COLORADO CHILD PROTECTION OMBUDSMAN
BOARD
PUBLIC MEETING
January 9, 2020
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 8:05 a.m. by Board Chairman, Kenneth Plotz.

A quorum of the Board was present.

INTRODUCTIONS:

PRESENT AT THE MEETING

Board Members
Kenneth Plotz, Chairman
Simone Jones, Vice Chairman
Richard Krugman
Pax Moultrie
Karen Beye
Claire Morrow
Jerene Peterson
Ann Roan

Board Members on Phone
Victoria Shuler

Others Present
Sueanna Johnson, Deputy Attorney General
Robert W. Finke, First Assistant Attorney General
Stephanie Villafuerte, Child Protection
Ombudsman Jordan Steffen, Deputy Ombudsman
Karen Nielsen, Director of Administrative Services
Tiffany Madrid, Director of Legislative Affairs and Policy
Sara Embrey, Chief Analyst – Division of Child Welfare
Amanda Pennington – Child Protection Systems Analyst
Claire Hooker – Child Protection Systems Analyst

BOARD INTRODUCTIONS

Chairman Plotz and Ms. Villafuerte welcomed Mr. Finke who will begin serving as the CPO’s legal counsel in March 2020 when Ms. Johnson begins her appointment to the Court of Appeals. They also welcomed three new board members: Ms. Morrow, Ms. Petersen and Ms. Roan and wished Ms. Johnson much success in her new position.

EXECUTIVE SESSION

At 8:10 a.m. Chairman Plotz called for a motion to enter into executive session for legal advice from Ms. Johnson and Mr. Finke as to whether the Board can delegate to a subcommittee the Ombudsman evaluation without violating Open Meetings Laws. Dr. Krugman made a motion to enter into executive session. Ms. Jones 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

At 8:45 a.m. Ms. Shuler joined the meeting in person.

At 8:50 a.m. Chairman Plotz returned the meeting to open session.

The Board took a break at 8:51 a.m. The meeting resumed at 9:01 a.m.

PRESENT FROM THE PUBLIC
None

PUBLIC COMMENT:
None

REVIEW AND APPROVAL OF MINUTES:

November 14, 2019, Meeting Minutes

Chairman Plotz entertained a motion to approve the final minutes of November 14, 2019. Dr. Krugman made a motion to approve the final minutes of November 14, 2019, and Ms. Shuler seconded the motion. The motion passed unanimously.

EXECUTIVE DIRECTOR REPORT:

Ms. Villafuerte reported that the CPO has accomplished a lot in the last four years and that she is excited to work with the new board members and Mr. Finke. She thanked the board members and Ms. Johnson for their contributions and that she is optimistic for 2020.
Financial Report

Ms. Villafuerte provided board members with the CPO's current FY 19-20 operating budget report. She directed the Board to the Excel spreadsheet that has all the line item expenditures. Ms. Villafuerte stated that the CPO has a FY 19-20 operating budget of $990,000 and that there is $565,000 remaining. She reported that the majority of the budget goes to staff payroll and benefits. Ms. Villafuerte stated that the CPO is not over budget.

Ms. Villafuerte reported that the CPO has submitted its budget request to the State Court Administrator’s Office for FY 20-21 and that she presented the agency’s budget request at the Joint Budget Committee the previous week. She stated that she is asking for $77,000 additional funds for marketing efforts and for increased salaries for agency staff whose job classification have changed; excluding the Ombudsman and Deputy Ombudsman. Ms. Villafuerte reported that she will continue to keep the Board informed of the outcome of the hearings.

Legal Services Report

Ms. Villafuerte provided the Board with the CPO’s FY 19-20 legal budget report. She reported that the CPO has been allocated $13,000 and has spent $3,000 in FY 19-20. She stated that the CPO will continue to utilize legal counsel’s expertise.

Human Resources

Personnel

Ms. Villafuerte reported that Tiffany Madrid is the CPO’s new Director of Legislative Affairs and Policy.

Ms. Madrid introduced herself. She reported that she started at the CPO the same week. Ms. Madrid stated that she spent 14 years working in education, research and analytics most, recently at the Colorado Governor’s Office of State Planning and Budgeting. She stated that she is very passionate about children, strategic planning and collaborating with stakeholders to advance evidence-based practices and policies.

Ms. Villafuerte reported that Ms. Madrid will be working with Ms. Steffen to develop a robust public policy agenda and program. She stated that the program will analyze trends from the CPO internal investigations as well as from local and state level data to assess critical gaps in Colorado’s child protection systems, as well as develop efficient outreach mechanisms to ensure the public is informed of the issues.

Quarterly Staff Retreat

Ms. Villafuerte reported that the CPO staff attended a fourth full-day retreat on December 12, 2019. She reported that the team discussed the CPO FY 20-21 Strategic Plan; which included the CPO Public Policy Program projects, continued to develop the staff culture and practiced skills that staff have learned.

Ms. Villafuerte stated that when the CPO FY 20-21 Strategic Plan in finalized she will send it out to the board members.

Communications

Barefoot PR

Ms. Villafuerte reported that the CPO continues to work with Barefoot PR to communicate information about recent/current projects the office is working on to key CPO stakeholders and the general public. She reported that they are also using social media, specifically LinkedIn, to create awareness and promote the services of
the CPO to establish a strong online presence.

Ms. Villafuerte stated that the CPO is also working with Barefoot PR to increase community outreach through development and distribution of agency materials to citizens and stakeholders. She stated that they will be making necessary improvements to the CPO's website to ensure citizens, stakeholders and legislators are informed about the program and have the ability to access group discussions and projects. She reported that the CPO has been working with Barefoot PR to produce and distribute the CPO quarterly electronic newsletters. She reported that the second CPO quarterly newsletter will come out at the end of this month. Ms. Villafuerte stated that Barefoot PR will also support the CPO with any needs associated with the 2020 legislative session.

Outreach

Ms. Villafuerte provided the Board with the CPO Outreach Summary. She reported that the CPO continues to participate in community outreach and updates the outreach document regularly.

Conferences/Presentations

Ms. Villafuerte provided the Board with the CPO Outreach Summary. She reported that the CPO continues to participate in community outreach and updates the outreach document regularly.

Ms. Villafuerte stated that she testified at the Colorado Department of Human Services (CDHS) State Board meeting on the adoption subsidies rule package to amend the Colorado Code of Regulations. She stated that the rule package was designed in response to the CPO adoption subsidies investigation report, which recommend the regulations accurately reflect federal and state law. She reported that she discussed amendments to the rule package in order to more clearly reflect federal and state law. Ms. Villafuerte reported that this rule package discussion will continue in March 2020.

Ms. Villafuerte reported that she and Ms. Steffen will also be attending a second adoption subsidies rule package meeting tomorrow. She reported that this meeting will address the adoption assistance negotiation process and will ensure county departments accurately and clearly interpreting rules regarding the adoption assistance program and adoption practice.

There was discussion about the CPO Issue Brief - Transparency in the DYS Rulemaking Process that was published in August 2019 and that the Division of Youth Services (DYS) does not share their rules and regulation process with the public. Ms. Villafuerte reported that she met with Colorado State Rep. Serena Gonzalez-Gutierrez and that she is interested in initiating legislation that would make DYS subject to the Administrative Procedures Act (APA). She stated the she spoke with CDHS and that they believe that the DYS is not subject to the APA. Ms. Villafuerte reported that she will be working with other legislators and stakeholders to see if they can address the issue this legislative session.

Ms. Villafuerte reported that she was recently appointed to two new roles; Chair of the Colorado Children’s Trust Fund (CCTF) and Co-Chair for the Children and Families Chapter of the United States Ombudsman Association (USOA). She stated that both positions will allow her to showcase her leadership in strengthening the child protection system both locally and at a national level. Ms. Villafuerte reported that she believes that the CPO should also be a part of the prevention efforts to stop the abuse and neglect of Colorado’s children.

There was discussion about how much money has been spent on prevention efforts both locally and nationally.
PUBLIC POLICY PROGRAM

Ms. Steffen reported that the CPO is excited to have Ms. Madrid’s expertise on the team. She reported that the Director of Legislative Affairs and Policy position is responsible for identifying and monitoring all legislation that may impact the safety, permanency and well-being of Colorado’s children as well as help establish, manage and promote the CPO’s public policy agenda.

Legislative Session
She reported that Ms. Madrid will be at the State Capitol regularly monitoring bills, potential bills and opportunities for the CPO to engage in. She reported that the CPO will be also be resuming a 2020 General Assembly Bill Tracker on the CPO website that will show a list of legislation the CPO is monitoring as well as a monthly spreadsheet that provides an update on the bills and the work the CPO is doing on the bill.

SMART Act
Ms. Steffen stated that the CPO will be presenting the FY 2019-2020 Performance Plan and Performance Management Plan to the Health and Human Services Committee the following week.

Public Policy Work
Ms. Steffen reported that the CPO continues its policy work and distributing CPO literature on adoption subsidies rulemaking process, El Pueblo, Montezuma and the DYS Rule Making Brief. She stated that the CPO continues to increase engagement with foster and adoptive parents, kinship providers, children and juveniles, mandated reports and the child protection legal community through education and outreach campaigns.

Special Initiatives Agenda
Ms. Steffen introduced the CPO’s public policy special initiatives agenda. She stated that this work will allow the CPO to respond to the questions and feedback we’ve received from citizens and continue improving our work.

Ms. Steffen stated that the CPO is committing agency staff and resources to proactively identifying and more effectively communicating the agency’s special initiatives which likely will include: child abuse and neglect fatality reviews, municipal court records, Foster Care Bill of Rights and behavioral health. Ms. Steffen reported that these special initiatives are designed to bring awareness, education and reform to issues impacting the safety, permanency and well-being of Colorado’s children. She reported that the CPO will also provide citizens and stakeholders more consistent and transparent updates regarding the implementation of the CPO’s recommendations. She stated that these projects involve multiple systems and require the input and expertise of diverse stakeholders to address.

CHILD WELFARE SERVICES

Individual Complaints
Ms. Embrey reported that the CPO had a total of 325 individual complaints so far for FY 2019-2020 which is a little higher than the previous year. She reported that the CPO has a total of 75 open cases at this time. She stated that the CPO is fulfilling all its obligations, including external meetings and handling citizens’ calls. Ms. Embrey reported that the CPO is continuing to track trends and work closely with county human services departments.

Ms. Embrey reported that the CPO continues to see an increase in the complexity of the cases. She further reported that the CPO continues to have an increase in the number of compliance concern letters that are issued. She reported that the CPO has issued 19 compliance concern letters in the last six months. Ms. Embrey reported that the CPO has worked hard to perfect these documents and the process.
**DYS Complaints**
Ms. Embrey reported that the CPO continues to receive DYS related calls. Ms. Embrey reported that the CPO is working with key DYS staff to track data on types of requests the CPO is making to them and keeping the discussion flowing at the Juvenile Facilities Roundtable meetings that the CPO is continually hosting. She reported that the CPO has plans to visit other DYS facilities.

**CPO County & State Information Sessions**
Ms. Embrey stated that the CPO is hosting its first Child Protection Ombudsman (CPO)/County and State Information Session in December 2019. She reported that the CPO will be hosting these meetings on a quarterly basis with the hope to hold the meetings in various parts of the state to encourage maximum participation. Ms. Embrey reported that the goal of the information sessions is to provide an overview of the office and receive feedback from our partners to better inform our case practices. Ms. Embrey reported that the CPO plans to hold these quarterly information sessions statewide.

**Conferences**
Ms. Pennington reported that the CPO will be presenting with the ACLU at the Juvenile Defense Counsel in April 2020. She reported that this is the first time the CPO has presented to attorneys and advocates in that system. Ms. Villafuerte reported that this will educate the CPO on how better to respond most effectively to DYS needs.

**BOARD BUSINESS**
Chairman Plotz stated that he would like to add the Board Bi-Laws to the agenda for next meeting. Ms. Johnson reported that Mr. Finke is aware of the amended changes and that the discussion can be had in open session.

Chairman Plotz also complimented the CPO team for their ability to do both the individual and systemic cases. He also reported that he has seen a lot of growth in staff and the organization in the past four years that has allowed the Ombudsman to take a stronger leadership role.

The board members thanked Ms. Johnson for her work and dedication to the development of the program and wished her well on her next endeavor.

Ms. Johnson thanked the Board for the opportunity to be counsel for the CPO and that is was an honor to watch the CPO grow.

**Board Meeting**
The next CPO board meeting will be held at the Ralph L. Carr building, Denver, Colorado at 8:00 a.m. on Thursday, March 12, 2020.

**ADJOURN**
Chairman Plotz entertained a motion to adjourn. Ms. Shuler made a motion to adjourn, and Ms. Beye seconded the motion. The motion passed unanimously.

The Board formally adjourned the meeting at 10:24 a.m.
ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on January 9, 2020, 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, § 24-5-402, C.R.S.

Board Chair
Date: 4/2/20

Board Vice-Chair
Date: 3/10/20