

**COLORADO CHILD PROTECTION OMBUDSMAN BOARD**

**PUBLIC MEETING  
November 8, 2018**

**Record of Proceedings**

Notice of this meeting was provided pursuant to the Colorado Open Meetings Law,  
§ 24-6- 402, C.R.S.

**CONVENE**

The meeting of the Child Protection Ombudsman Board was convened in the Ralph L. Carr Building, Room 1F, Denver, Colorado, 80203 at 8:04 AM by Board Chairman, Kenneth Plotz.

A quorum of the Board was present.

**PRESENT AT THE MEETING**

**Board Members**

Chairman Kenneth Plotz  
Vice Chairman Simone Jones  
Pax Moultrie  
Eldridge Greer  
Darlene Martinez  
Peg Rudden  
Richard Krugman

**On the Phone**

Karen Beye  
Connie Linn  
Kyle Forti  
Charles Greenacre

**Others Present**

Sueanna Johnson, Deputy Attorney General  
Stephanie Villafuerte, Child Protection Ombudsman  
Jordan Steffen, Deputy Ombudsman  
Kati Makelky, Chief Analyst - Division of Child Welfare

Natasha Mitchell, Chief Analyst-Division of Youth Services  
Karen Nielsen, Administrative Coordinator  
Caroline Parker, Child Protection Systems Analyst

### **PRESENT FROM THE PUBLIC**

None

### **AGENDA ITEMS**

#### **I. PUBLIC COMMENT**

None

#### **II. REVIEW AND APPROVAL OF MINUTES**

The board reviewed the September 13, 2018 minutes. The board discovered that on Page 3, Section IV, Citizen Complaint, that the minutes did not contain who proposed a specific motion. After some discussion, it was determined that this section should read as follows:

#### **CITIZEN COMPLAINT**

Chairman Plotz reported that the board received a citizen complaint dated June 27, 2018, and it was forwarded to him by Ms. Villafuerte. Ms. Johnson, Deputy Attorney General, stated that the Public Complaint Process is not intended to appeal the outcome or result of a case submitted to the Office of the Colorado's Protection Ombudsman (CPO). By policy, the board will only investigate a violation of a CPO Policy by the Ombudsman. Chairman Plotz indicated that the board will write a letter to the complainant indicating that the board has determined that the allegations raised in the public complaint do not fall within the purview of the board's public complaint policy.

***Judge Plotz made a motion for board approval for this suggested course of action. This motion was approved first by Judge Greenacre and seconded by Ms. Martinez. The motion was passed unanimously.***

Judge Plotz then made a motion to approve the minutes of September 13, 2018, with the new amendment. Dr. Greer approved the motion and Ms. Martinez seconded the motion. The motion passed unanimously.

### III. CPO LEGAL ISSUES

#### A. Ombudsman Annual Evaluation

Deputy Attorney General, Ms. Johnson, stated that according to the CPO Board bylaws, the board is responsible for evaluating the Ombudsman annually and to complete 360-evaluation once every three years.

The board members discussed whether the 360-evaluation should be conducted in FY 18-19 or FY 19-20. The board determined that it would be best to conduct it in FY 19-20 given the preparation that is needed to conduct such an extensive review.

Ms. Villafuerte agreed to contact state judicial human resources and get information to begin the process.

Dr. Krugman made a motion that the CPO board will complete the 360-evaluation for the Ombudsman in 2019 in a three-year cycle. Mr. Greer seconded the motion. The motion passed unanimously by those in attendance.

As it relates to the annual evaluation, Judge Plotz asked another board member to spearhead the annual evaluation process for this year. Judge Greenacre volunteered to collect board input, the Ombudsman's self-evaluation and to draft and finalize the annual evaluation.

#### Evaluation Timeline

12-07-18: Stephanie Villafuerte will submit self-evaluation and CPO Staff will submit Ombudsman evaluation forms to Sueanna Johnson.

01-02-19: Board members will submit Ombudsman evaluation forms to Ms. Johnson.

01-03-19: Ms. Johnson will submit Ombudsman self-evaluation, CPO Staff Ombudsman evaluations, and board members evaluations of the Ombudsman to Judge Greenacre.

01-25-19: Judge Greenacre will write and submit the Ombudsman evaluation draft to Ms. Johnson.

01-28-19: Ms. Johnson will send the Ombudsman draft evaluation to board members.

02-07-19: Executive Session board meeting, board members will review and finalize the

Ombudsman evaluation.

Judge Greenacre made a motion that the CPO will adopt the specified timeline for the Ombudsman yearly evaluation. Dr. Krugman seconded the motion. The motion passed unanimously.

#### **B. CPO Conflict of Interest Policy 2.6**

Deputy Attorney General, Ms. Johnson, directed the board to a draft Conflict of Interest Policy (2.6.) The policy was drafted as neither the Ombudsman nor the CPO Staff Personnel Handbooks contained a conflict of interest policy.

The board discussed the conflict of interest policy for the Ombudsman and agreed it was appropriate. The board then discussed the necessity of creating a conflict of interest policy for the staff. While it was agreed that a general policy was necessary to avoid individual staff member conflicts, there was also discussion about not having a policy that is too proscriptive in how those conflicts should be resolved. Board members indicated that it was important for the Ombudsman to have flexibility in how to resolve case conflicts. Ms. Villafuerte indicated that she will work with Ms. Johnson to finalize the staff policy before the next meeting date.

Dr. Krugman made a motion to approve the Conflict of Interest Policy 2.6 draft as written for the Ombudsman. Ms. Jones seconded the motion. The motion passed unanimously.

#### **C. HB 18-1128- Protection of Personal Identifying Information**

Deputy Attorney General, Ms. Johnson, reported that HB 18-1128 which takes effect September 1, 2018, concerns strengthening protections for consumer data privacy. Among other provisions, the bill: (1) amends the state's data breach notification law to require notice to affected Colorado residents and the Colorado Attorney General within 30 days of determining that a security breach occurred, imposes content requirements for the notice to residents and expands the definition of personal information; (2) establishes data security requirements applicable to businesses and their third-party service providers; and (3) amends the state's law regarding disposal of personal identifying information.

Ms. Johnson stated that she is working closely with the CPO assuring that the office is in compliance.

#### **D. HB 18-1198- Boards and Commissions Training**

Deputy Attorney General, Ms. Johnson, stated that HB 18-1198 would require each statutorily created board and commission to implement written policies and get annual training on specific topics including: the Colorado Open Records Act and the Colorado Open Meetings Law. She reported that Colorado lawmakers are taking steps to ensure that individuals who serve on state government boards and commissions understand their obligations under the sunshine laws and adhere to other "best practices."

Ms. Johnson stated that she plans on working with CPO Board Members in executive session to complete this required training. She reported that she will develop a form which board members will sign to acknowledge that they have completed the training.

*The board took a break at 9:26 AM. Meeting resumed at 9:36 AM.*

Pax Moultrie left for the remainder of the board meeting.

#### **IV. EXECUTIVE DIRECTOR REPORT**

##### **A. Financial Report**

Ms. Villafuerte provided the board members with the CPO's FY 2018-2019 year-to date operating budget reports. She reported that the CPO has additional money in the budget this year that allows the office to make some changes to the Salesforce database and some updates to the website.

Ms. Villafuerte further provided the board with a FY 2018-2019 year-to date legal budget report.

Ms. Villafuerte stated that the CPO will not be asking for a budget increase in FY 2020 -2021.

##### **B. Agency Update**

###### Child Welfare Cases

###### *Individual Complaints*

Ms. Villafuerte provided the board with year to date case numbers. She reported that CPO has had 200 cases from July through October 2018.

## *Systemic Complaints*

- Montezuma County – Ongoing investigation of county case practices.
- TRAILS Modernization – Trails is Colorado's child welfare case management system. The system is currently being overhauled. The modernization is supposed to improve caseworker productivity, reduce data duplication and streamline intake processes. The updates have been rolled-out in a modular or phased approach however, there have been significant problems related to the new system which has implications to child safety. Caseworkers and CPO analysts are struggling with getting and reviewing information in the new system. The CPO will continue to monitor this issue.
- Mandated Reporters – The CPO has received calls from mandatory reporters who are confused about what to report and to whom. The CPO is doing research on the statute and will write an issue brief on the gaps in the current law and how this impacts child safety.
- Colorado Child Care Assistance Program (CCCAP) – Ms. Kati Makelky reported on the CCCAP program. The CPO has received several complaints from foster parents who say that HB 18-1348 Support Foster Parents and Youth, is not providing them child care as was expected. The CPO will analyze this issue and produce an issue brief.

## Division of Youth Services Cases

Ms. Natasha Mitchell reported that she will be building the CPO's DYS service program. She has learned initially that the DYS is continuing to use a modified WRAP. She will begin researching this and other problems.

## **C. Internal Operations**

### *Personnel Updates*

#### New Staff

Ms. Villafuerte reported that CPO is excited to have filled two additional positions serving in senior leadership roles.

Natasha Mitchell introduced herself and indicated that she has been hired in the newly allocated Child Protection Systems Analyst (CPSA) with specialties in the Division of Youth Services/Residential Child Care Facilities. Kati Makelky introduced herself and stated that she has extensive expertise in public policy and child welfare services.

### Revisions of Job Descriptions/Staff Organization Chart

Ms. Villafuerte reported that she is working on revising staff job descriptions and updating the CPO organizational chart. She indicated that she will provide the board an updated organizational chart when it is completed.

### **D. Communications/Public Policy Updates**

#### Adoption Assistance Stakeholder Meeting EIGHT (update):

Ms. Villafuerte reported that the group continues to work together on drafting new legislation that will strengthen and improve the program statewide. She indicated that the group hopes to provide draft legislation by November 15 to Senator Smallwood who intends to sponsor the legislation in the 2019 session.

Ms. Villafuerte thanked Jordan Steffen for all her work regarding this project.

#### Information Sharing Stakeholder Group Meeting THREE (update):

Ms. Villafuerte reported that the CPO hosted the third of four stakeholder meetings. She reported that more than 30 agencies have participated in the stakeholder groups including members of law enforcement, victim advocates, child welfare and municipal court judges and administrators.

Ms. Villafuerte reported that the goal of the group is to determine how child protection stakeholders can get access to municipal court criminal records to ensure that they have full information on a family while making decisions that impact child safety.

Ms. Parker stated that the CPO has since worked with all stakeholders to create and distribute a survey to all 275 municipalities. The goal of the survey is to provide the group a firm understanding of the type of records that may bear on child safety as well the number of records that would need to be shared. Sen. Rhonda Fields intends to carry any legislation that may result from these meetings during the 2019 session.

Ms. Parker indicated that during the last meeting the CPO summarized the results of a survey that was sent to various municipalities. She stated that the results provided the group with a better understanding of the number of cases that would be involved in an information sharing project. Ms. Parker indicated that next steps include bringing together the leaders of various information technology systems to figure out how to share municipal court data with other public agencies.

**E. Ombudsman Outreach Activities**

Ms. Villafuerte directed the board members to the executive director report for a list of the offices outreach activities for the last two months. She reported that the office continues to have conversations with our partners, increase our education, visibility and accessibility to the public and stakeholders.

**CONCLUDING REMARKS**

Judge Plotz said that he was pleased with how far the CPO Office had come in almost three years. He thanked the CPO staff on behalf of the board for a job well done.

**ADJOURN**

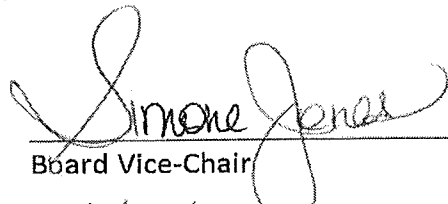
Judge Plotz made a motion to adjourn which was seconded by Dr. Krugman. The motion passed.

**ATTESTATION**

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on November 8, 2018, of the Colorado Child Protection Ombudsman Board substantially reflect the substance of the discussion and action taken related to matters under the authority of the Board and in compliance with the Open Meetings Law, § 24-6-402, C.R.S.

  
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Board Chair

Jan 10 2019  
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Date

  
\_\_\_\_\_  
Board Vice-Chair

1/10/19  
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Date