



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING
March 11, 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 8:04 a.m. by Vice Chairman, Simone Jones.

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Zoom

Simone Jones, Vice Chair
Ken Plotz
Eldridge Greer
Karen Beye
Jerene Petersen
Victoria Shuler
Claire Morrow

Others Present

Janna Fischer, Assistant Attorney General
Stephanie Villafuerte, 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
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, Vice Chair Jones facilitated the meeting via teleconference. Board members and the Office of Colorado's Child Protection Ombudsman (CPO) staff participated via Zoom teleconferencing.

Vice Chair Jones welcomed everyone.

At 8:06 a.m. Ms. Shuler and Ms. Morrow joined the Zoom meeting.

REVIEW AND APPROVAL OF MINUTES

January 14, 2021, Meeting Minutes

Vice Chair Jones entertained a motion to approve the final minutes of January 14, 2021. Ms. Petersen made a motion to approve the final minutes of January 14, 2021, and Judge Plotz seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

None

EXECUTIVE DIRECTOR REPORT

Vice Chair Jones reported that Stephanie Villafuerte will be delivering the executive director report.

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

General Operations/COVID-19

Ms. Villafuerte reported that the CPO staff have continued to work remotely since March 13, 2020. She stated that the State Court Administrator's Office (SCAO) is looking at a re-occupancy plan discussion in May 2021, regarding when and how employees will resume operations at the Ralph L. Carr Judicial Center.

She reported that the CPO does not have an immediate plan to re-occupy the building and that staff will continue to work from home as the COVID-19 vaccines become available. Ms. Villafuerte reported that she wants to be prepared and that she and the team are thinking about what a return to work would like. She will update the Board if any circumstances change.

Financial Report

FY 2020-21 Budget - Ms. Villafuerte provided board members with the CPO's current FY 2020-21 operating budget report. She reported that the CPO has a FY 2020-21 operating budget of \$962,000 and that there is \$359,000 remaining. She stated that the majority of the budget goes to staff payroll and benefits and that the administrative and operating budget expenses remain low. Ms. Villafuerte reported that there will be some vacancy savings due to staffing patterns and change so the CPO is looking at a possible surplus at the end of the year. She reported the possible surplus does not account for regular operational expenses, however, she is considering using some of the surplus to revise and enhance our existing database.

FY 2021-22 Budget Request - Ms. Villafuerte reported that the CPO's FY 2021-22 budget request was heard by the Joint Budget Committee (JBC). She reported that the CPO has two decision items. First, the CPO staff

would take six furlough days per employee to reduce the overall size of the state budget. The second item was an increase for 1.0 FTE to assist with the caseload increase that is becoming unsustainable at the current staffing level. She 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. Villafuerte reported that the JBC analyst recommended the JBC decline the furlough days since the CPO operates with a small team and that every position is needed to operate fulltime in order to handle the increasing caseloads effectively and to fulfill the CPO's statutory responsibilities. However, the JBC analyst did not recommend the 1.0 FTE requested by the CPO. Ms. Villafuerte stated that that JBC analyst listed the pro and cons about why the 1.0 FTE should be funded or not.

Ms. Villafuerte stated that she will have the opportunity to argue for the 1.0 FTE in a comeback request which will be submitted to the JBC during the next 10 days. She stated that the JBC analyst acknowledged that the CPO's increased workload and the impacts that increase will likely have on CPO operations during the coming year. Ms. Villafuerte stated that the CPO will present its comeback request along with statistics, data and case narratives to explain the emergency nature of the calls the agency receives, and the different fields and constituency groups involved in those complaints. She stated that she believes this will give the JBC a stronger understanding of the work that the CPO does.

She will update the Board as the budget process continues.

Legal Services Report - Ms. Villafuerte provided the Board with the CPO's FY 2020-21 legal services report. She reported that the CPO has a balance of \$3,100.00 and that the office continues to utilize these legal services. She thanked Ms. Fischer for her expertise. They continue to be a great resource to the office.

Human Resources

Ms. Villafuerte reported that the CPO's Client Services Analyst, Kristin Ladd, is currently on leave and expected back in April 2021.

Ms. Villafuerte reported that herself, Ms. Pennington and Ms. Hooker were unable to attend the January meeting because they participated in an intensive mediation training with the Colorado Bar Association. She reported that the CPO continues to improve its practice and that the goal of the CPO is to find techniques and tools to help our clients to resolve their concerns at the lowest level possible, in an effective and efficient way where both parties can find their own solutions.

Ms. Villafuerte reported that the group thought the training was a great experience and was aligned with the neutrality of ombudsman principals. She reported that they are certified and that she would like the rest of the team to take the training in the future.

CPO Legislative Proposal

Ms. Villafuerte directed the Board to the handout regarding the CPO's 2021 Legislative Proposal. She stated that there are two amendments to the CPO's enabling statute. First, it will grant the CPO 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. Second, 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 in which the CPO is not a party.

Ms. Villafuerte reported that the bill is sitting in drafting. She reported that she continues to circulate this document broadly to stakeholders, including county attorneys and that many stakeholder partners have not

expressed opposition.

There was some discussion around confidentiality in court and the type of CPO work products that could be subpoenaed in a court proceeding. Ms. Villafuerte indicated that the current statute provides that the identity of the people, records that the CPO uses and generates are confidential. She reported that the CPO work product has been subpoenaed in different court situations and that the Ombudsman should not be the one to provide those records and that they need to discourage attorneys from using the CPO as a litigation tool because the CPO has done all the independent work. This does not, however, relieve the CPO from its responsibility to participate in court proceedings in which the agency is a party.

The CPO is seeking these changes to the existing statute to help ensure stakeholders and agency partners may work with the CPO to create impactful changes to the child protection system. Ms. Villafuerte reported that the CPO wants our stakeholders and citizens to know that the CPO is being thoughtful and wants to make the system better.

Ms. Villafuerte reported that will she continue to update the Board as changes occur.

CPO Board Appointments

Ms. Villafuerte reported that Ms. Roan could not be with us today but that she will take over as Chair in May 2021. She reported that there are also six board appointments that will be expiring August 1, 2021. Ms. Villafuerte reported that she will be reaching out to members whose terms are coming up this summer to discuss interest in re-applying for positions and the processes involved. She reported that board members can continue to serve and vote with legal support until the position is filled.

Ms. Villafuerte stated that the CPO continues to make efforts to fill the House Minority Leader appointment for a current or former foster parent position, that has been vacant since March 2019. She will provide the Board any updates regarding this vacancy.

Ms. Shuler asked in she could fill a different vacancy when her vacancy expires. Ms. Fischer reported that she will look into it and get back with Ms. Villafuerte.

PROGRAM UPDATES

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

CLIENT SERVICES

Program Overview

Ms. Pennington reported that the CPO opened 137 cases during January and February 2021. She reported that the CPO's Client Services Team has 141 open cases and that the three analysts average around 35 to 45 cases per analyst.

Ms. Pennington stated that during the past two months, the CPO has seen an increase in child welfare cases involving domestic violence, inconsistency in parenting time for parents and concerns related to continuity of care to youth residing in Division of Youth Services (DYS) youth centers. She reported that the cases are more complex and that the team also continues to receive COVID-19 related complaints and its impact on service delivery throughout the child protection system.

There was some discussion about how the public are finding the CPO what the average case load would look like. Ms. Villafuerte reported that she believes that the agency's outreach efforts and online visibility have

created more awareness of the office. Ms. Pennington reported that ideally the analysts would have an average of 21 to 28 cases each.

Outreach and Education

Working with Stakeholder Partners – Ms. Pennington directed the Board to the operations report. She stated that members of the Client Services Team continue to work with stakeholder partners by participating in standing meetings. She reported that the team will start attending the Institutional Assessment Review Team (IRAT) and the Domestic Violence Task Group to learn more about work being done in these areas. She stated that analysts are also attending stakeholder groups regarding how placement providers will adapt to meet the federal Family First Prevention Services Act (FFPSA) for qualified residential treatment programs and residential childcare facilities.

County Recognition Letters – Ms. Pennington reported that the CPO continues to recognize county human services departments which demonstrate excellent child welfare practice. She reported that this month the CPO is sending letters to Fremont, Mesa, Morgan, Montezuma, Ouray and San Miguel counties.

Behavioral Health Administration

There was some discussion regarding House Bill 2021-1097, that would direct CDHS to develop a plan for the creation of the Behavioral Health Administration (BHA) and how that will impact mental health delivery for young people.

Ms. Villafuerte stated that two years ago the Governor's office convened a Behavioral Health Task Force (Task Force) and that subcommittee members came up with a report that had 150 recommendations for different groups. She reported that she sat on the Children and Youth Subcommittee and that the Task Force members voted unanimously to create the BHA. Ms. Villafuerte reported that she is happy to send out the Task Force report to the Board and that she expects to see subsequent legislation as the bill moves forward.

At 8:51 a.m. Judge Plotz left the Zoom meeting.

PUBLIC POLICY

Stakeholder Engagements

Division of Youth Services – Ms. Madrid reported that the CPO is ensuring its continued collaboration with stakeholders to promote youths' safety and well-being in DYS. On February 25, 2021, the Governor extended his executive order for another 30 days to reduce the bed count in DYS youth centers. Ms. Madrid reported that, as of this morning, there is one DYS staff member with COVID-19 and no reported youth cases.

CPO Roundtable on Juvenile Facilities – Ms. Madrid stated that in February 2021, the CPO hosted its quarterly Roundtable on Juvenile Facilities (Roundtable). The CPO initiated discussion to learn more about how Roundtable meetings may benefit the child protection system. She reported that the CPO is working to update the format of the Roundtable to ensure meetings fully support stakeholders' work while advancing the mission of the CPO.

Colorado Department of Human Services -Child Protection Task Group – Ms. Madrid reported that the CPO has been regularly attending the Child Protection Task Group (CPTG) to hear from the CDHS and county departments regarding the barriers they have identified to child safety, permanency and well-being. Attendance at the CPTG provides insights about upcoming rule changes, as well as how safety and risk tools

are being implemented throughout the state. She stated that the CPTG is continuing its work to explore how the state should address caseworker misconduct.

At 8:56 a.m. Mr. Greer left the Zoom meeting.

Weekly Legislative Updates

Ms. Madrid reported that the CPO monitors legislation as it is introduced to evaluate its impact on the state's child protection systems. The goal is to keep the Board informed regarding the activities the CPO is monitoring and supporting. Board members stated that Ms. Madrid's weekly legislative updates are helpful and appreciated her efforts. Ms. Madrid encouraged the Board to continue to use the CPO online bill tracker as a resource and contact her with any of their legislative questions.

Ms. Madrid reported that the CPO is currently monitoring and supporting four bills. She reported that the theme is foster care and foster youth. She reported the bills will better service delivery and protections for youth.

Legislative Survey

Ms. Madrid stated that prior to the legislative session, the CPO developed and sent out a short survey to legislators' to have them identify child welfare issues that were most important to them and their constituents. She reported that the CPO had a strong response from 22 legislators.

Using the results of the survey responses, the CPO has been setting up meetings with these legislators to meet them, educate them about the CPO services, information about the agency's legislative priorities and to learn about what is important to individual legislators this session. Ms. Madrid reported that the CPO has met with 16 legislators as of today.

Ms. Villafuerte reported that it has been wonderful opportunity to connect with these legislators virtually and that is has been acceptable, welcomed and preferred. She reported that the CPO continues to promote the agency and let them know that we are here for their constituents as our statute intended.

Ms. Villafuerte thanked Ms. Steffen and Ms. Madrid for all their legislative efforts. She reported that child protection is a complicated system and that building relationships allows us to help legislators help navigate the system better and promote the same message.

Ms. Beye stated that she appreciated all the work the CPO staff has done with legislators and how important it is to be an active voice for Colorado youth and children.

There was some discussion around what is going on in child welfare at the federal level. Ms. Villafuerte reported that she has been following the Child Care Credit and that the new administration is really taking a hard look at child and family poverty issue at an aggressive level.

COMMUNICATIONS AND OUTREACH

Outreach Efforts

Youth Outreach – Ms. Steffen reported that the CPO is starting its youth engagement opportunities. She reported that during March and April, the CPO will be working with the Youth Partnership for Health supported by the Colorado Department of Public Health and Environment and the Rocky Mountain Children's Law Center's Project Foster Power to hold two youth-led and/or youth-focused meetings. As the agency continues its education and outreach efforts, the CPO will continue to dedicate time and resources

to meeting with youth. She reported that these meetings will be invaluable as the CPO works to improve how it connects with and serves Colorado youth.

Ms. Steffen thanked the team for all their work to get these projects off the ground.

Ms. Shuler reported that she is involved with Colorado Wellness Week in September of 2021. She reported that she is the Chair for the Engaging and Empowering Youth. She invited the CPO team to participate in a similar panel discussion.

CPO Newsletters and Social Media Presence

Ms. Steffen reported that the CPO is working on different products that will be a great resource for citizens and promote the CPO's work on a weekly and monthly basis.

COVID-19 Blog – Ms. Steffen reported that beginning today, and during the three weeks to follow, the CPO analysts have authored blogs about how COVID-19 impacted various facets of the child protection system.

Ombudsman Blogs – Ms. Steffen reminded the group that during January 2021, Ombudsman Villafuerte authored a blog about how mediation enables ombudsman offices to better listen, understand and help the citizens who call. The piece detailed lessons the Ombudsman and CPO staff learned during a 40-hour mediation course and how the CPO will work to apply those skills in its service to Colorado citizens.

CPO 10-Year Anniversary – Ms. Steffen reported that in January 2021, the CPO celebrated its 10-year anniversary. To mark the occasion, the CPO used its January 2021 newsletter to highlight the past decade of work. She reported that the newsletter shared highlights of the past 10 years, including building relationships with citizens and stakeholders, expanding the services the CPO provides to youth residing in DYS youth facilities and creating long lasting, positive impacts. She reported that it was difficult to synthesize our work product in just a few paragraphs.

Ombudsman Villafuerte's Appointment to the NACC – Ms. Steffen reported that in January 2021, the CPO announced that Ombudsman Villafuerte was appointed to the board of the National Association of Counsel for Children. Ombudsman Villafuerte's appointment was met with excitement from stakeholder partners across Colorado.

Newsletters – Ms. Steffen reported that the CPO has continued to publish monthly newsletters. She reported that the CPO's newsletters continue to be an effective way to introduce new CPO projects and initiatives, highlight the work of other agencies and discuss best practices across the country.

CLOSING REMARKS

Ms. Villafuerte reported that several board members reached out to her to discuss their concerns regarding unlicensed day care facilities. She reported that that is has always been on the CPO radar but that historically the CPO is engaged in the child welfare intervention not in the early childhood education. However, Ms. Villafuerte stated that the CPO does have jurisdiction because it is a public service and receives public funding and its done in the care and well-being of children.

Ms. Villafuerte reported that in February 2021, 9News did a series on unlicensed day care facilities. She has since reached out to CDHS leadership to learn more. CDHS said that their next steps are to establish a child fatality review process for children that specifically die in both licensed and unlicensed day care that falls outside of the scope of other child fatality reviews that are in place. Ms. Villafuerte stated that CDHS is also going to start an internal work group to talk about the process. She reported that she has been invited to participate in this work

group when it convenes in the next month.

The group discussed their concerns about what quality means, education that can be done, support and resources that are available to families. There was the suggestion for the CPO to also put these resources on the CPO website.

Ms. Villafuerte reported that she will continue to address these concerns and will reported back to the Board as she knows more information.

Vice Chairman Jones thanked the CPO staff for all the work and their detailed reports. She stated that the next CPO board meeting will be held at 8:00 a.m. on Thursday, May 13, 2021, via Zoom teleconference.

ADJOURN

Vice Chairman Jones entertained a motion to adjourn. Ms. Beye made a motion to adjourn, and Ms. Petersen seconded the motion. The motion passed unanimously minus Judge Plotz and Mr. Greer.

The Board formally adjourned the meeting at 9:24 a.m.

ATTESTATION

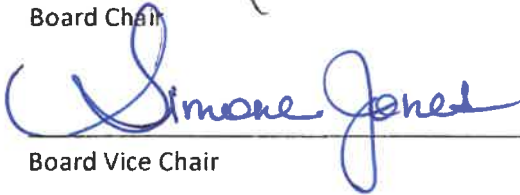
As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on March 11, 2021, of the Colorado Child Protection Ombudsman Board substantially reflect the substance of the discussion and action taken related to the matters under the authority of the Board and in compliance with the Open Meetings Law, § 24-6-402, C. R.S.



Board Chair

5.13.21

Date



Board Vice Chair

5/13/21

Date

