Services Executive Assistant, Eileen Brittingham, at 970-498-6311 or brittie@larimer.org. Eileen will attempt to help you resolve the conflict.



HOW TO RAISE YOUR CONCERN OR COMPLAINT:

You may contact us by telephone, fax, in person, mail, email or by downloading a consumer service form and sending it to us. You will need to provide the following information:

- Your name, address, phone number and email
- Your involvement with the complaint
- A brief description of your complaint
- Any action you are requesting
- The name of the Larimer County Department of Human Services (LCDHS) staff person to whom you have spoken and what response you received

HOW TO OBTAIN A LCDHS COMPLAINT FORM

If you have access to the Internet, you can obtain this form at www.larimer.org/humanservices/cyf. You may also pick up a form at either of the office locations listed on the back panel of this brochure or call 498-6311.

WHAT HAPPENS WITH YOUR COMPLAINT?

- We will contact you and let you know your complaint was received within 24 hours during the business week
- We will inform you in writing if and how we can be of assistance
- If we cannot assist you, we will explain why and attempt to direct you to someone who can help.

HOW WE MAY HELP YOU RESOLVE THE CONCERN OR COMPLAINT

The Executive Assistant may do any of the following to coordinate the resolution of your concern or complaint:

- Discuss the complaint with the worker and/or supervisor and suggest a resolution;
- Suggest a meeting with you, the worker and the quality assurance staff to find a resolution to the complaint or concern;
- Suggest a family meeting with attendance by others which may include the worker, supervisor, manager and quality assurance staff;
- Discuss your concerns with any of the Department of Human Services division managers, administrators, or the director to help resolve the matter;
- Arrange for a full review of your complaint which will include an *objective* review of documents and interviews with persons who have first-hand information about the matter, followed by an impartial assessment of all information.

GRIEVANCE PROCESS

If, after the above steps have been taken, you are not satisfied with the resolution, you may request referral of your grievance to the state mandated Child Welfare grievance process. Please contact Eileen Brittingham for more information at 970-498-6311.