



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

January 14, 2021

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 8:00 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
Eldridge Greer
Karen Beye
Jerene Petersen
Ann Roan
Peg Rudden
Claire Morrow
Pax Moultrie

Others Present

Janna Fischer, Assistant Attorney General
Jordan Steffen, Deputy Ombudsman
Tiffany Madrid, Director of Legislative Affairs and Policy
Karen Nielsen, Director of Administrative Services
Kristin Ladd, Client Services Analyst
Heather Coffman, Client Services Analyst

PRESENT FROM THE PUBLIC

None

INTRODUCTIONS

Pursuant to guidance handed down by the Colorado Department of Public Health and Environment 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.

REVIEW AND APPROVAL OF MINUTES

November 12, 2020, Meeting Minutes

Chairman Plotz entertained a motion to approve the final minutes of November 12, 2020. Ms. Petersen made a motion to approve the final minutes of November 12, 2020, and Ms. Rudden seconded the motion. The motion passed unanimously minus Ms. Moultrie.

PUBLIC COMMENT

None

At 8:04 a.m. Ms. Moultrie joined the Zoom meeting.

EXECUTIVE DIRECTOR REPORT

Chairman Plotz reported that Jordan Steffen will be delivering the executive director report because Stephanie Villafuerte, Amanda Pennington, and Claire Hooker are participating in an intensive mediation training with the Colorado Bar Association.

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

Financial Report

Ms. Steffen provided the Board with the CPO's current fiscal year (FY) 2020-21 operating budget report. She reported that the CPO is halfway through its FY and that there is \$519,000 remaining. Ms. Steffen stated that she is working with the State Court Administrator's Office (SCAO) budget analyst regularly to monitor the CPO's current budget.

Legal Services Report

Ms. Steffen provided the Board with the CPO's FY 2020-21 legal services report. She stated that the CPO has a FY 2020-21 legal services budget of \$13,000 and has a remainder of \$4,100. Ms. Steffen indicated that the CPO will continue to utilize legal counsel's expertise.

FY 2021-2022 Budget Request

Ms. Steffen reported that Ms. Villafuerte presented the CPO's FY 2021-22 budget request to the Joint Budget Committee (JBC) in December 2020. During that presentation, Ms. Villafuerte informed the JBC that the CPO would be submitting an amendment to its budget request. Ms. Steffen informed the Board that she would be submitting the CPO's Budget amendment to the SCAO this month.

There was discussion around the increase in CPO caseloads. Ms. Steffen reported that, since the onset of the COVID-19 pandemic, the CPO has experienced a 48 percent increase in its caseload. This increase will be detailed in the CPO's budget amendment, which is designed to help the agency absorb that increase.

Ms. Steffen stated that the budget amendment is requesting a total of \$110,883 General Fund and 1.0 FTE for an additional Child Protection Systems Analyst. This additional position will assist with the caseload increase that is becoming unsustainable at the current staffing level.

In addition to the requested 1.0 FTE, this budget amendment is intended to eliminate the CPO's proposed budget reduction of \$18,000 for FY 2021-22, effectively withdrawing the anticipated furlough days for CPO staff. Since the CPO operates with a small team, every position is needed to operate fulltime to handle the increasing caseloads effectively and to fulfill the CPO's statutory responsibilities.

Ms. Steffen reported that Ms. Villafuerte has been in communication with the JBC and that the CPO did not receive any push back on the proposed amendment and budget. Ms. Steffen indicated that Ms. Villafuerte will update the Board as the budget process continues.

General Operations/COVID-19

Ms. Steffen reported that the CPO staff have continued to work remotely since March 13, 2020. She stated that the CPO currently has no more than 25 percent of staff working in the office at any given time. She indicated that the CPO staff continue to utilize video conferencing to connect with our stakeholder partners.

Ms. Steffen stated that the CPO and other building tenants continue to participate in bi-weekly meetings with the SCAO regarding when and how employees will resume operations at the Ralph L. Carr Judicial Center. She reported that SCAO does not have an immediate plan to re-occupy the building. The Board will be updated if any circumstances change.

CPO Legislative Project

Ms. Steffen directed the Board to the handout regarding the CPO's 2021 Legislative Proposal. The document details why the CPO is asking for amendments to its enabling statute.

Ms. Steffen stated that with amendments to the CPO's enabling statute, the CPO will be able to gain access to child fatality, near fatality and egregious incident information that will allow the CPO to study these events and strengthen the agency's ability to improve systems charged with protecting children. She further reported that the CPO is seeking an amendment that will prohibit the use of CPO work products in court proceedings and the subpoenaing of staff to testify in court proceedings. The CPO is seeking these changes to help ensure stakeholders and agency partners may work with the CPO to create impactful changes to the child protection system.

There was discussion around the type of CPO work products that could be subpoenaed in a court proceedings and about what agencies can get or give input.

Ms. Steffen stated that the CPO circulated this document broadly to our stakeholders, including county attorneys, and that many stakeholder partners thought that the CPO already had access to child fatality documents. She further reported that the CPO researched many ombudsman agencies throughout the nation to identify those with similar organizational structure to that of the CPO. She stated that the research shows that it is standard practice in many of those agencies to systematically access child fatality information.

There were questions regarding whether the CPO's positions on state child fatality review teams. Ms. Steffen stated that the CPO is statutory members of the Colorado Department of Human Services' (CDHS) Child Fatality Review Team (CFRT) and the Colorado Department of Public Health and Environment (CDPHE) Child Fatality Prevention Systems' (CFPS) State Review Team. She reported that the CPO actively participates in these meetings and that the CPO has a recusal practice in the event there is a CPO case being reviewed.

The CPO continues to struggle with accessing records relating to a child's maltreatment death. Having access to

these documents would allow the CPO to study or make recommendations to citizens and state legislators regarding how to improve these review processes and the systems charged with protecting Colorado children. Ms. Steffen reported that there is currently not a bill draft available. However, once a draft is made available, the CPO will hold a stakeholder meeting and will share the draft with the Board.

PROGRAM UPDATES

Ms. Steffen directed the Board to the Agency Operations Update.

CLIENT SERVICES

Program Overview

Ms. Steffen reported that the CPO opened 134 cases during November and December of 2020. Currently, the CPO's Client Services Team has 115 open cases, which are split between four analysts. She reported that the Client Services Team continues to work on their cases while regularly participating in weekly and monthly stakeholder meetings, ongoing education/training opportunities, as well as CPO special initiatives.

She stated that the CPO continues to see an increase in cases related to child welfare cases involving domestic violence, inconsistency between child welfare and domestic relations courts and concerns related to continuity of care and medications at Division of Youth Services (DYS) youth centers. The team also continues to receive COVID-19 related complaints. Ms. Steffen reported that CPO staff are closely monitoring the trends they are noticing and are excited to publish some materials that are designed to educate Colorado citizens, legislators and stakeholders regarding the CPO's services, utility and ongoing work of the agency.

There was some discussion about COVID-19 related concerns. Ms. Steffen reported that the CPO participates in the DYS' Executive Order Meetings related to COVID-19, to ensure the agency is up-to-date and aware of how the DYS is managing COVID-19 within its youth centers. The team is closely monitoring this issue as it involves many recent cases.

Ms. Steffen indicated that the CPO has an extensive resource/referral guide that provides high quality, accurate referrals to community agencies that can help clients successfully access the resources they need.

Youth Outreach Effort

Ms. Steffen reported that the CPO continues to work with stakeholder partners to find ways to directly engage with youth. Currently, the CPO is coordinating with the Rocky Mountain Children's Law Center's Project Foster Power and the Youth Partnership for Health supported by the CDPHE to schedule time with youth panels to discuss the CPO's work, issues they would like the agency to focus on and other feedback.

PUBLIC POLICY

Ms. Madrid directed the Board to the Agency Operations Update Public Policy section.

Updates on Stakeholder Engagements

Ms. Madrid reported the CPO has continued to engage with the DYS to learn about, and contribute to, the DYS' response to COVID-19.

There was some discussion about youth who tested positive for COVID-19 in the DYS youth centers and what DYS was doing to keep youth safe. Ms. Madrid stated that the CPO is closely monitoring the number of reported cases in the youth centers and that the Gov. Jared Polis' executive orders related to youth in detention and committed youth are still in place. She reported that the executive orders are typically updated every 30 days.

Additionally, the CPO continues to host its quarterly Roundtable on Juvenile Facilities. Its most recent meeting was during November 2020. Ms. Madrid stated that stakeholders addressed questions, comments, and concerns with the DYS. Topics of discussion included the DYS' elimination of the use of implementing procedures, education policies and behavioral health practices and policies.

At 8:45 a.m. the CPO Board Zoom meeting was interrupted by people who joined the call with the purpose of disrupting the meeting, a tactic commonly referred to as "Zoombombing." Ms. Steffen ended the meeting immediately and sent out a new meeting invite to resume the meeting.

At 8:45 a.m. Ms. Roan left the Zoom meeting.

Break

At 9:00 a.m. Ms. Moultrie left the Zoom meeting.

At 9:03 a.m. the meeting resumed.

Chairman Plotz and Ms. Steffen thanked everyone for their patience. Ms. Steffen reported that she and CPO staff will work to determine if there is anyway to create a more secure online meeting, while also remaining compliant with Colorado open meeting laws.

Colorado Department of Human Services' Statute Review Group

Ms. Madrid reported that the CPO is continuing to participate in the State Review Group (Group) to ensure gaps within the Children's Code are addressed with the best interests of children, youth, and families at the forefront of consideration. The Group was tasked by the Delivery of Child Welfare Services Task Force to provide recommendations on how to further align social services rules with the Family First Prevention Services Act (FFPSA). She stated that throughout November and December 2020, the Group reviewed rules related to confidentiality and Program Area 3. It is anticipated that this work will continue into the new year.

Colorado Department of Human Services' Child Protection Task Group

Ms. Madrid stated that the CPO has been regularly attending the Child Protection Task Group (CPTG) to hear from the CDHS and county departments the barriers they have identified to child safety, permanency, and well-being. Attendance at the CPTG provides insights on upcoming rule changes, as well as how safety and risk tools are being implemented throughout the state. She reported that the CPTG has recently been discussing the resources county departments need to mitigate caseworker misconduct. The CPO is monitoring this conversation closely.

Colorado Partnership for Thriving Families

Ms. Madrid reported that the CPO is continuing to support the Colorado Partnership for Thriving Families' (CPTF) work to create a statewide child and family well-being system. The CPTF has been convening work groups to engage community partners, align resources, and incorporate families' voices. The CPO continues to provide expertise around alignment efforts, helping to refine project goals, strategies, and operations.

Legislative Updates

Ms. Madrid reported that the General Assembly will delay its regular session for at least a month because of the prevalence of COVID-19 in the state. The session was originally set to convene on January 13, 2021, with lawmakers working uninterrupted into May. Instead, lawmakers plan to gavel in on that date to address urgent business, including swearing in new members, before gaveling out after a few days. She stated that it is anticipated that the session will resume on February 16, 2021.

She stated that the CPO continues to closely monitor the proposed legislation that impacts to the child protection

system and CPO operations.

COMMUNICATIONS AND OUTREACH

CPO Newsletters and Social Media Presence

Ms. Steffen reported that the CPO continues to publish monthly newsletters and broaden its social media presence, primarily from its LinkedIn account. She reported that she would like to continue to promote the CPO projects and initiatives, highlight the work of other agencies and discuss best practices across the country.

SPECIAL INITIATIVES

Ongoing Projects

Adoption Assistance Rulemaking

Ms. Steffen reported that beginning in January 2021, the CPO will continue its participation in stakeholder meetings to discuss the third and final rule packet addressing adoption assistance practices in Colorado. The CDHS Division of Child Welfare (DCW) and the CPO will work to provide a process similar to the one facilitated this summer for work on the second rule packet.

Training and Continuing Education Opportunities

United States Ombudsman Association: New Ombudsman Training

Ms. Steffen reported that the Client Services Team and Ms. Madrid completed the United States Ombudsman Association's New Ombudsman Training. This course was completed virtually and included how to conduct ethical and robust investigations and gave an overview of the ombudsman profession.

CLOSING REMARKS

Chairman Plotz indicated that he was impressed with the CPO's outreach efforts to engage the general public and stakeholder partners. He reported that it appears that the CPO's continued efforts to create awareness and promote the services through the CPO newsletters, social media and online presence appear to be effective. Ms. Steffen reported that the office contributes the increase in caseloads due to the CPO's continued outreach efforts.

Chairman Plotz stated that the next CPO board meeting will be held at 8:00 a.m. on Thursday, March 11, 2021, via Zoom teleconference.

ADJOURN

Chairman Plotz entertained a motion to adjourn. Dr. Krugman made a motion to adjourn and Ms. Jones seconded the motion. The motion passed unanimously minus Ms. Roan and Ms. Moultrie.

The Board formally adjourned the meeting at 9:16 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on January 14, 2021, 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.

[Handwritten signature]

Board Chair

Simone Jones

Board Vice Chair

April 7, 2021

Date

4/7/21

Date

