



# **CHILD PROTECTION OMBUDSMAN**

**FISCAL YEAR 2021-2022  
PERFORMANCE MANAGEMENT SYSTEM**

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## Agency Overview

### Background

The Office of Colorado's Child Protection Ombudsman (CPO) was established in June 2010, under Senate Bill 10-171. This legislation provided that the CPO would operate as a program through a contract with a local non-profit agency, issued and managed by the Colorado Department of Human Services (CDHS).

The program was created in response to the deaths of 12 children in Colorado who were known to child protection services. The deaths of these children in 2007 sparked an outcry by the public that there be greater oversight, accountability and transparency of the child protection system in Colorado. The public demanded to know more about how the systems charged with protecting Colorado's children were keeping them safe and working to prevent such tragedies in the future.

Years after its creation, legislators determined that the CPO needed independence from the agencies it was designed to review. And on June 2, 2015, Senate Bill 15-204, Concerning the Independent Functioning of the Office of the Child Protection Ombudsman, was signed into law. The new, independent CPO opened in 2016.

Senate Bill 15-204 not only transformed the original "program" into a distinct and independent state agency, but it also created the first ever Child Protection Ombudsman Board (CPO Board). Designed to ensure the accountability and transparency of the CPO, the CPO Board is required to oversee the Child Protection Ombudsman's performance and act as an advisory body.

Since its independence, the CPO has worked consistently to keep its practices aligned with national standards. The CPO is guided by standards set by organizations such as the United States Ombudsman Association and the American Bar Association. Using those standards, the CPO works to provide a clear channel between the citizens of Colorado and the agencies and providers tasked with protecting children. Specifically, staff independently gathering information, investigating complaints and provide recommendations to child protection agencies and providers.

Further aligning the CPO with national standards, House Bill 21-1272 was signed into law on June 24, 2021. The law allows the CPO to be more responsive to citizens requesting a review of the circumstances surrounding a child fatality. Prior to its passing, the CPO was unable to complete such reviews that were effective and timely. Additionally, House Bill 21-1272 updated how the CPO's records and staff expertise can be used by clarifying both are exempt from being used in court proceedings in which the CPO is not a party.

The CPO's duties and powers were also expanded in June 2021 with the passing of House Bill 21-1313. Intended to help unaccompanied immigrant children placed within Colorado's borders by the federal Office of Refugee Resettlement, House Bill 21-1313 permits the CPO to initiate reviews of the safety and well-being of such youth who are placed in Colorado residential child care facilities and monitor their care.

The CPO, housed within the Colorado State Judicial Branch, is located at the Ralph L. Carr Judicial Center in Denver. Colorado's current Child Protection Ombudsman is Stephanie Villafuerte; she was appointed in December 2015 by the CPO Board and took office in January 2016.

## **Mission**

We are innovative change agents committed to informing and reforming child protection systems for children, families and communities.

## **Vision**

Ensuring safety for Colorado's children today and envisioning a stronger child protection system for the future.

## **Major Agency Functions**

### ***Role of the CPO***

By design, the CPO serves as an independent, neutral problem solver that helps citizens navigate a complex child protection system in an expert and timely manner. The CPO has independent access to child protection records that are not otherwise available to the public. This allows the CPO to objectively assist citizens with concerns, investigate issues affecting the child protection system, deliver recommendations and drive systemic reform through research and education. Through objective study the CPO works to improve the delivery of services to children and families within the child protection system.

### ***Responsibilities of the CPO***

The CPO was established pursuant to C.R.S. 19-3.3-101. The agency is responsible for responding to citizens' complaints concerning actions or inactions by child protection agencies that may adversely impact the safety, permanency or wellbeing of a child. Child protection agencies are those that receive public funds to protect or care for children. This includes law enforcement, mental health agencies, child welfare services and the Division of Youth Services. All services provided to citizens are free and confidential.

Additionally, pursuant to C.R.S. 19-3.3-103, the CPO is responsible for informing on systemic changes to "...improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado." Being uniquely situated to gather and share information with state and non-state entities, the CPO helps facilitate work to enhance the state's child protection system. The CPO shares recommendations and information with the public by publishing reports and other content at [www.coloradocpo.org](http://www.coloradocpo.org).

## **Jurisdiction and Environment**

The CPO receives "*complaints concerning child protection services. ... "Complaint" means any report or complaint made by or on behalf of a child relating to any action, inaction, or decision of any public agency or any provider that receives public money that may adversely affect the safety, permanency, or well-being of the child. The ombudsman may, independently and impartially, investigate a complaint, which may include complaints about an incident of egregious abuse or neglect or near fatality, as described in section 26-1-139, or fatality of a child, as described in part 20.5 of title 25 and section 26-1-139. The ombudsman may seek resolution of a complaint, which may include but need not be limited to referring a complaint to the state department or appropriate agency or entity and making a recommendation for action relating to a complaint.*" See C.R.S. 19-3.3- 103(1)(a)(I)(A).

Some examples of agencies/providers the CPO has jurisdiction to review include human service agencies, youth corrections, law enforcement, educators, medical professionals and treatment providers.

Pursuant to C.R.S. 19-3.3-101 to 110, the CPO does not have the authority to:

- Investigate allegations of abuse and/or neglect.
- Interfere or intervene in any criminal or civil court proceeding.
- Testify in a court proceeding in which the CPO is not a party.
- Provide acquired records/documents in a court proceeding in which the CPO is not a party.
- Investigate complaints related to judges, magistrates, attorneys or guardians ad litem.
- Overturn any court order.
- Mandate the reversal of an agency/provider decision.
- Offer legal advice.

## STRATEGIC POLICY INITIATIVES

For Fiscal Year (FY) 2021-2022, the CPO is advancing three performance goals, called Strategic Policy Initiatives (SPI):

**SPI 1:** Target communications and engagements to better educate and serve citizens and stakeholders.

**SPI 2:** Implement practices that ensure efficient and effective CPO services.

**SPI 3:** Establish the CPO as a leader on issues facing the child protection system.

## PERFORMANCE MANAGEMENT SYSTEM

### Approach

The CPO's performance management system utilizes the principles of Lean process improvement and is developed to help the agency implement continuous improvements. The agency prides itself on using the best available information to help improve the way it operates for Coloradoans. During regularly scheduled staff meetings, the CPO trains staff on its performance management system.

Below illustrates the agency's approach to defining, measuring, reporting, assessing and improving its performance progress. Details about each of these components are provided in the next section.



### Components

The CPO's performance management system is comprised of five components, including:

- **"Define"** reflects the CPO's work to identify the strategies that will help the CPO achieve each SPI.
- **"Measure"** reflects the CPO's monitoring of key metrics that indicate how well SPIs are progressing.
- **"Report"** reflects the CPO's reporting efforts, which are designed to be transparent and accessible, while ensuring accountability and compliance with state law.
- **"Assess"** reflects the CPO's evaluation of metrics to determine areas of opportunity.
- **"Improve"** reflects the CPO's work ensure it is operating effectively and efficiently. These components are completed cyclically and as needed to ensure optimal agency performance.

Below details how the CPO is utilizing these principles for its current SPI.

	SPI 1: Target communications and engagements to better educate and serve citizens and stakeholders.	SPI 2: Implement practices that ensure efficient and effective CPO services.	SPI 3: Establish the CPO as a leader on issues facing the child protection system.
Define	<ul style="list-style-type: none"> <li>- Provide consistent, timely and informative communications to citizens, legislators and stakeholders on issues facing the child protection system.</li> <li>- Engage with communities to expand the CPO's statewide presence and to identify emerging issues in child protection.</li> <li>- Ensure the CPO is targeting communications and services to all of Colorado's diverse communities.</li> </ul>	<ul style="list-style-type: none"> <li>- Implement practices and procedures that support CPO staff.</li> <li>- Ensure the CPO is continually applying a diversity, equity and inclusion lens to its services.</li> </ul>	<ul style="list-style-type: none"> <li>- Identify systemic issues that are pertinent to improving the child protection system.</li> <li>- Track and analyze recommendations to monitor CPO's impacts and progress.</li> <li>- Encourage citizens and stakeholders to use the CPO as a resource to improve the child protection system.</li> </ul>
Measure	<ul style="list-style-type: none"> <li>- Case closure data</li> <li>- Communications emailed</li> <li>- Community outreach events</li> <li>- Results of surveys</li> <li>- Listserv subscribers</li> <li>- Materials distributed</li> </ul>	<ul style="list-style-type: none"> <li>- Results of surveys</li> <li>- Educational events</li> </ul>	<ul style="list-style-type: none"> <li>- Case closure data</li> <li>- Communications emailed</li> <li>- Recommendations acknowledged or implemented</li> </ul>
Report	Performance progress will be reported to the CPO Board, General Assembly, Executive Branch and Judicial Department, in accordance with state law.		
Assess	The CPO's leadership will assess each measure to determine areas of opportunity.		
Improve	The CPO's leadership will adjust agency operations, as needed, to ensure optimal service for Coloradans.		

### Timeline

The CPO's performance management system will align to the following timeline.

June 2021	<ul style="list-style-type: none"> <li>- Research, write, submit and post FY 2021-2022 SMART Act Performance Plan.</li> <li>- Research, write, submit and post FY 2021-2022 SMART Act Performance Management System.</li> </ul>
October 2021	<ul style="list-style-type: none"> <li>- Research and write FY 2021-2022 SMART Act Annual Performance Evaluation.</li> <li>- Hold first quarter review meeting with Ombudsman and staff.</li> </ul>
November 2021	<ul style="list-style-type: none"> <li>- Submit and post FY 2021-2022 SMART Act Annual Performance Evaluation.</li> </ul>
December 2021	<ul style="list-style-type: none"> <li>- Hold second quarter review meeting with Ombudsman and staff.</li> <li>- Research and write FY 2021-2022 SMART Act Quarter Two Performance Evaluation.</li> </ul>
January 2022	<ul style="list-style-type: none"> <li>- Submit and post FY 2021-2022 SMART Act Quarter Two Performance Evaluation.</li> <li>- Present to joint legislative committees of reference.</li> </ul>
March 2022	<ul style="list-style-type: none"> <li>- Hold third quarter review meeting with Ombudsman and staff.</li> <li>- Research and write FY 2021-2022 SMART Act Quarter Three Performance Evaluation.</li> </ul>
April 2022	<ul style="list-style-type: none"> <li>- Submit and post FY 2021-2022 SMART Act Quarter Three Performance Evaluation.</li> </ul>
June 2022	<ul style="list-style-type: none"> <li>- Research and write FY 2021-2022 SMART Act Performance Plan.</li> </ul>

## Conclusion

The Child Protection Ombudsman respectfully submits this report as is required under C.R.S. § 2-7-204.