

2015-16



NAVIGATE INVESTIGATE ILLUMINATE REFORM

ANNUAL REPORT

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From the Ombudsman

September 1, 2016

This report marks the first submitted by the Office of Colorado's Child Protection Ombudsman (CPO) as an independent state agency. The report represents six months of my predecessor's tenure and six months of mine. It therefore reflects my predecessor and the staff's achievements as well as my own early observations and plan for the role.

I was one of many involved in the creation and development of this office. I have observed as it evolved from a program operated under the Colorado Department of Human Services to becoming an independent agency located in the Colorado State Judicial Department.

This office was born out of tragedy. Twelve children died of abuse in 2007 – all of them were known to a child welfare agency within five years of their death. We are the response to the public's cry for oversight and improvement of child protective services.

Creation of the CPO and its evolution to an independent state agency has been long and difficult. The debates surrounding the need for a CPO were often times polarizing. They created distractions from the mission of the office, which is to respond to individual complaints about child protection and identify systemic concerns for the betterment of the system.

The language in our authorizing statute provides that the CPO is charged with receiving the public's complaints concerning *child protective services* administered by *any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of the child*.

Unlike some other national child ombudsman offices, the Colorado office is charged with addressing the public child protection system not solely child welfare human service delivery. This is an important distinction for our work and for the children and families we serve in the future. Our statute recognizes the complexity of the child protection system and the need for collaboration in moving that system forward.

As a newly formed independent agency, we now have an opportunity to focus fully on the work that the Colorado Legislature tasked us with five years ago. We also have an opportunity to reflect upon our past practices, learn from our mistakes, build on our strengths and, in turn, create a new direction for this office.

That direction will drive this office into new territory. Communities and agencies unfamiliar with — and in some cases unaware of — this office will learn how we can serve them. During the past nine months, we have met with countless stakeholders and asked, "How can we serve your community?" The answers revealed a diverse group of agencies working to protect children in Colorado, each of their needs as unique as the areas they serve. Now, more than ever, this office recognizes its role in meeting those needs. By taking a deeper dive into the problems plaguing the child protection system, talking less and listening more, this office can work with agencies in this state to create a stronger system to protect children.

In closing, I want to thank those who helped establish Colorado's first independent child protection ombudsman office. I would like to thank Governor Hickenlooper for recognizing the significance of the office and signing into law Senate Bill 15-204 which allowed full independence of the CPO.

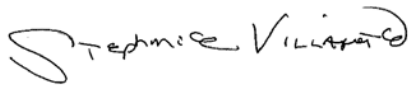
I also would like to thank the legislature for their continued support and their vote of confidence in granting us independence. We will work hard to ensure that we continue to provide quality service to all Coloradans while working in a manner that is thoughtful and informative.

I would like to thank Chief Justice Nancy Rice and the staff at the Colorado State Judicial Department for welcoming our office and aiding us in a smooth transition that allowed us to continue our important work uninterrupted.

Finally, I am grateful for our Board members who have given us the benefit of their vast knowledge and expertise and in doing so helped us develop a statewide vision for this office.

I look forward to building on the work of this office and to serving Colorado's children and families.

Stephanie Villafuerte

A handwritten signature in black ink that reads "Stephanie Villafuerte". The signature is written in a cursive style with a large initial 'S'.

Child Protection Ombudsman

Introduction

The Office of the Child Protection Ombudsman (CPO) is charged with fielding and reviewing complaints regarding the state’s child protection system and making recommendations for practice improvements and systemic change. Through the years the CPO’s staff, statutes and even location have changed. But the mission has remained constant – improving the child protection system through objective study and education. During the past fiscal year, the CPO gained independence, moving from the Colorado Department of Human Services (CDHS) and becoming an independent government agency. That transition gave the CPO the opportunity to look back on where it’s been so that steps forward are decisive and informed. The 2015-2016 Annual Report explains, for the first time, the role of an ombudsman, the work the CPO is doing in Colorado and its strategies for becoming a more effective office moving forward.

Using data, real-life examples and a breakdown of the CPO’s procedures, this report demonstrates the work of the office. It will also outline the intense work that took place over the last six months to create a sophisticated approach to becoming a better resource for the public and stakeholders, as well as the challenges that lay ahead. Because, while change marked the end of the CPO’s first five years, opportunity has defined its future.

“The staff was very professional and listened to my concerns. They followed through on ‘checking out’ my concerns with a very thorough ‘investigation.’ They kept me advised of what was going on with the situation and answered all of my questions. It was a very positive experience.”

-Chad D.

Contacted the CPO in 2015 with concerns about a child in the child protection system.

Mission

The mission of the CPO is to bring accountability and transparency to the child protection system and promote better outcomes for children and families. The CPO fields and reviews complaints regarding child protection agencies, defined in C.R.S. 19-3.3-103 as, “any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of the child.” Those agencies include – but are not limited to – CDHS, law enforcement, public health providers, educators, day care providers, medical professionals and treatment providers. The CPO serves the children of Colorado by driving policy reform and improving best practices within the child protection system.

History: From a Program to an Independent Agency

The Office of Colorado's Child Protection Ombudsman (CPO) was established in June 2010, under Senate Bill 10-171. This legislation provided that the CPO would operate as a program through a contract with a local non-profit agency, issued and managed by the CDHS.

The original legislation was passed in response to child abuse fatalities. The CPO was created to respond to the public outcry concerning the children's deaths and the belief that the Colorado child protection system required a greater degree of oversight, accountability and transparency to prevent such tragedies in the future.

Vision

Ensuring safety for Colorado's children today and envisioning a stronger child protection system for the future.

The CPO was codified under C.R.S. 19-3.3-101. Under that mandate, some of the CPO's primary duties include:

- Maintain a highly visible, statewide grievance process;
- Treat all complaints as confidential;
- Field and review citizen and stakeholder complaints regarding Colorado's child protection system;
- Make recommendations for better practice and systemic change;
- Use information gained from reviews and investigations to educate and advise citizens, the legislature and the Governor on key child protection issues, policies and improvements.

From 2011 through 2015, the CPO was housed by the nonprofit, the National Association of Counsel for Children, and was supervised by the CDHS. From the beginning, the CPO has responded to citizen complaints about the sufficiency of the child protection system and evaluated whether it is performing in an optimal way to keep children safe.

Since its inception, the CPO has made 206 recommendations to agencies within the child protection system. Of those recommendations, 18 were directed toward statewide issues at the CDHS.

Through these recommendations, the CPO has been instrumental in improving service delivery to children and families across Colorado. The CPO has also had a presence at the state Capitol and has provided expert consultation and testimony related to several pieces of legislation.

The CPO has had two prior ombudsmen. Each ombudsman preceding the current appointee has continued to move the CPO forward in a positive direction and played a significant role in the CPO obtaining independence.

On June 2, 2015, Senate Bill 15-204, *Concerning the Independent Functioning of the Office of the Child Protection Ombudsman*, was signed into law. This legislation transformed the original "program" housed within CDHS, into a distinct independent state office. The new, independent CPO opened in January 2016.

Additionally, the legislature created the Child Protection Ombudsman Board in 2015. The Board is the first of its kind in the nation. By law, this board is required to oversee the Ombudsman's performance as well as serve as an advisory board on strategic direction and outreach.

Since becoming independent, the CPO has relocated and is now housed in the Colorado State Judicial Branch. The Colorado legislature allocated money to the judicial department for the cost of building and furnishing a new space for the CPO as well as providing ongoing accounting, budget and human resource assistance.

Colorado's newest Child Protection Ombudsman, Stephanie Villafuerte, was appointed in December 2015 by the Board and took office in January 2016.

Our Purpose

Throughout the existence of the CPO, there has been a great deal of discussion about what an ombudsman does and what the role of an ombudsman should be in the Colorado child protection community.

So what is an ombudsman?

An ombudsman serves as an independent, neutral problem solver and works to help citizens navigate government systems that are large, complex and generally inaccessible by people who rely upon them for critical services.

They act as subject matter experts, readily available to take citizen complaints and grievances and identify resolutions for their problems. Designed to serve people in a way that humanizes their concerns, the ombudsman is a resource for citizens who might not otherwise have the knowledge or resources to pursue answers to their questions.

Ombudsmen have existed for hundreds of years and currently operate throughout the world, specializing in everything from health care to labor relations. Ombudsmen have a significant membership and resource base. The American Bar Association and the United States Ombudsman Association have developed best practices that guide an ombudsman's work to ensure impartial, independent reviews and investigations.

However, in addition to responding to citizens' concerns, the ombudsman role has historically been designed to also drive *system* reform through impartial collaboration, data driven analysis and public awareness. They research and investigate problems and educate the public and stakeholders on ways to solve them. The ombudsman's effectiveness does not reside in an ability to mandate compliance. Instead, it drives reform by illuminating problems within an agency and creates detailed recommendations for change.

As a specialty, child ombudsman offices have evolved over the past three decades. Internationally, these ombudsman offices tend to be dedicated to the protection of children's human rights. There are approximately 33 child protection ombudsman offices in the U.S. — Colorado being one of the newest. All of these offices vary in structure, scope and responsibility.

In like tradition, the CPO serves Colorado citizens by responding to their inquiries, researching their complaints and providing recommendations for system improvement. The ombudsman has independent access to child abuse information that is not otherwise available to the public. This information provides the ombudsman with the tools to not only assist each individual child *but also* provides the ombudsman with a "window" to the broader system.

During its five years, the CPO has continued to refine its process for handling complaints. The CPO is making changes to improve consistency and efficiency. Since its inception, the goal of the CPO has remained the same. The CPO was built to:

- Help people navigate the child protection system
- Objectively review and investigate complaints
- Provide agencies with recommendations for improvement

- Drive systemic reform through research and education

The CPO accomplishes these initiatives by carefully evaluating each complaint and providing objective findings.

Authority of the CPO

Under Colorado law, the CPO has the authority to:
<ul style="list-style-type: none">• Serve as a resource and systems navigator• Facilitate independent and impartial reviews• Offer the complainant options for resolving the concern• Identify and resolve child protection concerns and systemic issues• Provide recommendations to child protection agencies, the Governor and the legislature
The CPO is not authorized to:
<ul style="list-style-type: none">• Directly respond to emergencies regarding child safety• Investigate allegations of child abuse and/or neglect• Review complaints concerning domestic relations issues, such as Court and Family Investigator, court rulings and custody orders• Overturn the acts or decisions of judges or their staff• Investigate complaints or concerns regarding the conduct of judges, magistrates, attorneys or guardians ad litem• Provide legal advice• Intervene in criminal or civil judicial proceedings• Intervene in any criminal investigations by law enforcement

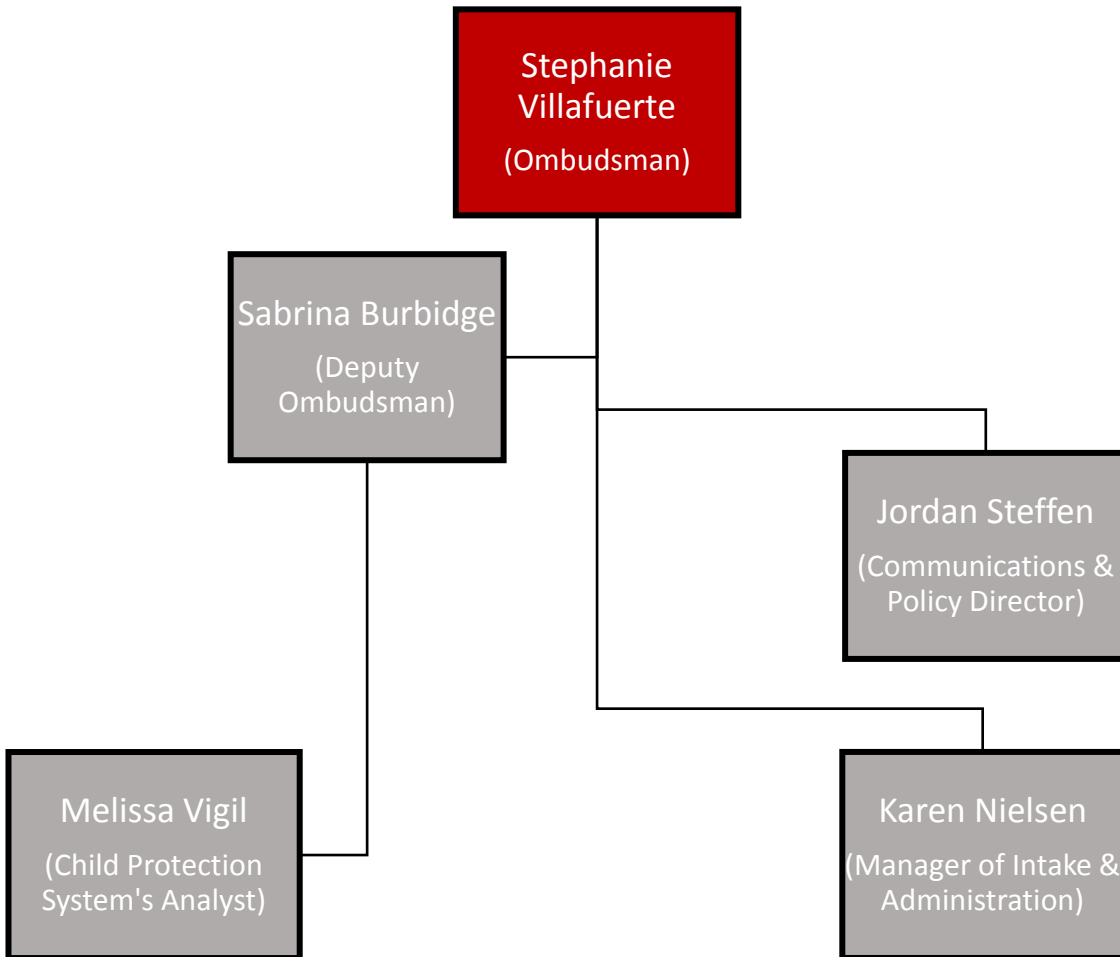
The Staff

Collectively, the CPO staff has over 84 years of experience serving children and families within the child protection system in a variety of roles. Currently, the CPO is comprised of four full time staff and one part-time employee. Further, the CPO has developed an internship program, comprised of two interns specializing in the fields of public policy and human services. The skill sets that each CPO staff member possesses creates one of the most unique perspectives within the child protection community. The staff include the following:

- **Stephanie Villafuerte, Child Protection Ombudsman**
Ms. Villafuerte has over 25 years of experience dedicated to the legal and public policy fields in the area of child maltreatment. She has worked extensively in state and federal court, the legislature and as the executive director of a statewide, nonprofit agency dedicated to serving children. In a variety of roles, Ms. Villafuerte has worked to solve the myriad of needs of Colorado's abused and neglected children. Ms. Villafuerte took office in January 2016.
- **Sabrina Burbidge, Deputy Ombudsman**
Ms. Burbidge has been working in the areas of public and private child welfare for 22 years. Ms. Burbidge has worked within Colorado's child protection system as a caseworker, supervisor and trainer for caseworkers and foster parents. She has served as a subject matter expert at the state legislature and has offered training on child welfare specific issues both nationally and internationally. Ms. Burbidge joined the CPO in January 2012.
- **Jordan Steffen, Communications and Policy Director**
Ms. Steffen has worked in the field of journalism, researching and analyzing public policy, law and rule as it relates to child welfare for over five years. Ms. Steffen has spent extensive time researching long-standing state policies and practices for preventing child abuse and has reported on the shortcomings within the child welfare system. Ms. Steffen joined the CPO in July 2016.
- **Karen Nielsen, Manager of Intake and Administration**
Ms. Nielsen worked with families within the child welfare system, assisting them with their substance abuse treatment needs for 24 years. She has been a member of various committees within the child protection system addressing needs for treatment services, as well as offering strategies to build a more collaborative system. Ms. Nielsen joined the CPO in March 2013.
- **Melissa Vigil, Child Protection System's Analyst**
Ms. Vigil has served as a caseworker and lead child protection intake worker within Colorado's public child welfare system for eight years. She has extensive experience providing crisis intervention services, as well as investigating allegations of abuse and neglect, with a specialty in sexual abuse investigations. Ms. Vigil also has her Master's Degree in Criminology, as well as experience within the criminal justice system and local police departments. Ms. Vigil joined the CPO in May 2016.

Child Protection Ombudsman Organizational Chart

The CPO is currently comprised of four full-time employees: The Ombudsman, Deputy Ombudsman, Child Protection System's Analyst and Manager of Intake and Administration. The position of Communications and Policy Director is currently a part-time position¹. The CPO also has two internships.



¹ The Policy and Communication's Director position (.5 FTE) was allocated to the CPO for FY 16-17. Ms. Steffen joined the CPO in July 2016.

Child Protection Ombudsman Board

In creating an independent agency, the legislature also created the Child Protection Ombudsman Board. Through partnership with the CPO the Board serves as a unique extension of the office. Not only will the Board act as a key advisor of the office, it will also utilize their professional experiences and backgrounds to advance the mission and goals of the CPO.

Senate Bill 15-2014 established that the Board will consist of no more than 12 members.

Board Members
Chief Justice Appointments <ul style="list-style-type: none">○ Kenneth Plotz, Board Chair○ Charles Greenacre○ Pax Moultrie○ Simone Jones
Governor Appointments <ul style="list-style-type: none">○ Karen Beye○ Constance Lee Linn○ Dee Martinez○ Sarie Ates-Patterson○ Joe Carrica*○ George Kennedy*○ Jose Mondragon*
Senate President Appointment <ul style="list-style-type: none">○ Victoria Black
Senate Minority Leader Appointment <ul style="list-style-type: none">○ Peg Rudden
Speaker of the House Appointment <ul style="list-style-type: none">○ Ginny Riley, Board Vice-Chair
House Minority Leader Appointment <ul style="list-style-type: none">○ Vacant
<small>*Reflects past board members</small>

Our Work

Increased Demand

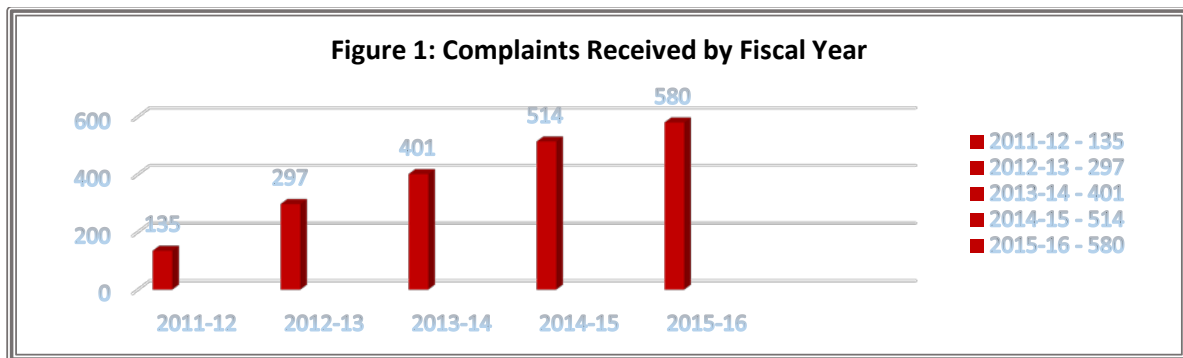
CPO's data reflects a steady increase in the public's use of its services:

- The number of complaints rose by 13% compared to Fiscal Year 2014-2015 and by 330% since the inception of the CPO.
- The CPO has made 60 recommendations to county and state departments of human services in FY 15/16.

In order to more effectively serve Colorado's citizens, the CPO has collected data on how its services are being used by the public. The CPO has seen tremendous growth in the number of people contacting the office. In its first year of operation, the CPO received 135 complaints. During Fiscal Year 2015-2016, the CPO received 580 complaints – a 330 percent increase compared to its first year of operations. (See Figure 1.) A chart detailing the complaints the CPO received during the past fiscal year, by agency, location and type can be found in Appendix A.

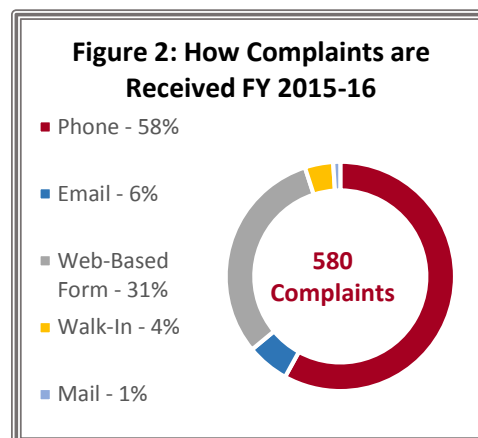
The CPO also monitors the geographic locations of the agencies under review. Each year urban counties account for an average of 65 percent of all non-systemic contacts the CPO receives while less than one third of total contacts are expressing concern

regarding rural child protection systems. The purpose of this analysis is to ensure the CPO is effectively reaching complainants statewide.



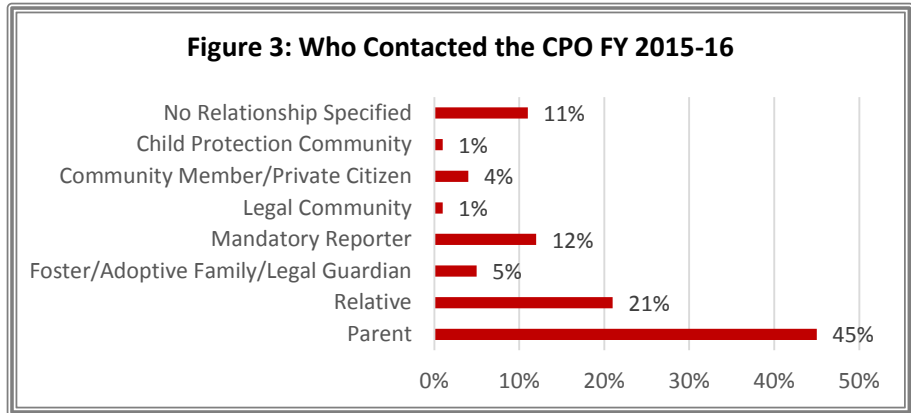
How Complaints Are Received

The CPO tracks how it receives complaints from citizens in an effort to ensure that it is accessible to all members of the public. During Fiscal Year 2014-2015, 67 percent of people contacting the CPO did so via telephone and 21 percent of people contacted the office using the online form. In Fiscal Year 2015-2016, the number of complaints submitted online increased by 10 percent and the number of people contacting the office via telephone decreased by nine percent. (See Figure 2.)



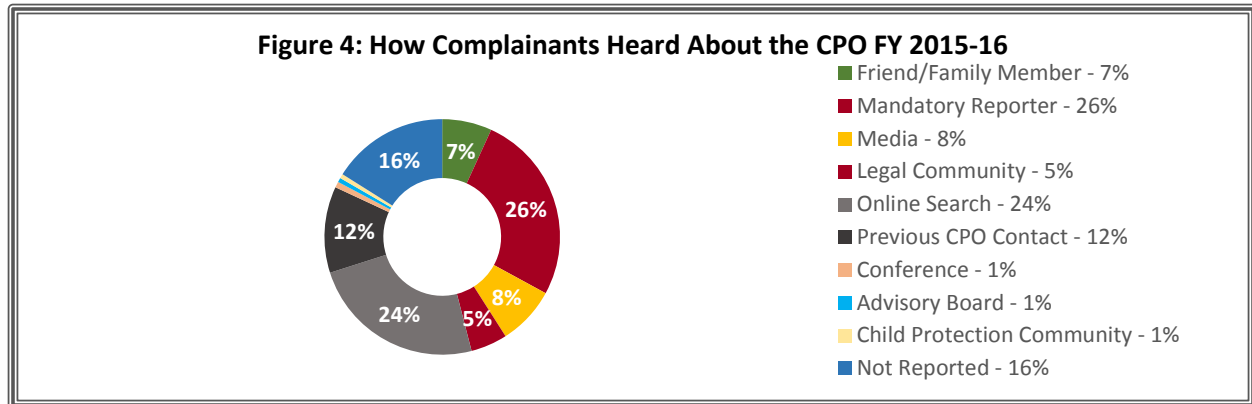
Who Contacted the CPO

To identify trends or systemic problems within the child protection system, the CPO tracks who is contacting the office. For example, if a specific group of people repeatedly contacts the office about the quality and/or availability of services, it would alert the CPO to a possible systemic issue. During Fiscal Year 2015-2016, the CPO saw a 2 percent increase in the number of foster and adoptive parents contacting the office compared to the year before. (See Figure 3).



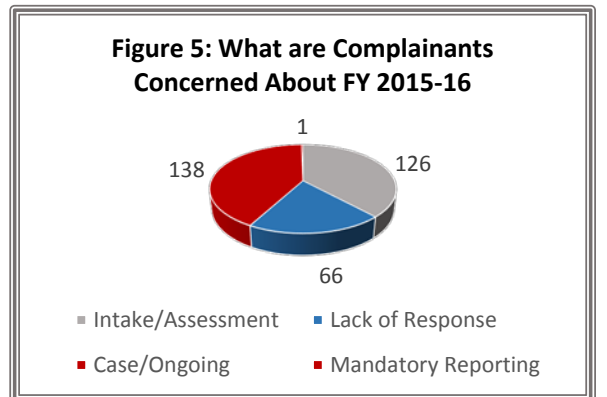
How Complainants Heard About the CPO

In the upcoming fiscal year, the CPO will launch new initiatives to reach new communities where its services may be needed. In order to decipher how to best expand the reach of its services, the CPO must track how people first heard about the office. (See figure 4.)



What are Complainants Concerned About

Similar to tracking who contacts the office with complaints, the CPO also monitors what the original complaint is concerning. Definitions for complaint types can be found in Appendix D. This information helps the CPO focus its efforts on specific practices within the child protection system. For example, compared to the past fiscal year the CPO saw an increase in the number of complaints in the Case/Ongoing category, such as the permanency of a child who has been removed from their home. (See Figure 5.)



Phases of a Complaint

The CPO responds to complaints in three distinct phases:

1. Inquiries
2. Reviews
3. Investigations

A process flow chart illustrating how a complaint moves through the three phases may be found in Appendix B.

Phase One: Inquiries

Each complaint begins in the Inquiry Phase. An inquiry is typically a question or request for information to help navigate the child protection system.

During this phase, staff must decide whether the complaint falls within the CPO's jurisdiction, as outlined in statute. If the complaint does not fall within the CPO's jurisdiction, then the CPO will serve as a systems navigator for the complainant. The CPO will provide the complainant with information about relevant agencies and possible options for resolving their concern. Inquiries will not move into the second phase if there is not enough information or the complainant requests that no further action be taken.

Cases that are not within the CPO's jurisdiction will be closed as an inquiry. If the CPO determines a complaint falls within its jurisdiction, it will move into Phase Two.

Phase Two: Reviews

Once a complaint moves into Phase Two, a review is automatically opened and assigned to a staff member. Reviews are the most common type of involvement by the CPO. Reviews often involve the most research for staff as they **work to determine if an agency followed or violated agency policy or Colorado law.**² To make this determination, staff will gather relevant information from third parties such as law enforcement, the judicial department and schools. They will also gather documentation and other information from the agency that is being reviewed.

A review looks at specific concerns brought to the CPO by a complainant, such as a decision by a caseworker in an ongoing case, a communication concern between caseworkers and law enforcement or alleged violations of parental rights. Often during Phase Two, the CPO will identify and review peripheral concerns that were not related to or listed in the original complaint.

Reviews represent some of the most detailed and important work of the CPO, as trends identified in reviews have repeatedly revealed systemic concerns within the child protection system. They are also the foundation upon which the CPO writes most of its recommendations. In the past five years, 72 percent of the recommendations made by the CPO were the result of a review.

Phase Three: Investigations

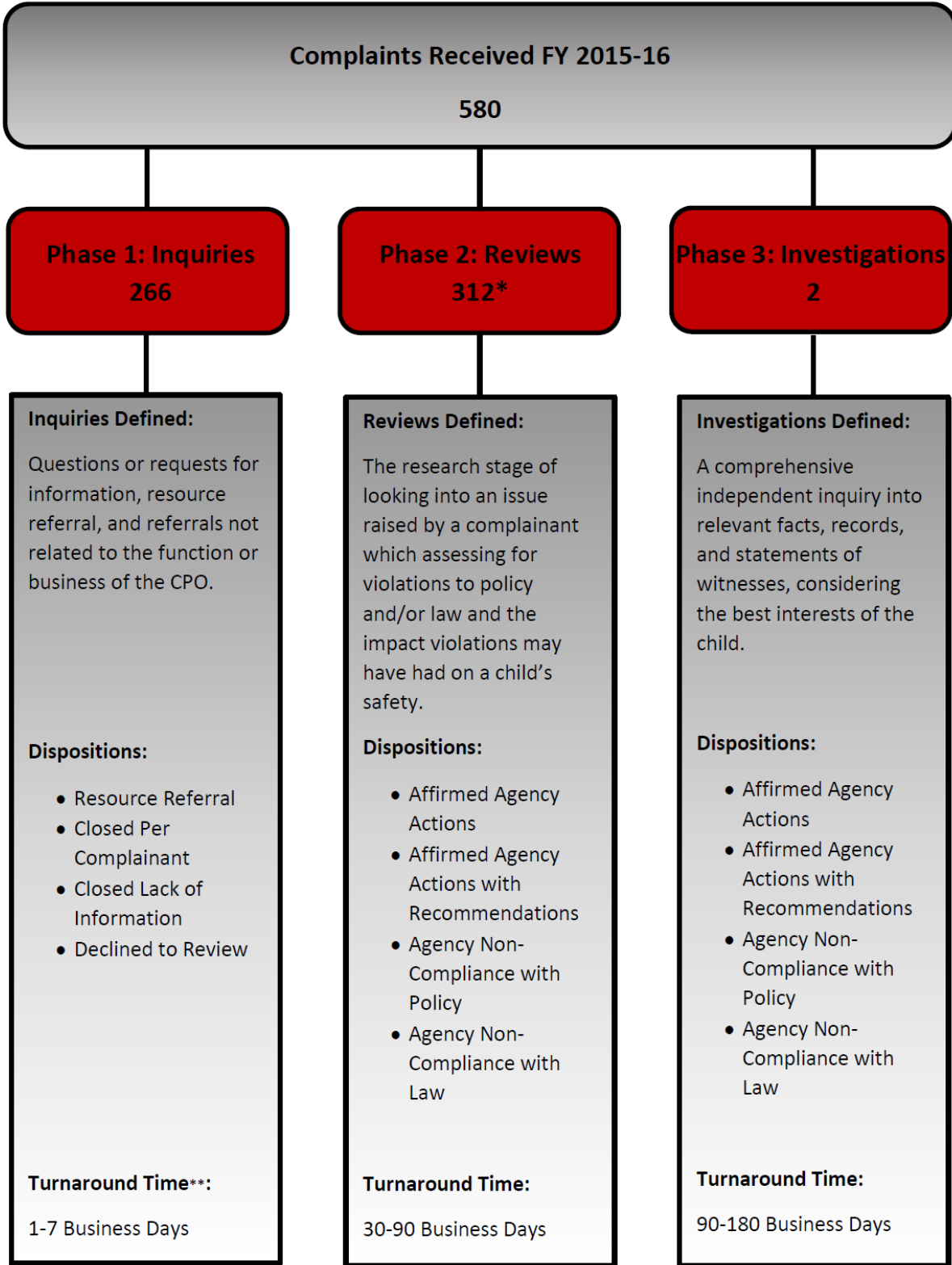
The highest level of intervention by the CPO is an investigation. An investigation is a comprehensive, independent inquiry into relevant facts, records, and statements of witnesses, considering the best interests of the child. A review will move into the investigation phase if the CPO determines that there

² Definitions of agency policies and Colorado Law may be found in Appendix D.

was a violation of policy and/or law and that action, or inaction, by an agency that harmed a child or placed a child in imminent danger or harm.

During an investigation, the CPO builds on the research completed during the review phase of the case. But the inquiry now goes deeper and broader. Moving beyond the isolated complaint assessed in the review, an investigation includes collecting additional facts, testimony and any new details that could shed light on systemic concerns within the agency. Additional findings and recommendations may be revealed through an investigation.

Since its inception, the CPO has completed 12 investigations. Half of those investigations involved cases where a child died of abuse and/or neglect and had prior contact with child protection services. In total, investigations have resulted in 39 recommendations to agencies – those account for 19 percent of the CPO’s total recommendations to date.



*This total number includes 3 "Reviews with Monitoring" which is no longer used as a classification for CPO work.

**Turnaround Time is the estimated time it takes to reach disposition within each phase and may be affected by the availability of documents from outside agencies.

What is the difference between a review and investigation?

The CPO carefully evaluates each case to decide the appropriate level of response. When deciding whether to move a case from the review phase to the investigation phase, the CPO considers several factors. Below is an example of an investigation and review to demonstrate the difference between the two.

One of the best illustrations of this involves a family first introduced to the CPO in 2013. The CPO was contacted about the family again in 2014. In the first case the CPO found that the actions of the county child welfare agency violated law, violated policy and harmed the child in the case. As a result, the CPO opened an investigation. But in the second case, the agency's violations of policy did not harm or endanger a child and the case was closed in the Review phase. Both cases are detailed below.

Case One: Investigation

Phase One – Inquiry

In August 2013, the CPO received a complaint concerning a county child welfare department. The complainant alleged that a child was seriously injured after the department allowed the child to remain living in an environment that the complainant believed was dangerous.

Phase Two – Review

The CPO opened a review. According to documents in the case, the children were living with relatives in July 2012. The department received a call that one of the children had numerous bruises. A caseworker advised the female caregiver to take the child to the hospital after they viewed the child's bruises. Medical professionals at the hospital did not have any concerns about abuse or neglect. During a follow-up interview the caseworker noted that the caregivers gave inconsistent explanations for how the child was injured.

Before the assessment into that incident was completed, the department received a second call about the family notifying them that the child was at the hospital being treated for a broken femur. While the child was at the hospital it was discovered that the child also had a broken arm that was in the process of healing. The doctor treating the child alerted the caseworker to their concerns about the caregiver's explanation for the injuries.

Despite their knowledge of the child's injuries, the department allowed the children to remain with the caregivers. The caseworker did not note any concerns with the family between August and December 2012.

In December 2012, the department was informed that the same child was in the emergency room being treated for a significant burn on their face that had occurred days earlier. The caregiver told the caseworker that she had left the child in the bath tub alone and the child had poured hot water over their face. The child remained in the hospital until January 2, 2013. Five days after the child was released from the hospital, the caseworker learned that the caregivers had yet to fill a prescription for a cream to treat the child's burns.

Still, the children remained with these caregivers until March 11, 2013. On that date the caseworker was notified that the child had severe burns on their bottom, which the caregiver said was the result of the child pouring bleach in their stroller. The physician treating the child reported that the injuries were not consistent with the caregiver's explanation.

After reviewing the case the CPO found that there were several violations of policy in handling the case. Due to imminent safety concerns for the children, the CPO contacted the county director. The department immediately responded to the concerns of the CPO and found that it was necessary to remove the children.

Once the CPO found there were policy violations, it assessed whether those actions harmed the child or placed the child in imminent danger.

The CPO found that the caseworker violated Volume VII when they did not properly document or assess the child's bruises in 2012. They also violated policy when they did not properly document or assess the discovery of the child's broken arm and femur. Even after witnessing severe injuries on the child, the CPO found that the caseworker did not properly investigate the concerns and assess the child's safety. These actions, combined with the department's history with the family, placed the children in **imminent danger**. As a result, the CPO opened an investigation.

Phase Three – Investigation

Once the investigation was opened, the CPO expanded its scope and began collecting law enforcement reports, conducted interviews with individuals not previously interviewed during the

review – including additional medical professionals and law enforcement personnel. Some people interviewed for the review phase of the case were re-interviewed to give the CPO a better understanding of the case as a whole and department-wide practices, as compared to the actions of a specific caseworker.

At the conclusion of its investigation, the CPO found that the department:

- Failed to document concerns and contacts with the family
- Failed to properly assess and document risk and safety concerns
- Failed to document concerns about the safety of the child's siblings
- Failed to investigate concerns of injuries to the child

The investigation resulted in six improvement recommendations for the department. A full copy of the investigation can be found on the CPO's website.

Case Two: Review

Phase One – Inquiry

In October 2015, the CPO was again contacted about the family. The second complainant alleged that one of the children made a disclosure of sexual abuse and the same county child welfare department did not investigate the disclosure, nor did they report the disclosure to law enforcement.

Phase Two – Review

The CPO opened a review. The children had previously been removed from the caregivers' home and placed into foster care in March 2013. Both caregivers pleaded guilty to child abuse resulting in serious injury in April 2014.

Five months after the former caregivers pleaded guilty, one of the children said they were sexually abused while they were in their care. The child was in a place where they felt safe when they made the disclosure on September 17, 2014. The assigned caseworker originally stated they documented that

information and reported the allegation to law enforcement. But the CPO found no evidence to support that claim and later confirmed that the disclosure was never investigated by caseworkers. After speaking with the district attorney's office, the CPO also confirmed that the information was never provided to law enforcement. The CPO found that the department had violated policy and law. The CPO also assessed whether the case should move into the investigation phase. But because the disclosure was made after the child was placed in a new environment where they felt safe, the department's violations did not harm the child nor did it place them in imminent danger.

Due to the criminal nature of the outcries, the CPO contacted the assigned detective to report the concerns. The case was concluded in the review phase and three recommendations were sent to the department.

Results of Our Work

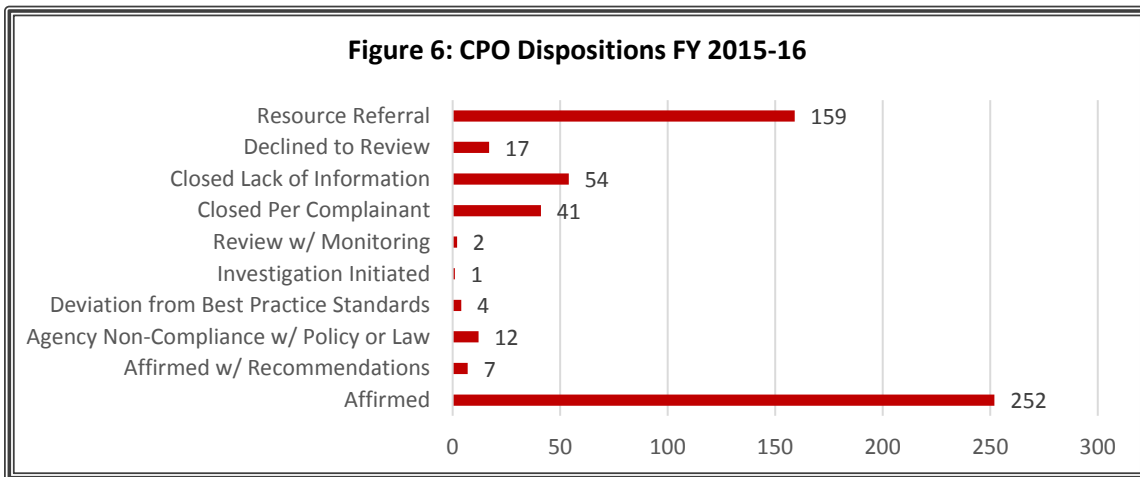
Dispositions

At the conclusion of each phase, the CPO will assign a disposition of the action taken by the CPO. In total, the CPO has eight dispositions — or conclusions — that it may reach at the conclusion of the three phases. (See Figure 6.) If the complaint remains in the Inquiry phase, it may be assigned one of the following dispositions:

- Resource Referral
- Closed per the complainant’s request
- Closed due to lack of information
- Declined to Review

Should the complaint rise to the Review or Investigative phases, the CPO will assign one of the following dispositions at the conclusion of the review and/or investigation:

- Affirmed Agency Actions
- Affirmed Agency Actions with Recommendations
- Agency Non-compliance with Policy
- Agency Non-compliance with Law



Definitions for each disposition may be found in Appendix D.

Affirmed Agency Actions

The CPO assigns the disposition, Affirmed Agency Actions, when the CPO finds no violations of policy or law in the agency’s handling of a case. In reviewing the 580 complaints the office received during the past fiscal year, the CPO affirmed the action of the agency under review in 252 completed reviews.

Affirmed Agency Actions with Recommendations

On occasion, the CPO will find that although all policies and laws were followed, there remain areas that the agency could improve. In these instances, the CPO will affirm the actions of the agency and provide recommendations. In Fiscal Year 2015-2016 the CPO affirmed the actions of the agency under review and provided recommendations in 11 cases.

Agency Non-compliance with Policy

The CPO consults multiple polices and laws when reviewing agencies. These policies dictate the standards for which an agency must provide services to children and families. Currently, the most frequent violation of policies are violations of Volume VII.

Example: Affirmed Agency Actions w/ Recommendations

A complainant alleged that a county child welfare department was not providing enough support for a caretaker and the child who was recently placed in their care. The CPO opened a review and collected documents from the case for assessment. During its review, the CPO spoke with the county department and learned the caretaker was receiving several forms of assistance such as gas cards, stipends for daycare and had been assigned a kinship support worker.

The CPO affirmed the actions of the department, but was concerned that the caseworker was not properly documenting their interactions with the family. As a result, the CPO recommended the department hold a training for its staff and supervisors about the rules surrounding case documentation. Lapses in documentation could result in ineffective and/or duplicative services in the future.

Example: Agency Non-compliance with Policy

The CPO received a complaint that a county child welfare department was failing to respond to allegations of abuse and/or neglect concerning a 15-year-old juvenile. The CPO opened a review in the case and immediately started collecting documents. Police files revealed three occasions in which law enforcement contacted the county child welfare department with concerns about the juvenile’s safety after the juvenile had made statements to mandatory reporters that they did not feel safe with their father.

The CPO found no evidence that the caseworker assigned to the case recorded any of the concerns from law enforcement. The caseworker later told the CPO that they had an “extensive file” on the family. But they did not feel the concerns of law enforcement rose to the level of abuse and/or neglect and they did not document the concerns in the TRAILS Database. (See Appendix D).

Not documenting the concerns violated Volume VII (7.200.61), which requires caseworkers to enter any allegations of abuse and/or neglect into TRAILS. The CPO found that the concerns expressed by law enforcement were serious enough that that they should have been further investigated by caseworkers. Failing to note the concerns in the TRAILS is worrisome because it left gaps in the child’s abuse and neglect history. Anyone accessing the juvenile’s file in the future would not be aware of the concerns and the juvenile’s relationship with their father. At the conclusion of the review, the CPO recommended the department hold ongoing training for caseworkers on documenting allegations of abuse and/or neglect. It was also recommended the department work with local law enforcement to improve communication between the two agencies.

Agency Non-compliance with Law

While the CPO reviews violations of state and federal law, and agencies' policies, the most common transgressions the CPO finds are violations of the Colorado Children's Code. In most instances, when the CPO finds a violation of law, a violation of policy also exists.

Example: Agency Non-compliance with Law

Shortly after a child died of abuse, a complaint was filed against a county department of human services alleging that it failed to investigate multiple concerns of abuse and neglect before the child was killed. The CPO opened an investigation. Through a review of documents in the case, the CPO quickly identified five instances before the child's death in which the department could have addressed safety concerns in the home.

Prior to the child's death, the department received reports from mandatory reporters concerning domestic violence, physical abuse, neglect and drug use by the children's parents. In one report, the children's mother was in the hospital following the birth of her youngest child and her baby tested positive for marijuana. None of the concerns were assigned to a caseworker to investigate.

The CPO found there were obvious areas where the department could have intervened and assessed the family's need for services. The department violated C.R.S. 19-3-102(1)(g) and Volume VII (7.202.4(G)). There was a clear pattern of risk and the five reports that were not investigated could have provided early warning signs of the incidents that led to the child's death. It was recommended that the department hold trainings for staff and supervisors, as well as evaluate decisions on whether to investigate concerns of abuse and/or neglect. Recognizing risk early on provides an opportunity to offer preventative services before a child is in imminent danger of harm.

Investigations Published in 2015-2016

The CPO published three investigations during the past fiscal year. All three of the investigations were initiated in Fiscal Year 2014-2015 one of them was completed in the same fiscal year. Two of these investigations involved children who died of abuse. The third involved the unreported sexual assault of a 14-year-old juvenile. All three cases resulted in criminal prosecutions. As a result, prosecutors requested that the investigations not be published until the conclusion of the related criminal cases. The CPO complied with these requests to maintain the integrity of the court proceedings. Once the proceedings were concluded, the CPO sought the agencies' response to its findings. The CPO published the investigations on its website after receiving all three responses.

Complete versions of the investigations, along with the agencies' responses, may be found in Appendix C.

Recommendations

During its first five years, the CPO released 206 recommendations. Recommendations were sent to 23 counties during the CPO's first five years. Once the CPO has written its recommendations, they are sent to the agency under review and that agency's supervising entity.

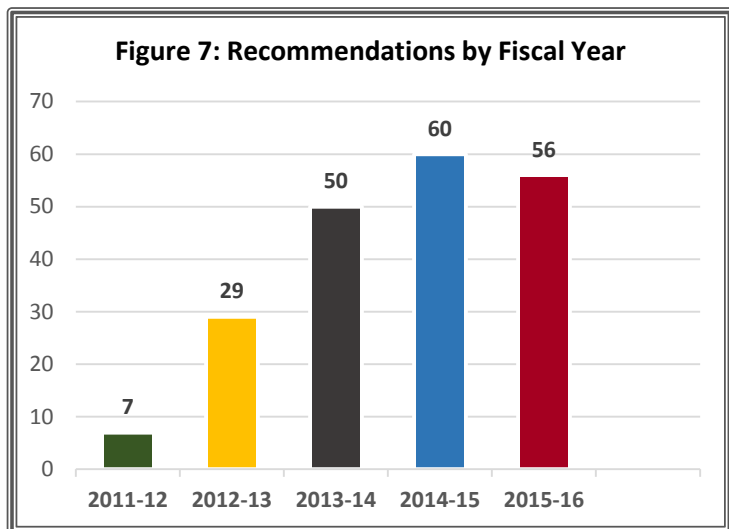
Each of the CPO's recommendations were developed out of hours of research and investigations into case-specific issues and systemic problems within the child protection system. (See Figure 7.) Recommendations are one of the most critical services the CPO provides the public, as they help to

improve the child protection system on all levels. Some recommendations address the training needs of a specific caseworker or agency employees. Others target concerns that are affecting the delivery of services in a county or region in Colorado. Many are aimed at correcting statewide problems. But all of the recommendations the CPO delivers help create a stronger child protection system.

Repeatedly, the CPO has used recommendations as a way to close loopholes in state law and/or policy that could potentially harm children. In one case, a recommendation from the CPO closed the gap in Volume VII that allowed caseworkers to place children – with the permission of their parents – in the care of family or friends without running a background check first. The CPO was also instrumental in securing legislation that ensured that children would no longer be placed with relatives that had been convicted of any level of sexual assault.

The CPO has also used recommendations to identify ongoing trends. For example, monitoring the recommendations made in the past two years, the CPO has learned that adoptions are being unnecessarily delayed in some counties. This is a subject the CPO plans to research further in the upcoming year.

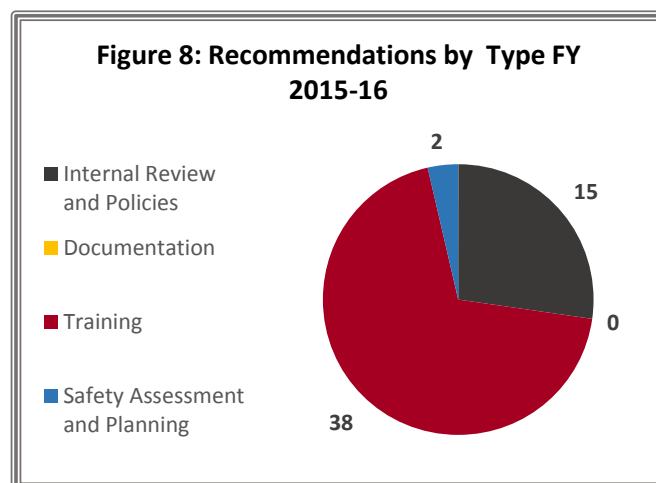
To date, the CPO has made recommendations for improvement to county child welfare departments, the CDHS, mental health providers, hospitals and law enforcement. In all but one recorded instance, recommendations sent to county child welfare departments have been acknowledged and in many cases the departments have implemented the changes.



Recommendations by Type

While recommendations cover a multitude of issues, typically they fall into one of four categories. One case may contain recommendations that fall into more than one category. (See Figure 8.)

- Documentation
- Safety Assessment and Planning
- Training
- Internal Review and Policies



Documentation

Any recommendation that addresses inaccuracies or lapses in documentation while handling a case fall into this category. This category may also include recommendations for training and reviews that would improve an agency's documentation practices. Properly documenting a case is vital in creating a history of the family and providing a detailed summary of the family's involvement with the child protection system should they become involved with the system in the future.

Case Example: Documentation Recommendation

The CPO received a complaint alleging that children with an open case with a county child welfare department had not had any contact with their mother, despite the fact that the "no contact" order in the case had been lifted by a judge. The complainant was also concerned that family therapy sessions between the mother and the children had not started and the mother was not notified of her son's suicide attempt.

During its review of the case, the CPO confirmed that the "no contact" order was lifted and the judge ordered that family therapy begin. But while reviewing the case file, it became clear that there was no documentation of efforts to begin family therapy and there were no notes explaining the delays. By the conclusion of the CPO's review it was apparent that there was a lack of documentation in the case for a period of seven months. The CPO sent the department a recommendation to improve timeliness of documentation.

Safety Planning and Assessment

This category includes any recommendations aimed at improving how a child's safety is assessed by agency employees or any recommendations that address improvements in creating a safe environment for a child. Understanding the environment in which a child is living is vital to ensuring their physical and emotional safety. When concerns about safety are underestimated, it may put a child in harm's way. Over assessing unnecessarily infringes on a family's ability to care for a child. Recommendations for improved or ongoing training surrounding these issues may also be included in this category.

Case Example: Safety Planning and Assessment Recommendation

In October 2013, the CPO received a complaint alleging that a county child welfare department missed opportunities to intervene in a family with four young children. The four children had been removed from the home and both parents were charged with felony child abuse. All of the children were non-verbal when they were removed and none of them were potty-trained, according to documents in the case. The complainant claimed the department received multiple reports of concern for the children's safety and well-being before they were removed from the home, however the department failed to act and ensure the safety of the children.

The CPO opened a review in the case. During its review, case documents showed that a neighbor told the department the family's apartment was "filthy" and "all of the children are in diapers and the beds are soiled with piss and mold." But that report was not assigned to a caseworker for assessment. The department said the reason the concern was not investigated was because the report didn't include information about abuse or neglect "as defined in law," according to notes in the case file.

Not assigning the concern to a caseworker violated Volume VII (7.202.4(G)) and (7.202.601(2)(b)). The CPO found that the information provided by the neighbor was concerning enough that it should have triggered an assessment by the department to determine if the children were being abused and/or neglected. Had the concern been further assessed by a caseworker it is likely that the children would have been removed from the home and provided services sooner.

When caseworkers did visit the home following a subsequent report, they failed to properly document concerns about the children's safety in the home. This violated Volume VII (7.202.52(E)). Failing to properly document concerns about a child's safety could impact the services and level of intervention a child may later receive.

The CPO recommended that the department train all of its staff on how to assess a child's safety, specifically when a report is first received.

Training

This category includes any recommendations that are designed to improve, continue or provide additional training in any area of concern. Recommendations can be aimed at an individual employee, supervisors or all of an agency's staff. Proper training regarding the provision of child protection services is crucial to children and their families.

Case Example: Training Recommendation

The CPO received a complaint concerning a child who died of abuse. The complainant alleged that a county child welfare department had an open case for the family and caseworkers mishandled a report of physical abuse made in April 2015, shortly before the child was killed.

A review was opened and documents in the case showed that the department did receive a report of suspected abuse before the child's death. The reporter stated that there were concerns about the mother's behavior toward the child and said she had "been observed being rough" with the child before. The reporter also indicated that the child had a bruise on their chest and was concerned that the mother may have caused the bruise.

The department did not assign a caseworker to assess the concern because it found there was not enough information – as defined in law – to show that the child was being abused or neglected, according to notes in the case file. It was determined by the department that the family would benefit from preventive services, but the prevention services unit was at capacity and was unable to accept the case. Because of a deficit within the state database, the prevention services unit was unable to document that the case was not assigned for further services. The child was killed in May 2015. The mother's boyfriend was arrested and charged with the toddler's death.

The report about the bruise on the child – in addition to details about the family's history – were concerning enough to warrant further investigation by the department. Not assigning a caseworker to assess the report violated Volume VII (7.202.4(G)(1)). Because of this violation the CPO recommended that the department continue training its staff to ensure that all the information in a report is collected and considered when handling a report of abuse and/or neglect. The CPO also made a recommendation to the CDHS to build a fix to the state database to ensure that all program areas within the department can enter and access necessary documentation when making decisions on cases.

Internal Review and Policies

Often reviews will reveal areas of improvement that may be addressed by an agency completing an internal review, such as examining the files of a specific employee or analyzing a practice used agency wide. Any recommendations that suggest an agency develop internal or external policies to improve practice also fall into this category.

Case Example: Internal Review and Policies Recommendations

The CPO received a complaint concerning a county child welfare department and a case in which a child had been removed from the mother's custody and not placed with their father.

A review was opened and documents in the case showed that the child was removed from their mother's care after the department received a report about suspected drug abuse and domestic violence. The child was moved to a kinship placement. The CPO affirmed this decision by the department, but identified concerns with how long it took the caseworker to assess the home where the child was placed. It took the caseworker longer than the required 60 days to complete the assessment, which was a violation of Volume VII (7.104.131(A)). It was also discovered that this caseworker was previously the subject of a different complaint the CPO reviewed. In that complaint, the accuracy of the caseworker's documentation was questioned.

Because of the caseworker's history, the CPO recommended that the department conduct an internal review of the caseworker's files to determine if there were any additional concerns with their work.

Fiscal Year 2015-2016 Highlights

Change has been one of the defining characteristics of the CPO during the past year. The CPO gained independence half way through the fiscal year. Independence has brought the office to a place of new potential and has exposed it to new resources to complete the mission outlined in statute. But it has also brought about reflection in the CPO. Since becoming independent, the CPO has meticulously analyzed its first five years and has stringently created efficient and aggressive strategies for moving forward.

Despite the physical and internal shifts brought about in the past year, the CPO was uninterrupted in providing services to the public. The past year was marked by some of the CPO's strongest strides. In addition to the increased work the CPO is doing for citizens, entities within the child protection community have also started utilizing the CPO as a resource to improve the system.

Since becoming independent, the CPO has relocated and is now housed in the Colorado Judicial Branch. The CPO has also successfully completed more than a dozen goals in key areas – infrastructure, internal operations, human resources and outreach – to establish the basic functions of an independent government agency. The CPO continues to move forward in providing services to children and families and connecting with key stakeholders. Again, these tasks were completed while maintaining the continuity of the CPO's day-to-day business.

“THE OFFICE SHALL WORK COOPERATIVELY WITH THE CHILD PROTECTION OMBUDSMAN BOARD... THE DEPARTMENT OF HUMAN SERVICES AND OTHER CHILD WELFARE ORGANIZATIONS, AS APPROPRIATE, TO FORM A PARTNERSHIP BETWEEN THOSE ENTITIES AND PERSONS, PARENTS, AND THE STATE FOR THE PURPOSE OF ENSURING THE GREATEST PROTECTIONS FOR THE CHILDREN OF COLORADO.”

-SB 15-204

Budget

During Fiscal Year 2015-2016, before becoming an independent state agency, the CPO was funded by moneys from the state General Fund, through a contract with the CDHS. After becoming an independent state agency, the Joint Budget Committee (JBC) allotted the CPO an additional \$13,471 to accommodate expenses associated with creating the Child Protection Ombudsman Board and legal services with the Colorado Attorney General’s Office. The total appropriation for Fiscal Year 2015-2016 was \$484,762. Figure 9 depicts the total appropriations for each fiscal year the CPO has been in operation.

Figure 9: Office of Child Protection Ombudsman Yearly Appropriations				
FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016
\$343,000	\$343,000	\$343,000	\$504,250	\$484,762 ³

The internal budget of the CPO functions within the following categorical breakdowns:

- **Advisory Board Services**—These expenses are required for the fulfillment of the statutory mandates as they relate to the board. These expenses include travel for out of town board members, statewide board meetings and outside facilitation for various board development needs.
- **Judicial Professional Services**—Expenses related to the human resource, payroll and fiscal assistance provided by the Judicial Branch.
- **Legal Services**—Expenses related to the utilization of the Attorney General, such as Board development, CORA requests, legal establishment of CPO operating and fiscal policies.
- **Personnel Services**—Expenses associated with salaries and benefit packages for employees.
- **General Operating Fund**—General expenses related to the day- to-day functioning of the CPO.

This fiscal year was unique in that for the first two quarters, the CPO was a program within the CDHS and under the program management of the NACC. (See Figure 10.) Beginning January 2016 and continuing through the second half of Fiscal Year 2015-2016, the CPO began to assess the fiscal needs of the CPO and budget for anticipated and unanticipated expenditures related to the transition from a program to a fully functioning independent office within state government.

Figure 10: FY 2015-16 Budget Allocations	
Expenditure	Cost
Advisory Board Services	\$7,200
NACC Indirect Expenses (Quarters 1 & 2)	\$22,241
Judicial Professional Services (Quarters 3 & 4)	\$10,000
Legal Services	\$27,838
Personnel Services	\$355,884
General Operating Fund	\$61,599
TOTAL BUDGET ALLOCATION FOR FY 2015-16	\$484,762

³ The reduction in funds between FY 14/15 and FY 15/16 was a result of CPO becoming an independent agency. The funds previously allocated to the NACC were reevaluated and reduced after the CPO was moved under the judicial department.

Accomplishments

Increasingly during the past fiscal year, the CPO was used as a resource by law enforcement, city government, juveniles and even a county child welfare department. These contacts and collaborations represent significant strides for the CPO. Being utilized by not only private citizens but entities within the child protection system is a vital role of the CPO as an educator. While the CPO experienced growth in several areas during the past fiscal year, the examples below highlight key areas in which the CPO has expanded.

First Juvenile Contact

For the first time since its inception, the CPO received a complaint from a juvenile. A juvenile in the metro area contacted the CPO with concerns that their relationship with their caseworker was hindering progress in the case and negatively affecting the juvenile. In their complaint, the juvenile alleged that they

had attempted to discuss their concerns with the county child welfare department, but they did not believe their concerns were heard and/or seriously considered.

"I really enjoyed my time meeting with Sabrina, she was cool. I appreciate her taking the time to ask me about my caseworker."

*Gabby A.
Juvenile Contact*

The CPO opened a review and quickly learned that several people involved with the juvenile's case had also become concerned that the relationship had reached a level that was detrimental. There were reports that the caseworker had missed meetings. One professional involved in the case said they viewed the relationship as "unsupportive." The CPO also

became concerned that the relationship was negatively affecting the permanency of the juvenile. Those concerns and findings were presented to the department under review. The CPO also made recommendations to review the case and the caseworker assignment. It has since been reported that a new caseworker was assigned to the case and the juvenile is doing well.

Selected to Serve on the Denver Child Safety Net Impact Team

In July 2015, Denver Mayor Michael Hancock selected the CPO to serve on the Denver Child Safety Net Impact Team. The team was created in response to the death of a 23-month-old who died of abuse that summer. The child's family had been the subject of several calls to child protection services. In addition to creating recommendations for ways to improve Denver's child-welfare system, the team was also charged with reviewing all areas – from technology to training – that affect child protection. Denver Public Schools, the Denver City Attorney's Office, the Denver District Attorney's Office, the CDHS, the Boys & Girls Club and others were also selected to serve on the team.

Contacted by Rural Area Law Enforcement

The CPO has launched aggressive efforts to reach more members of the child protection community in rural areas. During the past fiscal year, the CPO completed an investigation that was triggered when law enforcement reported concerns with the local child welfare department. The allegations were egregious and through its investigation the CPO revealed serious law and policy violations by both a director and supervisor. A complete copy of the investigative report may be found in Appendix C. The impact of this investigation highlights the value of CPO's independent evaluations. But it also demonstrates the ongoing need for outreach efforts to rural communities that are less familiar with the services of the CPO.

Outreach

More outreach initiatives were completed and launched in Fiscal Year 2015-2016 than in any other year of the CPO's existence. Connecting with and serving new communities ensures that the CPO is well versed in the diverse needs of agencies across the state and is a crucial part of improving the child protection system. During the past fiscal year, the CPO completed site visits to the Indiana Department of Child Services Ombudsman Bureau and the Office of the Family and Children's Ombudsman in Tukwila, Washington to help design smart and effective initiatives and policies. The CPO delivered informational sessions during conferences for several stakeholders in the child protection community and has maintained a presence on multiple committees, such as the Child Fatality Review Team and the Colorado Department of Public Health and Environment's Child Fatality Prevention System State Review Team. In an effort to continually improve the CPO's outreach strategy, the office also started collecting surveys on public awareness of the CPO, including surveys sent to the Foster Parent Association and judicial officers.

Opening an Independent Agency

In becoming an independent government agency, the CPO, in many ways, opened a new office. During the last six months of Fiscal Year 2015-2016, the CPO maintained seamless communication with the public while it acquired phones, computers and necessary software. It continued investigating and reviewing complaints as it also worked with the judicial department to construct a permanent office space in the Ralph L. Carr Colorado Judicial Center. The CPO also worked to improve the office as it became an independent agency by completing a rebranding initiative and developing an internship program.

Moving Forward

As an essential process of opening a new office, the Ombudsman completed an extensive assessment of the CPO's operations. This assessment included a review of the office's statewide outreach, its performance in investigating systemic issues and its efforts to improve the office's transparency. This evaluative process was informative and will be ongoing.

Strategic Plan

Following the review of the past five years, the CPO created a strategic plan to move forward effectively. While there are many objectives the CPO plans to work towards during the next fiscal year, below are three key strategies it will focus on:

- Increase statewide outreach and awareness of the office
- Increase the number of systemic reviews/investigations
- Improve transparency

Statewide Outreach

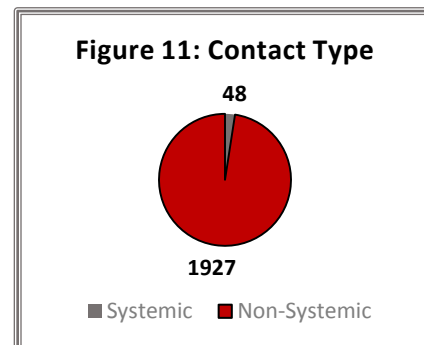
The CPO is tasked with creating a well-publicized, easily accessible and transparent grievance process for the public to voice their concerns about the child protection system. Additionally, the office is required to make systemic recommendations to the General Assembly to improve the safety of and promote better outcomes for children and families receiving services.

To accomplish these goals, the CPO needs to dramatically increase its statewide outreach efforts. It is impossible to promote the services of the office, or to learn about the needs of children, families and child protection stakeholders across Colorado if the CPO does not dedicate substantial time and resources to increasing our statewide knowledge.

This summer the Ombudsman and the CPO staff began a "listening tour" throughout Colorado to speak to stakeholders in rural Colorado. Most recently, the CPO completed a trip to southwest Colorado where staff met with partners and learned about the challenges facing a rural community's ability to provide child protective services to children and families. These initial efforts have broadened the community's understanding of the CPO and informed the CPO about ways to expand its role from responding to citizen complaints to proactively serving as a resource for the child protection system.

Systemic Reform

During the past five years, this office has focused almost entirely on individual complaints about child welfare human services agencies. In fact, only 48 of the 1,927 complaints the CPO has received have been concerning systemic issues. As this report indicates, these individual complaints have been vitally important and have resulted in numerous changes in policy and practice. And while this work will continue, the CPO is expanding its focus on the child protection system as a whole. In order to ensure the CPO is meeting its mandate, as established in SB 15-204, it must work to improve the child protection system in its entirety.



The overall number of calls that the CPO receives has increased by more than 300 percent in the past five years, yet the number of investigative staff has remained the same. It will be critical to increase the investigative capacity of this office so that it can promptly and thoroughly respond to the public's concerns about systemic problems. Due to the lack of proper funding and staffing, the CPO has not yet had the ability to consistently dedicate resources toward these issues. These are problems that impact not just one or two children, but potentially generations of children and their families.

Currently, the CPO has started researching several systemic issues affecting hundreds of children in the state. Without additional funds, however, those initiatives run the risk of taking years to complete or, in some cases, never starting. More funding will be required so that these investigations can be pursued. Despite this challenge, the CPO is utilizing all resources available to it.

Utilizing the resources that are currently available while also seeking to expand the CPO will be key in advancing the office's mission. Systemic reviews can provide valuable information to other state departments and the legislature.

Transparency

Historically, one of the biggest frustrations by the public is the lack of information that they receive about child protection cases. This lack of information has created uncertainty and even distrust about the proper functioning of the child protection system.

While the CPO is bound by both federal and state confidentiality laws, the CPO does have the mandate to provide data to the public about the child protection system. To date, the CPO has had insufficient resources to consistently and regularly inform the public about how the child protection system is functioning.

One tool that will aid the CPO's ability to communicate more precisely to the public about system wide problems is the use of a new computer database that will begin in October 2016. Prior to the new database, the CPO had no ability to quantify the nature of complaints and develop systemic trend data. The new database has been designed to collect both the primary and secondary natures of complaints – allowing the CPO to identify areas of systemic concern and communicate them to the public. The database will also track violations to policy and law to demonstrate either a need for clarification to a particular policy or statute, or improved training statewide.

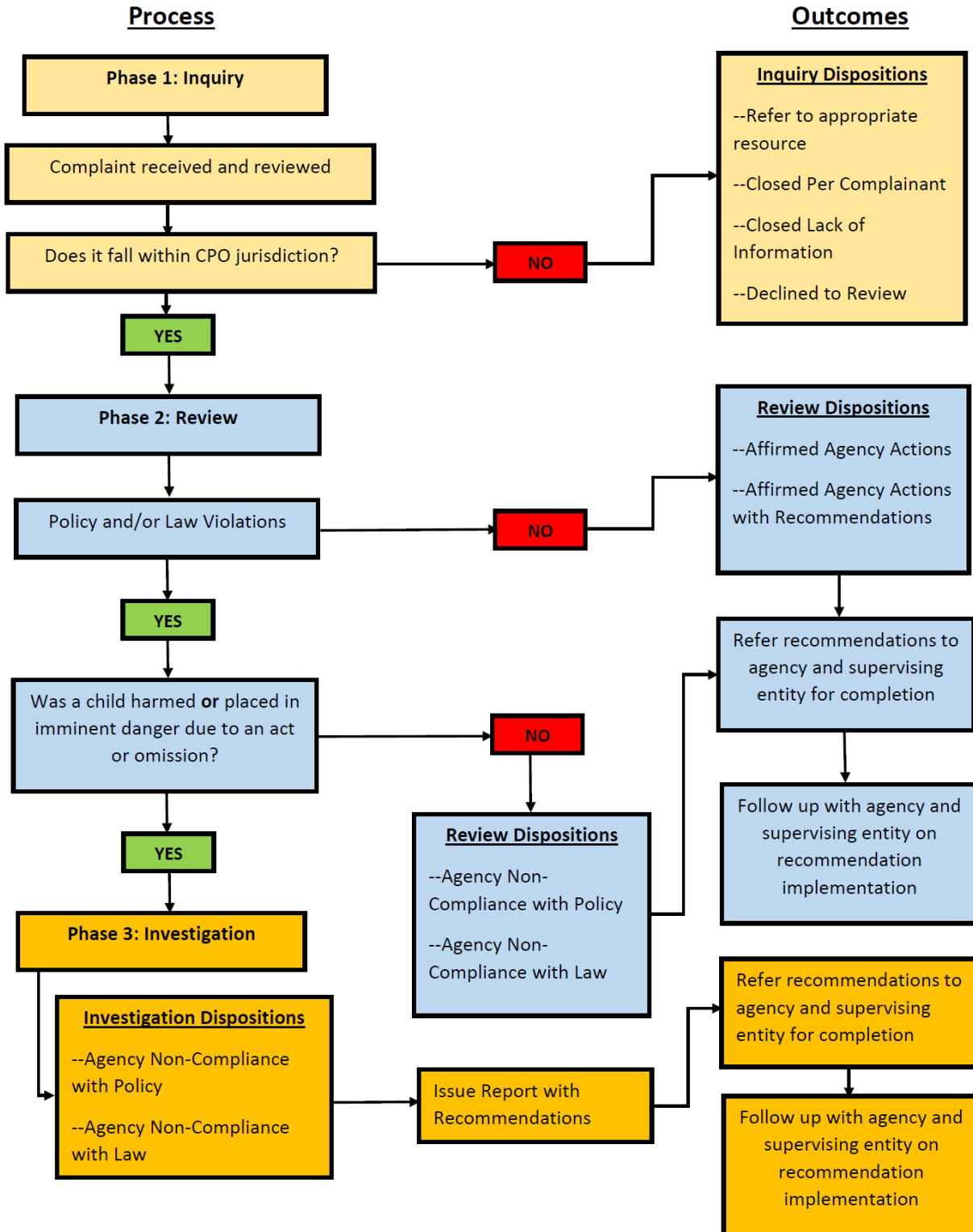
Additionally, the CPO hired its first ever Communications and Policy Director. This part-time position will allow the CPO to develop a strong communications strategy that serves to consistently educate the public on CPO findings recommendations and overall programming.

Conclusion

The CPO serves a vital function in the improvement of the child protection system. However, there is room to improve our performance and expand our services. The CPO is looking forward to the next chapter in the evolution of the office. There is a lot of work to be done and it cannot be done alone. The protection of Colorado's children is everyone's responsibility, not only as professionals but as human beings. It is a charge, and one the CPO does not take lightly. Ensuring a positive and healthy future for Colorado's children will take the efforts of each and every citizen of Colorado. We look forward to working alongside the members of the child protection community, and citizens of Colorado, to ensure a stronger child protection system for the future.

Appendix A: Fiscal Year 2015-16 Data Analysis

Appendix B: CPO Process Flow Chart



Appendix C: Investigations

Appendix D: Definitions

Affirmed Agency Actions: This conclusion means that the CPO found no policy or law compliance issues as they relate to the complainant. In these instances, the CPO is stating that the agency under review complied with policy and law as it relates to the issues brought to the CPO's attention.

Affirmed Agency Actions with Recommendations: The agency was not found to have violated policy or law as it relates to the issues brought to the CPO's attention in the initiating complaint. However, if the CPO finds areas of practice that could be improved upon the CPO will make recommendations to the agency under review that will directly impact service delivery to children and families in a positive manner.

Agency: Any entity who receives public moneys for the purpose of providing child protection services to children and families of Colorado.

Agency Non-Compliance with Law: The CPO finds clear evidence that the agency serving a particular child or family failed to follow child protection law as outlined in the Colorado Children's Code, or any other relevant statute governing the functions of a particular agency or entity.

Agency Non-Compliance with Policy: The CPO will conclude a review with this finding if, during the course of the review, there is clear evidence that the agency or caseworker serving a particular child or family failed to follow policies developed specific to the investigated agency functions or Volume VII.

Case/Ongoing: This category includes complaints related to a child's permanency, location of placement for children in out of home care, family visitation, the provision of treatment services, agency contact and involvement with families as well as termination of parental rights.

Child Protection System: Colorado's child protection system is made up of a variety of agencies responsible for the protection of Colorado's children. These agencies include, but are not limited to: law enforcement, state and local human/social services agencies, treatment systems, medical and public health.

Closed Due to Lack of Information: This disposition is reached when a complainant does not provide the CPO with the necessary information to begin researching the complaint.

Closed Per the Complainant's Request: This disposition is reached when a complainant contacts the CPO after filing a complaint and requests that the CPO discontinue researching their concerns.

Colorado Children's Code: State laws developed to protection children which are defined in Colorado Revised Statute 19-1-101.

Complainant: Any individual contacting the CPO requesting review of the actions or inactions of a child protection agency.

Complaint: Any complaint shall be defined as an alleged action or inaction by a member or agency within the Colorado child protection system. Complaints may be specific to an individual person or may involve systems issues affecting multiple participants within the child protection system.

Declined to Review: This disposition is reached at the discretion of the Ombudsman and is typically applied when the CPO has previously reviewed a complaint and no new information has been reported warranting a re-review.

Intake/Assessment: This category includes complaints related to the removal of children, improper investigations of child protection concerns, inefficient assessment of safety and risk factors within a child abuse and/or neglect investigation as well as agency contact with family and collateral sources throughout a child abuse and/or neglect investigation.

Lack of Response: This category includes complaints regarding a lack of response by a child protection agency to reported concerns of abuse and/or neglect. These complaints are specific to allegations by a complainant that a child abuse and/or neglect report was made to a child welfare agency, and no action was taken by the agency to investigate the concerns.

Mandatory Reporting: This category includes complaints regarding those mandatory reporters outlined in statute that fail to report, or fail to cause a report to be made, concerning allegations of abuse and/or neglect.

Non-systemic Complaints: Complaints or concerns that were brought to the CPO regarding case-specific issues.

Phase One – Inquiries: Questions or requests for information, resource referral and referrals not related to the function of business of the CPO. These may also include a complaint which is not within the CPO’s purview, or any complaint that does not progress to a review which may be due to lack of information, the complainant requesting no further action or a complaint which the CPO has previously reviewed.

Phase Two – Review: The research state of looking into an issue raised by a complainant. The CPO will complete a thorough review of all information that is located in TRAILS (see definition) and the Colorado court system database and will gather any other information necessary to determine merit to the complaint.

Phase Three – Investigation: A CPO investigation is defined as a comprehensive independent inquiry into relevant facts, records and statements of witnesses considering the best interests of the child. Investigations include a review of records and actions or inactions and may also include assessing additional facts, additional testimony, to include the re-interview of previous witnesses or reporting parties.

Resource Referral: This disposition is reached when, during the Inquiry Phase, the CPO provides system’s navigation services to a complainant and does not elevate the complaint to a review.

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

TRAILS Database: The statewide database used for documenting all calls to county and state human services agencies regarding abuse and/or neglect, as well as all of the work completed by agency staff relating to reviewing and investigating allegations of abuse and/or neglect.

Volume VII: The policies that child protection must follow when handling cases, as promulgated by the Colorado Department of Human Services Board.

