

**COLORADO CHILD PROTECTION OMBUDSMAN BOARD**

**PUBLIC MEETING**

**September 13, 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 1B, Denver, Colorado, 80203 at 8:12 AM by Board Chairman 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  
Karen Beye  
Victoria Shuler  
Darlene Martinez  
Connie Linn

**On the Phone**

Kyle Forti  
Charles Greenacre

**Others Present**

Sueanna Johnson, Deputy Attorney General  
Stephanie Villafuerte, Child Protection Ombudsman  
Jordan Steffen, Communications and Policy Director  
Karen Nielsen, Administrative Coordinator  
Melissa Vigil, Child Protection Systems Analyst  
Caroline Parker, Child Protection Systems Analyst  
Sara Embrey, Child Protection Systems Analyst

**PRESENT FROM THE PUBLIC**

None

**AGENDA ITEMS**

**I. EXECUTIVE SESSION**

At 8:15 a.m. and at the request of Chairman Plotz, Ms. Martinez made a motion to enter into executive session to discuss a grievance filed by a former employee. Ms. Beye seconded the motion. The motion passed unanimously.

**Executive Session was held for the Board to receive legal advice pursuant to § 24-6-402(3)(a)(II), C.R.S.**

**The Executive Session was recorded in compliance with §24-6-402(2)(d.5)(I)(A), C.R.S**

**Return to Open Meeting**

At 10:16 a.m. Chairman Plotz returned the meeting to open session.

Chairman Plotz stated that the board subcommittee issued a clear and detailed report to the board members and the board determined that the allegations as filed in the grievance were unfounded.

Mr. Greer made a motion to adopt the report and the recommendations of the subcommittee regarding the workplace complaint and approve that a letter be written to the former CPO employee on the outcome of the investigation. Ms. Jones seconded the motion. The motion passed unanimously.

Board members thanked the CPO Staff for their cooperation in the investigation process.

The CPO staff was briefed by Chairman Plotz and a sub-committee member, Ms. Shuler, on the outcome of the investigation following the regular meeting.

**II. PUBLIC COMMENT**

None

**III. REVIEW AND APPROVAL OF MINUTES**

*July 17, 2018, Meeting Minutes*

Ms. Shuler made a motion to approve the minutes of July 17, 2018. Ms. Beye seconded the motion. The motion passed unanimously.

#### **IV. 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 of this suggested course of action. This motion was approved first by Judge Charles Greenacre and seconded by Ms. Martinez. The motion was passed unanimously.

#### **V. EXECUTIVE DIRECTOR REPORT**

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

Ms. Villafuerte provided the board members with the CPO's fiscal year end budget report and the current year to date budget report. She reported that the year-end budget report includes the final closeout expenses for FY17-18. She reminded the board that the \$42,000 reverted back to the General Assembly was due to staff vacancy savings from two positions.

Ms. Villafuerte indicated that the CPO was given approximately \$30k for the build out of the office in FY 2018-2019. She stated that the office was able to complete the build out of two new offices with pre-existing funding from FY17-18.

Ms. Villafuerte reported that the CPO went over the legal services budget for FY17-18, however, the CPO is not penalized by the attorney general's office for over spending. She reported that the AG's office will utilize the unused money from other agencies for the CPO's overage. She stated that CPO's legal budget increased from \$8525 in FY17-18 to \$13,631.00 in FY18-19. She further reminded the board members that the legal budget is a separate line item.

In regards to the FY19-20 budget proposal, Ms. Villafuerte reported that she has been working closely with staff to look at the CPO needs. She stated that a draft budget is due by September 25, 2018. She stated that she believes that CPO is decently funded, and any budget request may be for approximately \$20k.

## **B. Agency Update**

### Cases

#### *Individual Complaints*

Ms. Villafuerte provided the board with year to date case numbers. She reported that CPO has had 104 cases in July and August of 2018. She reported that she has taken a step back from taking the individual cases and focusing on the larger system cases.

#### *Systemic Complaints*

#### El Pueblo

Ms. Villafuerte indicated that CPO continues to work on the investigation regarding El Pueblo and reminded members that the investigation is less about El Pueblo as an institution and more about these systems of licensing and safety around Colorado's residential care facilities. She reported that CPO will complete the report on November 1, 2018.

## **C. Internal Operations**

### *Personnel Updates*

#### Existing Staff

Ms. Villafuerte reported that she has named Jordan Steffen as the Deputy Ombudsman. She stated that she has taken the last seven months to assess the needs of the office and how that position can best be utilized. Ms. Villafuerte indicated that Ms. Steffen has been instrumental in setting up a great deal of the CPO's internal and external policies and infrastructure and has been responsible for a lot of the growth in the office. As such she will do well in the new role.

#### New Staff

Ms. Villafuerte indicated that CPO has filled two additional positions. Natasha Mitchell has been hired in the newly allocated Child Protection Systems Analyst (CPSA) position. She possesses extensive experience in the Division of Youth Services/Residential Child Care Facilities and will begin on October 1, 2018. Additionally, Kati Makelky will be joining the CPO team as a Child Protection System's Analyst. She possesses extensive experience in child welfare as well as in the DYS. She will begin on October 9, 2018. The CPO have eight full-time employees by mid-October.

### Review of Staff Organization Chart

Ms. Villafuerte reported that she is working on new job descriptions and an organizational chart for the office. She will provide the board with an updated organizational chart in the next few months once it is completed.

### CPO Case Practices and Operating Procedures

Ms. Villafuerte indicated that the CPO Case Practices and Operating Procedures were published on September 4, 2018.

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

In the interest of time, Ms. Villafuerte directed the board members to her executive director report for updates on the CPO's public policy stakeholder groups.

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

Ms. Villafuerte indicated that CPO hosted the fourth stakeholder meetings regarding legislation to amend Colorado's adoption assistance statute. She stated that roughly 30 stakeholders continue to attend the meetings in-person and by phone. She stated that the group is working with Sen. Jim Smallwood, who intends to sponsor the legislation in the 2019 session. Ms. Villafuerte stated that the group is working well together and that there will be three more meetings in October. She invited the board members to attend.

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

Ms. Villafuerte reported that the CPO hosted the second 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. Two additional meetings will be held between October and November.

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. She indicated that during the last meeting the municipal court judges and administrators educated the group on how their courts function and how records are maintained.

Ms. Villafuerte 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. Caroline Parker will brief the board members at the next board meeting about the outcome of the survey and what CPO has learned.

Child Fatality/Near Fatality/Egregious Notifications (Update):

Ms. Villafuerte reported that currently, child fatalities, near fatalities and egregious incidents are reviewed by the Child Fatality Review Team, which is housed in the CDHS' Administrative Review Division. She reported that a second team at the Colorado Department of Public Health and Environment (CDPHE) also reviews child deaths but does so from a public health perspective that does not address child welfare practices.

Ms. Villafuerte indicated that the CDHS team is required by law to review only a select number of these types of child abuse cases. Consequently, nearly 40% of reported child abuse deaths during the past fiscal year were not reviewed in Colorado. She stated that in an effort to review these cases, as well as to analyze the effectiveness of the current CDHS child fatality review process, the CPO sought notifications from CDHS-ARD regarding child fatality, near fatality and egregious incidents.

Ms. Villafuerte reported that on August 2, 2018, the CPO had a meeting with the CDHS-ARD to discuss how to obtain notification of these cases. She stated that the CDHS-ARD denied the CPO access to these notifications citing their belief that the CPO statute does not allow the agency to access such information in this context.

Ms. Villafuerte stated that the CPO is currently working with Deputy Attorney General Sueanna Johnson to get a legal opinion on whether the CPO statute provides authority for securing these notifications. She reported that CPO will also explore statutory changes that would allow the CPO to access to such information.

**E. Ombudsman Outreach Activities**

Ms. Villafuerte directed the board members to the list below of the office outreach activities for the last few months. She reported that the office continues to have conversations with our partners, increase our education, visibility and accessibility to the public and stakeholders about what we do regarding improvement of processes and promoting better outcomes for children and families receiving child protection services in Colorado.

July 2018

July 16-18, 2018: Meeting with 12 Judicial District courts, GAL's, RPC, County Attorney's, CASA's, and Children's Advocacy Center staff.

July 27, 2018: Meeting with CDHS regarding statewide grievance process (1 of 4 meetings)

August 2018

August 3, 2018: Meeting with CDHS-ARD Division (Access to child fatality notifications)  
August 7, 2018: Chair Information Sharing Stakeholder Meeting (1 of 4 meetings)  
August 8, 2018: Chair Adoption Assistance Stakeholder Meeting (2 of 4 meetings)  
August 9, 2018: Meeting with CDHS regarding statewide grievance process (2 of 4 meetings)  
August 13, 2018: Meeting with CDHS-Division of Child Welfare Director  
August 16, 2018: Meeting with executive director of the Office of Respondent Parent Counsel  
August 17, 2018: Meeting with CDHS regarding statewide grievance process (3 or 4 meetings)  
August 30, 2018: Chair Adoption Assistance Stakeholder Meeting (3 of 4 meetings)

September 2018

September 4, 2018: Meeting with CDHS Differential Response Coordinator  
September 5, 2018: Interview panel for CDHS-Office of Behavioral Health Ombudsman  
September 6, 2018: Meeting with CDHS Board Member  
September 6, 2018: Chair Adoption Assistance Stakeholder Meeting (4 of 4 meetings)  
September 7, 2018: Chair Information Sharing Stakeholder Meeting (2 of 4 meetings)  
September 10, 2018: Meeting with ZOMA Foundation  
September 11, 2018: Interview panel for CDHS-Office of Behavioral Health Ombudsman


**ADJOURN**

Chairman Plotz moved to adjourn. Ms. Linn made a motion to adjourn which was seconded by Ms. Jones. The motion passed unanimously.

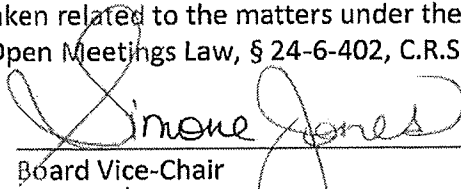
The Board formally adjourned the meeting at 11:01 AM.

**ATTESTATION**

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on September 13, 2018, of the Colorado Child Protection Ombudsman Board substantially reflect the substance of the discussion and action taken related to the 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 2018  
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Date

  
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Board Vice-Chair

1/10/19  
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Date