



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING
July 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 via Zoom teleconference at 8:02 a.m. by Board Chairman, Kenneth Plotz.

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Zoom

Ken Plotz, Chairman
Simone Jones, Vice Chairman
Richard Krugman
Karen Beye
Pax Moultrie
Victoria Shuler
Jerene Petersen
Claire Morrow
Ann Roan
Peg Rudden

Others Present

Robert W. Finke, First Assistant Attorney General
Janna Fischer, Assistant Attorney General
Stephanie Villafuerte, Child Protection Ombudsman
Jordan Steffen, Deputy Ombudsman
Tiffany Madrid, Director of Legislative Affairs and Policy
Karen Nielsen, Director of Administrative Services
Amanda Pennington, Director of Client Services
Claire Hooker, Client Services Analyst
Kevin Lansing, Client Services Analyst

PRESENT FROM THE PUBLIC

None

INTRODUCTIONS

Pursuant to guidance handed down by the Colorado Department of Public Health and Environment (CDPHE) regarding the spread of COVID-19, Chairman Plotz facilitated the meeting via teleconference. Board members and CPO staff participated via Zoom teleconferencing.

Chairman Plotz, welcomed everyone and thanked board members for their participation.

REVIEW AND APPROVAL OF MINUTES

May 14, 2020, Meeting Minutes

Chairman Plotz entertained a motion to approve the final minutes of May 14, 2020. Dr. Krugman made a motion to approve the final minutes of May 14, 2020, and Ms. Shuler seconded the motion. The motion passed unanimously without Ms. Moultrie.

PUBLIC COMMENT

None

At 8:07 a.m. Ms. Moultrie joined the Zoom Meeting

EXECUTIVE DIRECTOR REPORT

Chairman Plotz directed everyone to Ms. Villafuerte for the executive director report.

Ms. Villafuerte welcomed everyone and thanked board members for their participation.

Financial Report

Ms. Villafuerte provided board members with the CPO's current Fiscal Year (FY) 19-20 operating budget report through June 23, 2020. Ms. Villafuerte reported that the CPO had a FY 19-20 operating budget of \$990,000, the majority of which goes to staff payroll and benefits. She stated that the CPO submitted its budget request for FY 2020-21 to the State Court Administrators Office (SCAO). Ms. Villafuerte reported that because of the unexpected budget deficient the state is facing; the CPO cut its expenditures for FY 2020-21 year by \$30,000. The CPO's operating budget for FY 2020-21 is \$960,000. Ms. Villafuerte and Ms. Steffen will review the FY 2020-21 budget and continue to assess cost saving measures.

The CPO has started developing its budget request for FY 2021-22. Like all state agencies, the CPO will have to accommodate additional cuts. Ms. Villafuerte stated that she will continue working with SCAO to analyze the CPO's budget and how to best accommodate any additional cuts.

Legal Services Report

Ms. Villafuerte provided the Board with the CPO's FY 2019-20 legal budget report. She reported that the CPO has been allocated \$13,000 and had \$500 deficient in FY 2019-20. She reported that when the CPO goes over

budget, the funding does not come out of the CPO's operating budget but rather it comes from the Attorney General's budget. The Attorney General's office will then put in a request for additional reimbursement for the new fiscal year so the CPO will have adequate funding. Ms. Villafuerte anticipates the CPO will receive a similar legal budget for FY 2021-22.

General Operations

Ms. Villafuerte reported that the CPO staff have been working remotely since March 13, 2020. There has been little to no disruption in the CPO's services to clients, stakeholder and legislators.

She stated that the CPO continues to communicate regularly with the Colorado Department of Human Services (CDHS) and the Colorado Department of Public Health and Environment (CDPHE) regarding COVID-19 updates, as they relate to the county human services departments, the Division of Youth Services (DYS) and the Division of Child Welfare (DCW). The CPO will continue to monitor 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 the CPO communicates regularly with SCAO regarding when and how employees will resume operations at the Ralph L. Carr Judicial Center. Ms. Villafuerte stated that the Ralph L. Carr building has been severely damaged due to all the civil unrest and that a security fence has been installed around the building to protect the perimeter. The SCAO does not have a plan to re-occupy the building and only essential workers are working in the building. The SCAO will revisit the re-occupancy plan after September 7, 2020.

Ms. Villafuerte reported that CPO staff will continue to work remotely. She will update the Board if any circumstances change.

Outreach Highlights

Ms. Villafuerte reported that during June 2020, the CPO worked with Barefoot PR and Peak Creative to produce new outreach materials and unique website functions. These include outreach materials for youth living in the DYS youth centers and out-of-home placements and parents of youth in these circumstances. Additionally, the CPO worked to develop a new page on its website completely dedicated to informing and connecting with Colorado youth. The CPO also developed outreach materials in Spanish, two informational videos and a youth-specific complaint form. During FY 2020-21, the CPO will continue working with Barefoot PR in a limited capacity.

Human Resources

Ms. Villafuerte stated that the CPO continues to hold quarterly retreats. She reported that in May 2020 the CPO staff participated in three, facilitated retreats via Zoom. During these two-hour meetings, CPO staff discussed how to communicate effectively while working from home, how to keep staff connected with each other and how to ensure the CPO team is healthy and effective.

PROGRAM UPDATES

Client Services Team

CPO Cases and Clients

Ms. Pennington reported that the FY 2019-20 was a record-breaking year for the CPO. The CPO opened a total of 725 cases – 150 more cases than the previous fiscal year and a 19 percent increase from the agency's previous record of 611.

Ms. Pennington stated that the CPO opened 202 new cases during May and June. She reported that currently, the CPO's Client Services team has 204 open cases, which have been split among the three analysts. She attributed this late influx of cases to client services analysts' efforts to monitor whether child welfare practices and services were impacted – or inaccessible – as a result of the COVID-19 outbreak.

Ms. Pennington reported that the client services analysts have also utilized video conferencing technology to better engage directly with youth clients, county human services departments and other stakeholders. She stated that these efforts include hosting video calls with county departments to discuss clients' concerns and questions, and to aid client services analysts who are working to address concerns submitted by or involving youth clients living in the DYS youth centers.

Ms. Pennington reported that members of the Client Services team have continued to participate in weekly calls with the CDHS regarding updates and service impacts as a result of COVID-19. Ms. Pennington reported that the CPO staff continues to participate in weekly DCW town halls and monthly DYS COVID-19 update calls.

Letters of Compliance Concern

Ms. Pennington reported that the Client Services analysts drafted and delivered 53 letters of compliance concern during FY 19-20. She reported that the CDHS, which serves as the supervising entity for all the agencies that received a letter confirmed 98 percent of the concerns submitted by the CPO.

She reported that compliance concerns routinely observed by client services analysts include, failing to comply with two requirements for monthly contact with parents, incorrect use of the safety and risk tools, untimely or inadequate treatment plans and failure to involve and/or notice parents of assessments involving their children or notifying them when children have been removed or engaging them in treatment plans to promote reunification.

Ms. Villafuerte stated the reason for the increase in the number of letters is largely due to the quality and level of expertise and analysis by current staff.

Outreach and Presentations

Ms. Pennington reported that on June 25, 2020, she and Ms. Hooker presented an agency overview to the Colorado State Foster Parents Association. The presentation detailed the CPO's history, its role within the child protection community, the agency's processes for reviewing questions or concerns and the services the CPO provides to its clients.

Public Policy

Division of Youth Services

Ms. Madrid reported that the CPO continues to meet with DYS to learn DYS' response to COVID-19. She stated that the CPO has been synthesizing feedback from the Juvenile Facilities Roundtable to share with the DYS and participating in calls related to the Governor's executive order on social distancing in juvenile facilities. Ms. Madrid reported that a recent topic of concern the CPO has been addressing is education in detention facilities. She stated that the CPO staff have been working to help determine the resources and next steps that are needed to better provide education to youth. Additionally, Ms. Madrid reported that the CPO continues to monitor changes implemented by DYS at the Lookout Mountain Youth Services Center.

Family First Prevention Services Act (Family First Act)

Ms. Madrid reported that in June, the CPO completed its participation in the CDHS' statute review meetings for SB20-162. The bill, "Changes Related to Federal Family First Policy," was passed by the legislature and sent to the Governor for signature on June 19, 2020. She stated that it is anticipated during the coming months that

statute review meetings will resume as other considerations related to the implementation of the Family First Act in Colorado are mulled.

State Board of Human Services

Ms. Madrid reported that the CPO continues to monitor rule packages, including emergency rule packages, being presented to, considered by and voted on by the State Board of Human Services. She stated that the CPO has been monitoring changes to rule that have stemmed from the novel coronavirus pandemic, such as those that impact how Child Welfare acting three officials (e.g. caseworkers, facility administrators, etc.) respond during a “disaster” and/or “emergency.” She reported that the CPO continues to monitor the State Board of Human Services to ensure rule packages reflect the best interests of children, youth and families.

2020 Legislative Session Summary

Ms. Madrid reported that the CPO monitored 40 bills during the 2020 legislative session. She stated that the 2020 session was unprecedented; it concluded after 84 days, and several bills failed or were postponed indefinitely due to budget constraints.

FY 2020-21 SMART Act Performance Planning

Ms. Madrid reported that on June 30, 2020, the CPO submitted its Fiscal Year 2020-21 SMART Act Performance Plan. This plan outlines the agency’s long-term goals, steps the agency will take to complete goals, and metrics to track the agency’s performance.

COMMUNICATIONS AND OUTREACH

Outreach Efforts

CPO Website Updates

Ms. Steffen reported that during May and June 2020, the CPO completed work to update its website. All of the updates were implemented to help ensure the website is easy to navigate, engages all communities and provides citizens, legislators and stakeholders with consistent and timely information. Updates to the website include: a general information video, a Spanish complaint form and translation services. The updated website also includes a new page which houses all the CPO’s Special Initiatives work. This page services as a one-stop for anyone looking for information about the CPO’s past or current public policy projects.

Ms. Steffen reported due to budget cuts this fiscal year, the CPO will bring all website management in-house.

Youth and Parent Outreach/Website Library

Ms. Steffen reported that the CPO developed one-page flyers, posters and a webpage for youth clients. This page is dedicated to informing youth living in DYS youth centers and out-of-home placements about the CPO and the services we may provide them. The page includes a new informational video that was produced specifically to connect with young men and women in Colorado. The CPO is also developing a unique complaint for youth clients. This form was designed to help guide youth clients through the CPO’s intake process, while also helping client services analysts gather more information so they may address youth concerns faster and more efficiently. Ms. Steffen stated that these functions would go live on the CPO’s website later this summer. Ms. Steffen also stated that the CPO designed and printed one-page flyers for youth living in DYS youth center, youth living in out-of-home placements and parents of youth in such circumstances. The agency also designed and printed posters detailing the CPO’s services and contact information. These two posters will be distributed to the DYS and residential facilities, foster homes, group home and other organizations that serve youth.

The CPO team is working to develop a plan to ensure these materials are distributed and reach the audiences for which they were designed. Ms. Villafuerte reported that she has been meeting with DYS administrators and

that they have been receptive to hanging the CPO's posters in youth centers and distributing materials to parents.

Ongoing Projects

Juvenile Facilities Roundtable Meeting

Ms. Steffen reported that the CPO continues to host these meetings. The CPO is continuing to assess how to best utilize the information share during these meetings and how best to coordinate with all stakeholders.

Issue Brief: Ensuring Foster Youth in Colorado are Advised of their Rights

Ms. Steffen reported that the CPO staff have continued their work on an issue brief regarding how the requirements of the Foster Care Bill of Rights are implemented in Colorado. She stated that the CPO anticipates releasing a product during the fall of 2020.

Adoption Assistance Rulemaking

Ms. Steffen reported that the CPO co-facilitated six teleconferences during May and June regarding proposed amendments to the second rule packet for the state's adoption assistance program. She stated that working with DCW leadership, the CPO was able to facilitate meaningful discussion with stakeholders – approximately 50 to 80 participants per call – to draft four amendments to the rule package. Ms. Steffen reported that the group reached consensus on three of the four amendments. She stated that the CPO will continue to monitor the second rule packet and will begin its work on the third and final packet this summer.

Child Fatalities Special Initiative

Ms. Steffen reported that in response to the COVID-19 outbreak, the CPO delayed the publication of its issue brief regarding this special initiative and the subsequent convening of stakeholders. She stated that the CPO has revised its timeline for this project and now anticipates the brief will be released this fall.

ATTORNEY GENERAL UPDATES

DYS Rule Making

Mr. Finke reported that in August 2019 the CPO published an issue brief that raised the issue on whether the DYS' process of developing policies should comply with the Colorado Administrative Procedures Act. Mr. Finke reported that is working to address this question with the attorneys general who represent DYS. Ms. Finke stated that he will continue to report to the Board until there is a resolution.

At 9:27 a.m. Mr. Krugman left the Zoom meeting.

Board Bylaws

Mr. Finke reported that the board bylaws were amended and adapted at the board meeting on May 14, 2020, to include the changes to the 360 Ombudsman evaluation process. He reported that a copy of the final bylaws went out to board members in an email on July 8, 2020.

Introduction of Janna Fischer

Mr. Finke introduced Janna Fischer, Assistant Attorney General. He welcomed her to the group and reported that she will also be attending some of the CPO board meetings and will be assisting the CPO with different legal matters.

Proposed Election Process and Term Limits for the CPO Board Chair

Ms. Fischer reported that at the last meeting the Board asked to discuss term limits for the board chair position. She stated that a copy of the existing bylaws was sent out to board members on July 8, 2020. She reported that they are proposing a change to the language in Article 3 of the Board Bylaws that discusses the Board Chair and Vice Chair term limits. She stated that they would like to add a sentence that would prohibit any chair from serving more than two consecutive terms. Additionally, no chair could serve for more than four years, after four years the Board would select a new chair.

There was some discussion on the six-month notice and how the Board would transition in a new chair. Ms. Fischer reported that because the CPO Board only meets bi-monthly, a minimum of six-months would be appropriate. The Board agreed that the Board Chair would give six-months' notice, then two-months to take nominations and then vote at a Board meeting on filling the Chair position.

Mr. Finke reported that his office will draft the necessary language and present the proposed amendment at the next meeting.

Board Elections

Chairman Plotz officially gave his notice to step down from the CPO Board Chair position and that he would like to have an election for his replacement in November 2020. Mr. Finke reported that would like to have board members' nominations (including self-nominations) to him prior to September 4, 2020, or at the next board meeting.

The group discussed upcoming board elections for the Chair position. Ms. Villafuerte stated that she will add board nominations (including self-nominations) to the September 2020 agenda.

Ombudsman Evaluation

Mr. Finke reported that he has received Ms. Villafuerte's self-evaluation. Board members selected a subcommittee and Mr. Finke said he will send the evaluation templates to individual board members by July 10, 2020. Board members' individual evaluations are due to Mr. Finke by July 31, 2020.

The subcommittee's virtual meeting was set up for August 10, 2020, at 9:00 a.m. Mr. Finke reported that subcommittee will announce next steps regarding the evaluation process at the next board meeting on September 10, 2020.

CLOSING REMARKS

Ms. Villafuerte reported that the CPO is excited about this new fiscal year and expanding its youth engagement services to serve youth more directly.

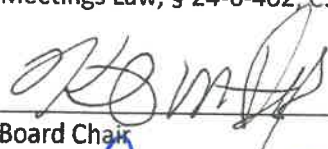
Chairman Plot reported that he is glad to see the CPO is fully staffed and thanked everyone team for their efforts and accomplishments during FY 2019-20. He reported that the next CPO board meeting will be held at 8:00 a.m. on Thursday, September 10, 2020, via Zoom teleconference.

ADJOURN

Chairman Plotz adjourned the meeting at 9:58 a.m.

ATTESTATION


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



Board Chair

9-21-2020

Date



Board Vice Chair

9/21/2020

Date

