



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING
July 8, 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 Chair, Ann Roan

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Zoom

Ann Roan, Chair
Simone Jones, Vice-Chair
Hon. Ken Plotz
Eldridge Greer
Karen Beye
Jerene Petersen
Peg Rudden
Victoria Shuler
Hon. Pax Moultrie
Brian Bernhardt

Others Present

Stephanie Villafuerte, Ombudsman
Tiffany Madrid, Director of Legislative Affairs and Policy
Karen Nielsen, Director of Administrative Services
Claire Hooker, Client Services Analyst
Derek Cooley, Client Services Analyst
Heather Coffman, Client Services Analyst
Janna Fischer, Assistant Attorney General

PRESENT FROM THE PUBLIC

Yolanda Arredondo, Deputy Director of the Division of Child Welfare at the Colorado Department of Human Services (CDHS) was present.

INTRODUCTIONS

Pursuant to guidance handed down by the Colorado Department of Public Health and Environment regarding the spread of COVID-19, Chair Ann Roan facilitated the meeting via teleconference. Board members, Office of Colorado's Child Protection Ombudsman (CPO) staff and other attendees participated via Zoom teleconferencing.

Chair Ann Roan welcomed everyone.

REVIEW AND APPROVAL OF MINUTES

May 13, 2021, Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on May 13, 2021. Mr. Greer made a motion to approve the final minutes of May 13, 2021, and Ms. Shuler seconded the motion. The motion passed unanimously.

BOARD MEMBER EDUCATION SESSION

Chair Roan stated that she would like one board member to make a short presentation during each future board meeting. The presentation may cover a topic or issue that impacts child safety, the child protection system or highlights the board member's experience. Chair Roan said she would present during this meeting and would then accept volunteers for future meetings.

Chair Roan talked about the challenges she faced as a defense attorney working on behalf of children being held in pre-trial detention facilities. She spoke about how difficult it is to be effective and the barriers youth and families face. These difficulties included:

- Seeing the children in person;
- Trouble building relationships with the children and their families;
- Lack of visitation;
- Lengthy travel times to and from court appearances; and
- The inability to meet with the child and their parents to make decisions that are in the best interest of the child which constitutionally they are entitled to.

Additionally, she talked about challenges with Colorado only having a low number of detention facilities, the impact of COVID-19 and longer-term stays have had on youth in detention and the lack of resources in rural areas.

At 8:18 a.m. Ms. Arredondo joined the Zoom meeting.

Chair Roan welcomed Ms. Arredondo to the meeting. Ms. Arredondo introduced herself and said that she is new in her role at CDHS and that she is attending the meeting to build her relationship with the CPO.

Returning to Chair Roan's presentation, there was a broader discussion regarding potential solutions. Chair Roan stated that ideally every county would have a pre-trial detention facility but financially that's impossible. There was a suggestion about bringing a stakeholder group together to have a bigger discussion and talk about some other viable solutions besides a facility.

Ms. Villafuerte reported that this issue has been brought to the CPO's attention. Ms. Madrid talked about the Colorado youth detention continuum, a four-part continuum of services designed to ensure that youth are supervised at an appropriate level. She reported that what has specifically been brought to the CPO's attention is that the middle two, less secure options around shelter and temporary holding

facilities have not been well supported or implemented in our state. Ms. Villafuerte reported that the CPO is doing research regarding what is taking place in the state, the array of services and resources available and following what the state is doing to develop a strategic plan to better serve youth in all aspects of the continuum.

Ms. Moultrie volunteered to present at the next board meeting in September 2021.

BOARD OPERATIONS

Welcome Brian Bernhard

Chair Roan welcomed Mr. Bernhard. He introduced himself and stated that he is an attorney and a former foster parent, and he is passionate about foster care and services to families throughout the Colorado. Mr. Bernhard reported that he is founder/co-owner of Foster Source which collaborates with the CDHS and county departments of human services across the state. He stated that he knows that this is an issue of concern in the child protection system and that he would like to contribute to CPO working in this area.

CPO Board Membership and Recruitment Updates

Ms. Villafuerte provided the Board with membership and recruitment updates. She reported that getting board members appointed to positions, in general, has been a slow process but that there are pending applications for the open Chief Justice appointments.

Board members discussed the upcoming vacancies and gave some valuable leads on individuals that may be interested in serving on the Board.

Ms. Villafuerte will continue to have discussions with stakeholders and existing board members and hopes to have all the appointments filled by November 2021.

Board Member Biographies and Outreach

Ms. Villafuerte reported that one of the best parts of this agency is the Board and the ability to utilize the experience of each board member. She reported that having an active advisory board allows individuals to collaborate with one another.

Ms. Villafuerte stated that the CPO received a positive response regarding the interview that Ms. Nielsen did with the Chair Roan and Judge Plotz April 2021. The project gave the public the opportunity to understand more about how the Board was created, the role of the Board and the thoughts and experiences of each member. Ms. Villafuerte stated that the CPO would like to promote the Board and its members. To kick off this effort, Ms. Villafuerte asked each board member to write a short biography and submit a headshot that may be posted on the CPO's website.

The Board was in support. The CPO will be reaching out to the Board to coordinate this process.

Dropbox for Board Communications

Ms. Villafuerte reported that there is a large volume of board documents which may be difficult to navigate. She stated that she would like to implement Dropbox for all Board communications so the CPO can store and share files without compromising their integrity.

The Board and Ms. Fischer, Assistant Attorney General, were in support of switching to a cloud-based database for all the Board documents.

Reschedule November 2021 Board Meeting

Chair Roan reported that the board meetings are typically held during the second Thursday of every other month. However, the November meeting is currently scheduled for November 11, 2021, which is also Veterans Day. Chair Roan suggested moving the November meeting to November 18, 2021. Board members were in favor of moving the meeting.

Ms. Villafuerte reported that the Board plans to use this date for the Ombudsman evaluation and Ms. Fisher will be onboarding the new members.

EXECUTIVE DIRECTOR REPORT

Chair Roan reported that Ms. Villafuerte will be delivering the executive director report.

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

Financial Report

FY 2020-21 Budget – Ms. Villafuerte provided board members with the CPO’s FY 2020-21 operating budget report through June 15, 2021. She reported that the CPO has a FY 2020-21 operating budget of \$962,000 and that the CPO is \$59,000 under budget.

Ms. Villafuerte reported that this surplus does not account for June staff payroll and benefits and remaining operating expenses but that she expects to be closer to \$15,000 under budget.

FY 2022-23 Budget - The CPO has started developing its budget request for FY 2022-23. Ms. Villafuerte stated that she would like to have an increase of \$115,000 which would include the funding that was lost due to COVID-19. She stated that they need to submit the request mid-September and will continue working with the Supreme Court Administrator’s Office (SCAO) to analyze the CPO’s budget and how to best accommodate any additional needs. Ms. Villafuerte reported that she will get a copy of the proposed budget to the Board when it is posted on the CPO and JBC websites.

Legal Services Report – Ms. Villafuerte provided the Board with the CPO's FY 2020-21 legal services report. She reported that the CPO has been allocated \$13,000 and had \$865 deficient in FY 2020-21. 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. Ms. Villafuerte anticipates the CPO will receive a similar legal budget for FY 2021-22.

She thanked Robert W. Finke, First Assistant Attorney General, and Ms. Fischer for their expertise.

General Operations/COVID-19

Ms. Villafuerte reported that the Ralph L. Carr building is opening up and lifting restrictions put into place due to the pandemic. She reported that CPO staff will return to work in the building on Mondays and Tuesdays beginning July 12, 2021, and that the majority of the staff will continue to work from home the other three days a week. Ms. Villafuerte reported that she will re-evaluating this policy in September 2021 or until the SCAO releases a more definite plan. Ms. Villafuerte will update the Board if any circumstances change.

Chair Roan thanked Ms. Villafuerte and the CPO staff for all their hard work and that she liked that the office was taking a flexible approach with work arrangements.

Ms. Villafuerte reported that the CPO is growing out of its current office space and that the team is looking at creative ways to share workspaces and work remotely to save infrastructure expenses.

Human Resources

Ms. Villafuerte reported that the CPO continues to grow, and that the CPO will have 10 full-time employees. She stated that during June 2021, the CPO hired two analysts to join the Client Services Team. Mr. Cooley joined the agency on Monday, June 28, 2021. Mr. Cooley comes to the CPO from the Adams County Department of Human Services. The CPO also hired Wendy Oldenbrook, whose first day with the agency will be Monday, July 12, 2021. She stated that Ms. Oldenbrook joins the agency after several years with Denver Human Services.

Mr. Cooley introduced himself to the Board.

Ms. Villafuerte reported that the CPO has one vacant case analyst position that was posted yesterday. She reported that the CPO gained this position as a result of House Bill 21-1313, which requires the CPO to investigate and monitor the safety and well-being of unaccompanied immigrant children placed in state-licensed facilities. She said that the goal is to have someone onboarded by mid-August.

PROGRAM UPDATES

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

COMMUNICATIONS AND OUTREACH

CPO in the Press

Ms. Villafuerte reported that CPO continues to be in the news and highlighted a few of the interviews and articles below.

Residential Child Care Facilities – Ms. Villafuerte stated that the CPO was recently featured in a series by The Colorado Sun and 9News regarding the CPO’s work addressing issues with residential child care facilities (RCCF). She stated that in that interview, she expressed concerns that there has not been more action by the CDHS to address issues identified by the CPO in its 2019 investigation report regarding the closure of the El Pueblo Boys & Girls Ranch. She further reported that the same issues have continued to impact the care and safety of children and youth residing in RCCFs and that the CPO will continue to look into these concerns facing these facilities.

Mandated Reporting – Ms. Villafuerte reported that she recently did an interview with The Denver Post regarding Colorado’s mandatory reporting law. She stated that she has been researching the law, which has not been updated in 30. Ms. Villafuerte reported that there are areas of the law specifically regarding institutional abuse reporting that are vague, create confusion and may lead to inconsistent reporting among mandatory reporters and potential harm for kids.

Medication Management in Division of Youth Services (DYS) Facilities – Ms. Villafuerte reported that the CPO has received complaints from advocates and youth guardians indicating children are not getting meds in a timely manner, and that it is a statewide issue. She reported that the CPO hosted a roundtable meeting more than a year ago and that it continues to be a child safety concern. Ms. Villafuerte stated that the CPO understands that DYS has to evaluate children and give meds safely. The CPO will continue to have conversations and work with stakeholders and DYS to monitor the system.

Outreach and Education

Community Outreach – Ms. Villafuerte directed the Board to the community outreach handout. She reported that the CPO team continues to participate in different committees and groups and that this document highlights in detail all that outreach in one place.

Ongoing Education -Ms. Villafuerte reported that members of the Client Services Team continue to participate in trainings and town halls related to child sexual abuse, racial equity and bias awareness, supervision strategies and child welfare institutional assessments. She reported that she appreciates that the CPO team takes advantages of different opportunities.

The Board took a break at 9:22 a.m. The meeting resumed at 9:30 a.m.

CLIENT SERVICES

Program Overview

Ms. Hooker reported that the Client Services Team has 107 open cases and that during FY 2020-21, the CPO opened a record 852 cases. This caseload is a 17 percent increase compared to the previous fiscal year.

Ms. Hooker stated that during May and June, the CPO has seen an increase in the number of cases involving child welfare assessment practice, specifically failure to meet initial response times and lack of notification to required parties at the close of child welfare assessments. The CPO also sees complex cases involving domestic violence, sexual abuse and parental coaching.

She reported that when the CPO has questions or potential concerns regarding a case, analysts will reach out to county departments to schedule Zoom meetings to discuss the case. Ms. Hooker stated that most of the time issues may be resolved or corrected that way. However, on occasion, analysts will write letters to the relevant county department and CDHS to address possible compliance or practice concerns.

Additionally, the CPO continues to write CPO recognition letters when excellent casework is identified. She reported that most recently, the CPO recognized Yuma County for excellence in their communication with the CPO and their openness to feedback and improvement opportunities.

Outreach and Education

Ms. Hooker reported that the Client Services Team continues to participate in stakeholder groups as well as multiple trainings related to topics such as sex abuse, racial equity and bias awareness and institutional abuse assessment practices.

She reported that the Client Services Team also renewed their supervisor or case worker certifications through the child welfare training system for the year.

Division of Youth Services

Ms. Hooker reported that the CPO currently has six open DYS-specific cases. During Fiscal Year 2020-21, the CPO opened 61 cases regarding the services and care provide by the DYS. She reported that these complaints included issues related to service coordination, restraint, staff conduct and youth rights.

She stated that the CPO continues to meet with DYS leadership monthly to address complaints the CPO receives, systemic issues and policy-related questions.

There was some discussion about how the closing of Ridgeview Youth Services Center and whether the CPO received concerns about the facility. Ms. Villafuerte reported that the CPO has received complaints about

the closure of the facility. She stated that, until recently, the facility was in good standing, however, not all of its beds were full. She stated that there have been questions and concerns about why the facility was closed, specifically in light of Family First Prevention Services Act (FFPSA) and the shortage of beds in general.

The Board asked for presentation on FFPSA, and whether the CPO could give an overview of the background, legislation and what the implementation will look like. Ms. Villafuerte reported that she will put it on the agenda for the next Board meeting.

PUBLIC POLICY

Legislative Updates

Ms. Madrid reported that the First Regular Session of the 73rd General Assembly adjourned on June 8, 2021. She stated that this year, policymakers passed nine bills that will effectively strengthening the child protection system and collectively, these new laws intend to improve youth and family services and experiences. She directed the Board to the Agency Operations Update for a summary of each bill and stated that the CPO is proud to have supported each of these bills throughout the legislative process.

There was some discussion regarding HB 21-1094 – Foster Youth in Transition Program. Ms. Madrid reported that the law aims to help foster youth better transition to independent living by providing them a safety net to reenter the child welfare system to receive developmentally appropriate services. The CPO will continue to follow the bill as it is implemented.

Ms. Villafuerte wanted to specifically highlight the following two of the bills impacting the CPO and how the CPO will be implementing these laws.

HB 21-1272 – Ms. Villafuerte stated that the bill passed and authorizes the CPO to complete child fatality reviews. It give the CPO independent access to records related to an incident of egregious abuse or neglect, near fatality or fatality of a child from multiple agencies including, state coroner's offices, law enforcement agencies, hospitals, courts, the Office of State Registrar of Vital Statistics and out-of-home placement providers.

The bill also provides the CPO with limited access to reports produced by the Colorado Department of Public Health and Environment's Child Fatality Prevention Review Team and reports produced by the CDHS' Child Fatality Review Team.

She reported that the CPO is talking about what an effective review looks like. She reported that the Client Services Team is meeting with national experts from across the country about the different models of practice when reviewing critical incidents of child death or near fatality.

HB 21-1313 – Ms. Villafuerte reported that the bill requires the CPO to initiate reviews of the safety and well-being of unaccompanied immigrant children who are placed in state-licensed residential childcare facilities and who are in the custody of the federal Office of Refugee Resettlement.

She reported that the CPO is working to fill the new position created by this legislation.

Ms. Villafuerte reported that as a part of this project the CPO is holding a stakeholder group with those advocates in the medical and immigration community to understand more about these children's needs that advocated for this bill.

There was some discussion regarding caseloads and how this new position will impact current

workloads. Ms. Villafuerte reported that she continues to talk to the Client Services Team about how they would manage this caseload and how it may differ from working with prior interfamilial cases.

CHILD PROTECTION OMBUDSMAN EVALUATION

Ms. Fisher reported that it is time for the Board to complete Ms. Villafuerte’s annual evaluation. The Board discussed the evaluation process, the timeframes and selected the evaluation subcommittee members that will be summarizing the individual evaluations from board members. Ms. Villafuerte will be completing her own self-evaluation and the Board said they would like to also have staff evaluations included.

Ms. Fisher will reach out to Ms. Steffen and Ms. Villafuerte to coordinate the Ombudsman self-evaluation and staff evaluations and then follow up with board members on next steps.

CLOSING REMARKS

Ms. Fisher reminded the Board about the Pre-Meeting Supplement Conflict of Interest Form for the Child Protection Ombudsman Board. She reported that the form only needs to be submitted only if there is a conflict and they plan to recuse themselves from any agenda item.

Chair Roan recognized everyone for their detailed reports and valuable conversations. She thanked the board members for their service as agents of change for children and families in Colorado.

At 10:03 a.m. Ms. Beye left the meeting.

Chair Roan stated that the next CPO board meeting will be held at 8:00 a.m. on Thursday, September 9, 2021, via Zoom teleconference.

ADJOURN

Chair Roan entertained a motion to adjourn. Ms. Rudden made a motion to adjourn, and Ms. Shuler seconded the motion. The motion passed unanimously minus Ms. Beye.

The Board formally adjourned the meeting at 10:06 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on July 8, 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.

/s/ Ann M. Roan _____

Board Chair



Board Vice-Chair

9-9-21 _____

Date



Date

