



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

March 12, 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, CPO Shared Conference Room, Denver, Colorado, 80203 at 8:03 a.m. by the CPO Child Protection Ombudsman, Stephanie Villafuerte.

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Phone

Simone Jones, Vice Chairman
Richard Krugman
Pax Moultrie
Karen Beyé
Peg Rudden
Eldridge Greer
Jerene Peterson
Claire Morrow
Ann Roan

Others Present on Phone

Robert W. Finke, First Assistant Attorney General

Others Present

Stephanie Villafuerte, Child Protection Ombudsman
Jordan Steffen, Deputy Ombudsman
Karen Nielsen, Director of Administrative Services
Tiffany Madrid, Director of Legislative Affairs and Policy
Amanda Pennington – Director of Client Services
Claire Hooker – Client Services Analyst

PRESENT FROM THE PUBLIC

None

INTRODUCTIONS

Pursuant to guidance handed down by the Colorado Department of Health and Environment (CDPHE) regarding the spread of COVID-19, the CPO facilitated the meeting via teleconference. Board members participated by phone, while CPO staff gathered in the agency’s shared conference room. Ms. Villafuerte welcomed everyone and thanked board members for their flexibility and participation.

Mr. Villafuerte reported that she spoke with Mr. Finke and that he will provide legal updates at a later date.

Ms. Villafuerte agreed to lead the meeting today in absence of a board chair.

REVIEW AND APPROVAL OF MINUTES

January 9, 2020, Meeting Minutes

Ms. Villafuerte entertained a motion to approve the final minutes of January 9, 2020. Dr. Krugman made a motion to approve the final minutes of January 9, 2020, and Ms. Beye seconded the motion. The motion passed unanimously minus Ms. Jones and Ms. Roan, who were not present.

PUBLIC COMMENT

None

EXECUTIVE DIRECTOR REPORT

General Operations - COVID-19 Plan

Ms. Villafuerte stated that she has not received any guidance by the State Court Administrator’s Office (SCAO) on how to proceed with in-person meetings. However, she reported that she has been working closely with the partners at the Colorado Department of Human Services (CDHS) and at the CDPHE, which recommend all in-person meetings with 10 or more individuals be done remotely.

Ms. Villafuerte reported that the CPO will continue to communicate regularly with the CDHS and CDPHE regarding COVID-19 updates as they relate to the county department of human services, the Division of Youth Services (DYS) and the Division of Child Welfare (DCW). The CPO will continue to monitor and how any new policies impact the systems that serve children and families and how to advise the families the CPO serves.

Ms. Villafuerte stated that she has spoken with Mr. Finke to get some ongoing guidance on how to address personnel matters during these unusual circumstances. She reported that she will, as necessary, utilize her authority to make decisions. She will also create work-at-home policies for the CPO employees to ensure that the office will continue to operate without disruption to citizens, community partners, stakeholders and legislators while ensuring the safety and well-being of the team.

At 8:10 a.m. Ms. Jones joined the meeting by telephone.

Ms. Villafuerte reported that she will keep the Board updated if any circumstances change.

There was a suggestion from board members to hold meetings in the future via Zoom or a similar platform. Ms. Villafuerte reported that the CPO has plans to utilize that platform in the future.

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 with the line item expenditures. Ms. Villafuerte reported that the CPO has a FY 19-20 operating budget of \$990,000 and that there is \$340,000 remaining. She stated that the majority of the budget goes to staff payroll and benefits. Ms. Villafuerte reported that she met this week with the CPO's Joint Budget Committee (JBC) analyst and that the CPO is not over budget.

Ms. Villafuerte stated that the CPO has submitted its budget request to the SCAO for FY 20-21. She reported that the CPO was supposed to have a hearing at the JBC on March 11, 2020, regarding the CPO's request for additional funding in the FY 20-21, however, the hearing was postponed until March 12, 2020. She reminded the Board 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 \$7,400 in FY 19-20. She stated that the CPO will continue to utilize Mr. Finke's expertise.

Human Resources

Personnel

Ms. Villafuerte reported that the CPO hired a new client services analyst, Kevin Lansing. She stated that his first day at the CPO will be on April 6, 2020. She reported that Mr. Lansing has spent the past 11 years working with homeless/residential youth and as a permanency caseworker. Ms. Villafuerte reported that he has also served as a mental health specialist and human services liaison to the juvenile mental health court. She stated that Mr. Lansing is also currently working on a master's degree in social work.

Ms. Villafuerte also stated that Ms. Pennington is now the Director of Client Services. She reported that Ms. Pennington has seamlessly taken over the position after Sara Embrey left the CPO on February 18, 2020.

Ms. Villafuerte stated that the CPO still has one vacant client services analyst position. She reported that the CPO has reposted the position and is hopeful to find another great candidate.

Communications

Website

Ms. Steffen reported that the CPO continues to work with Barefoot PR and Peak Creative to re-design the CPO website. She stated that the new CPO website will improve the user experience, will be easier to navigate, and will ensure that the CPO is providing the public with consistent and timely updates. Ms. Steffen reported that this content will be presented in blog posts, news articles and an interactive page for our special initiatives

projects. She reported that the CPO special initiative for 2020 is addressing child fatality reviews.

Ms. Steffen reported that citizens visiting the CPO website will be informed about the CPO's purpose, work, advocacy and special initiatives. She reported that visitors will have the ability to access the CPO newsletters, calendars, annual reports and strategic plans. Ms. Steffen stated that the CPO plans to go live with the revised website in late March or early April of 2020.

Social Media

Ms. Steffen reported that the CPO continues to work with Barefoot PR to increase the CPO's community outreach through social media and articles in the press. She stated that the CPO is specifically using LinkedIn to create awareness, promote the services of the CPO and to establish a stronger online presence. She stated that the CPO's social media presence continues to grow. Ms. Steffen provided the Board with numbers that demonstrate the recent growth.

Quarterly Newsletter

Ms. Steffen reported that the CPO continues to work with Barefoot PR to produce and distribute the CPO quarterly electronic newsletters. She reported that the second CPO quarterly newsletter went out the first week of March 2020.

Ms. Steffen reported that the most recent CPO newsletter included information about work the CPO staff is doing, the CPO client services team trip Pueblo County Department of Human Services and the CPO's public policy agenda. Ms. Steffen encouraged board members who did not receive the newsletter to reach out to her. She further reminded them to sign up on the listserv to receive the latest news and updates from the CPO.

There was discussion regarding the type of individuals, stakeholders and citizens who are receiving the CPO newsletter. The Board was encouraged to reach out to Ms. Steffen and Ms. Villafuerte with any suggestions they might have to add to the listserv.

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.

Ms. Villafuerte reported that she is Co-Chair for the Children and Families Chapter of the United States Ombudsman Association (USOA) and was recently appointed to the American Bar Association - Alternate Dispute Resolution Counsel in an ombudsman capacity. She stated that both positions allow her to showcase her leadership in strengthening the child protection system, enhance the CPO's exposure and create educational and training opportunities both locally and at a national level.

Ms. Villafuerte reported that the CPO is seeing a growing number of child protection ombudsman agencies opening up across the county. She stated that these agencies have reached out to the CPO regarding how to draft their statute, what were the CPO's evolutions and lessons learned.

Ms. Villafuerte reported that the CPO is the first child protection ombudsman office to have an advisory board. She stated that she appreciates the Board's advise, participation and expertise that they bring to the agency. She stated that she believes that it is an exciting time to be involved with these agencies because it allows the CPO to be a part of the prevention efforts and stop the abuse and neglect of Colorado's children and beyond.

PUBLIC POLICY PROGRAM

Ms. Steffen reported that the CPO is excited to continue to work on the CPO's public policy agenda.

Special Initiatives

Adoption Assistance

Ms. Steffen reported that the CPO has six cases that have adoptive families struggling with issues that mimic what the CPO was hearing prior to the release of the CPO Investigation Report Case 2016-2074.

Ms. Steffen reported that during the past month, the CPO finds itself deeply involved with the adoption assistance rule making process. Ms. Steffen reported that in January, Ms. Villafuerte testified at the Colorado State Board of Human Services regarding concerns with the second rule package for adoption assistance. Specifically, she discussed four concerns with the proposed rules. The Colorado State Board of Human Services asked the CDHS to go back and consider the CPO's concerns.

Ms. Steffen reported that Ms. Villafuerte presented a second time to the Colorado State Board of Human Services on March 6, 2020, during which she voiced her concerns around the stakeholder process and the rule making practice in general. Ms. Steffen stated that the CDHS Board was sympathetic to the CPO's concerns. As such, the CPO asked CDHS to work with the CPO to address the proposed amendments.

There was discussion about who presented to the CDHS Board and if it would be helpful for CPO board members would reach out. Ms. Villafuerte stated that she doesn't believe that the CPO needs that assistance at this time. Ms. Villafuerte stated that she is going to be meeting with CDHS leadership to discuss the current rulemaking process. She reported that she appreciated the CPO Board's knowledge and will reach out to the Board if this process would rise to that level.

Child Fatalities

Ms. Steffen reported that one of the CPO's special initiatives for 2020 is addressing child fatalities. She stated that the CPO has received positive feedback from county departments, stakeholders and legislators that are eager to join the CPO on this project.

Ms. Steffen reported that the research shows that under Colorado's current legal framework, not all children who die of abuse or neglect have their deaths reviewed. She stated that approximately 50 percent of child fatalities did not have a case-specific review and that public discussions of child abuse and neglect deaths focus on the actions and services of child welfare agencies.

She stated that there are multiple public entities charged with reviewing child fatalities in Colorado, but there is not a single entity responsible for reviewing all child abuse and neglect fatalities, implementing standard protocols for notifying agencies of lapses, issuing recommendations for improvements and ensuring those changes are made.

Ms. Steffen stated that the CPO's goal is to create the framework necessary to create such a review that is inclusive of all systems; law enforcement, education and medical professionals. She reported that there is no consistent and transparent process that guarantees these systems are notified of their roles in child abuse and neglect fatalities and no accountability mechanism for ensuring that all systems capable of preventing child abuse and neglect deaths are improving their practices.

Ms. Steffen reported that the goal is to continue to build relationships with different systems to improve the impact that such reviews have on decreasing child abuse and neglect fatalities in Colorado.

Ms. Steffen reported that the CPO will release its first brief in April 2020 for this initiative. She reported that the brief will provide information regarding the current child fatality review systems in Colorado. She reported that she will also provide details about the stakeholder process which will take place this summer as the CPO seeks input regarding child fatality reviews and how those processes and child protection systems may be improved. Ms. Steffen reported that the CPO plans to have a final report out in March 2021.

There was discussion on whether the CPO had any negative feedback. Ms. Steffen reported that initially there was some apprehensions from some agencies familiar with past media coverage regarding child fatalities. Ms. Villafuerte reported that the CPO reached out to our child welfare community partners, CDHS leadership and CDPHE leadership to explain that the CPO's purpose is to be transparent and expand the scope of the reviews beyond child welfare by using a multi-disciplinary phase approach. She reported that after explaining the process, all stakeholders just wanted to do more.

Ms. Villafuerte stated that the CPO will continue to lay the groundwork because the CPO is not known in other communities. She reported that the CPO will need the Board's assistance reaching out to the medical and education communities.

Ms. Steffen stated that she will get information out to the Board regarding these working groups and that she would welcome the Board's participation in the working groups and their expertise.

Juvenile Facilities Round Table Meetings

Ms. Steffen reported that the CPO has resumed the Juvenile Facilities Round Table meetings in January 2020, after taking a break during the holidays. She stated that the CPO facilitated a conversation with CDHS directors Minna Castillo Cohen and Anders Jacobson to discuss and present findings from a third-party report regarding Lookout Mountain. She reported that the stakeholder group wanted to learn more about the report because it had not been released to the public. She reported that since the meeting, a redacted version of the report has been released to the public.

At 9:12 a.m. Ann Roan joined the meeting by telephone.

Ms. Steffen stated that the CPO is trying to find more ways to broker conversations and streamline issues within the stakeholder group and to DYS directly. She reported that the CPO extended an invitation to DYS to attend the meetings on a regular basis to address issues faster because they are at the table. Ms. Steffen stated that the CPO will continue to broker these conversations and find ways to publicly report out on what kind of discussions are going on in these meetings, so the legislators and the public have a better idea of what the stakeholder group is doing.

Ms. Roan reported that she regularly attends these stakeholder meetings and that the CPO should get recognition for bringing these individuals to the table. She expressed her ongoing frustration around DYS lack of transparency and their unwillingness to answer basic questions. Ms. Roan reported that she is hoping that brokering these conversations in this manner will assist the group in trying to better understand why this is happening. Ms. Steffen thanked Ms. Roan for her attendance at these stakeholder meetings and that she appreciated her guidance in having conversations in a meaningful way.

Division of Youth Services

Ms. Villafuerte reported that the CPO published a brief in August 2019 discussing the lack of rule making process within the Division of Youth Services. She stated that unlike the Division of Child Welfare, which is subject to the rulemaking process outlined in the Colorado Administrative Procedures Act (APA), the DYS does not believe that they are subject to the same requirement.

Ms. Villafuerte reported that the CPO continues to work with DYS, Mr. Finke and the Attorney General's (AG) office at the lowest level to see if DYS is subject to the APA.

Mr. Finke reported that he has been engaging with Katie McLaughlin, chief legal director for the CDHS, as well as CDHS' counsel in the AG's office. Mr. Finke reported that he will continue to work with these individuals and report back at the next board meeting.

Ms. Villafuerte reported that many of the participants and stakeholders that work with both delinquency and child welfare youth have voiced concerns to the CPO about the lack of standard policy making within the DYS system.

LEGISLATIVE UPDATE

Ms. Madrid state that she has been at the State Capitol regularly monitoring bills, potential bills and opportunities for the CPO to engage in. She reported that the CPO has resumed a 2020 General Assembly Bill Tracker on the CPO website that will show a list of legislation the CPO is monitoring anything related to child protection, as well as a monthly spreadsheet that provides an update on the bills and the work the CPO is doing.

Highlighted Bills

Ms. Madrid reported on the following pieces of legislation.

HB20-1105 - Colorado TRAILS System Requirements

HB20-1277 - Notification Of Rights Investigation Child Abuse

SB20-162 - Changes Related To Federal Family First Policy

HB20-1317 - Colorado Children's Trust Fund Board Updates

CPO Board Vacancy

Ms. Madrid reported that the Board still has one vacant seat. She stated that the CPO has reached out to the Minority Leader and his aide at least nine times by both email and phone to find out who they will be appointed to the CPO Board.

Ms. Madrid stated that the CPO is still waiting to hear back from them on the appointment.

Community Outreach efforts

Ms. Madrid reported that she continues to be actively involved in the CPO's community outreach efforts since she started with the CPO in January 2020.

CLIENT SERVICES

Case Updates

Individual Complaints

Ms. Pennington stated that the CPO has a current total of 96 open cases split between herself and another

client services analyst. She reported that the CPO has a total of 430 individual complaints so far for FY 19-20, which is a little higher than the previous year.

Compliance Concerns

Ms. Pennington reported that the CPO continues to see an increase in the complexity of the cases. She stated that the CPO continues to have a steady rise in the number of compliance concern letters that are issued. Ms. Pennington reported that the CPO has currently issued 50 compliance concern letters since the process began in May 2019, and that the CPO has another 15 letters pending.

Ms. Pennington reported that the CPO continues to work closely with county departments and that of the letters reviewed by the CDHS, 90 percent of the CPO's findings were affirmed by the CDHS. She stated that the CPO regularly identifies issues related to treatment plans, family engagement and required contacts and the use of safety and risk tools. Ms. Pennington reported that the CPO continues to work hard to perfect these documents and the process.

Community and Public Engagement

Presentations

Ms. Pennington reported that the Client Services Team continues to participate in community and public engagement. She stated that the team was invited down to the Pueblo County Department of Human Services to meet with their child welfare division staff members. Ms. Pennington reported that they had a very thoughtful discussion about what they are seeing and what type of resource they have in their community. She stated that the team also talked about what the CPO is seeing, the CPO case process and talked about how their families can engage with the office and utilize the CPO as a resource.

Ms. Pennington also reported that the CPO has also been invited to present to the Mesa County Foster Care Advisory Counsel in two weeks. She reported that the presentation will be done on a virtual platform so that the presentation can be opened to the western slope region.

CPO County & State Information Sessions

Ms. Pennington stated that the CPO had its second County and State Information on March 9, 2020. She reported that the CPO increased its number of attendees from the first meeting. Ms. Pennington stated that there were seven representatives from the CDHS and 12 representatives from county departments. She reported that the CPO provided an overview of the office and receive feedback regarding how the CPO may better inform agencies about its practices. Ms. Pennington stated that the team also discussed the data reports that the CPO will be distributed to each county department during the coming months.

Ms. Pennington stated that the CPO will continue to host these meetings on a quarterly basis and that the CPO plans to hold these quarterly information sessions statewide.

BOARD BUSINESS

Out of Town Meeting

Ms. Villafuerte reminded the Board that the CPO is required statutorily to hold one meeting a fiscal year out of the Denver metro area. Ms. Steffen reminded the Board that the CPO has previously been in Fort Morgan, Alamosa and La Junta, Colorado.

There was discussion around going to the Western Slope or the northwest corner of the state. Ms. Steffen reported that the CPO has had cases from Moffat County which is in the 14th Judicial District. Ms. Villafuerte reported that the CPO tries to coordinate these meetings with existing human services, judicial and other community meetings to ensure that the CPO can reach out to as many citizens and stakeholders as possible.

The Board agreed that the next CPO out of town board meeting will focus on the northwest corner of the state.

Ms. Nielsen reported that she will send out a Doodle Poll and a loose itinerary with suggested dates and locations in near future.

LEGAL UPDATE

Board By-Laws

Mr. Finke stated that he would like to discuss the amended Board By-Laws regarding the Ombudsman 360 Evaluation at next meeting.

CLOSING REMARKS

The next CPO board meeting will be held at 8:00 a.m. on Thursday, May 14, 2020. The location and/or video conferencing platform will be determined.

At 10:03 a.m. Mr. Krugman left the meeting the telephone.

ADJOURN

Ms. Villafuerte entertained a motion to adjourn. Ms. Jones made a motion to adjourn, and Ms. Beye seconded the motion. The motion passed unanimously minus Dr. Krugman.

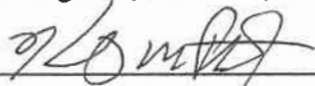
The Board formally adjourned the meeting at 10:05 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on March 12, 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, § 24-6-402, C.R.S.

Board Chair

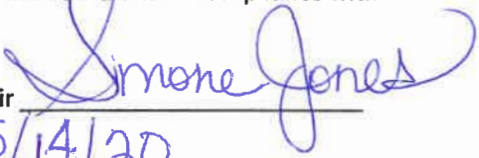
Date



Date May 14 2020

Board Vice-Chair

Date



Date 5/14/20

