



CHILD PROTECTION OMBUDSMAN

of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING
September 9, 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
Jerene Petersen
Victoria Shuler
Brian Bernhard
April Lane
Hon. Amanda Hopkins
Wendy Buxton-Andrade
Richard Krugman
Judith Martinez
Aaron Miltenberger

Others Present

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
Derek Cooley, Client Services Analyst
Wendy Oldenbrook, Client Services Analyst
Janna Fischer, Assistant Attorney General

PRESENT FROM THE PUBLIC

Eldridge Greer
Karen Beye
Hon. Pax Moultrie

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.

At 8:03 a.m. Ms. Buxton-Andrade and Dr. Krugman joined the Zoom meeting.

FAREWELLS TO OUTGOING MEMBERS

Chair Roan thanked outgoing members Mr. Greer, Ms. Beye, Judge Moultrie and Ms. Rudden for their commitment and contributions to the Board and to helping in children in Colorado.

Ombudsman Villafuerte acknowledged the outgoing members and stated that it has been a privilege to work with them. She recognized that many of them were original board members and thanked them for contributing to the growth of the organization.

Judge Plotz expressed his sincere thanks to the outgoing members for their knowledge, experience and involvement with the organization.

Mr. Greer, Ms. Beye and Judge Moultrie expressed their gratitude for the opportunity to partner and serve on the Board and the opportunity improve the child welfare system with the creation of the Child Protection Ombudsman Office. They thanked Ombudsman Villafuerte for her leadership and the staff for their courage to make lasting system improvements and a positive impact on children and families in Colorado.

WELCOME TO NEW MEMBERS

Chair Roan welcomed Ms. Lane, Judge Hopkins, Ms. Buxton-Andrade and Ms. Martinez. She stated that they all bring a broad range of experience, knowledge and geographical diversity to the Board and that she is looking forward to working with them. Ms. Lane, Judge Hopkins, Ms. Buxton-Andrade and Ms. Martinez introduced themselves.

REVIEW AND APPROVAL OF MINUTES

July 8, 2021, Meeting Minutes

Chair Roan entertained a Motion to approve the final minutes of the meeting held on July 8, 2021. Judge Plotz made a Motion to approve the final minutes of July 8, 2021, and Vice-Chare Jones seconded the Motion. The Motion passed unanimously.

PUBLIC COMMENT

None

At 8:19 a.m. Mr. Greer, Ms. Beye and Judge Moultrie left the Zoom meeting.

ATTORNEY GENERAL UPDATES

Ombudsman Villafuerte stated that Assistant Attorney General Fischer will be delivering the updates regarding upcoming training and Board operations.

Annual Board Training

Assistant Attorney General Fischer reported that The Office of the Attorney General has the duty to provide the board members with information regarding legal and ethical issues specifically relating to the functions of the Board and responsibilities of members. She reported that the training is a statutory requirement, must be conducted annually and that she plans to conduct this training at the Board meeting on November 18, 2021.

Conflict of Interest Form

Assistant Attorney General Fischer stated that the Board Pre-Meeting Supplement to Conflict-of-Interest Form needs to be filled out and returned prior to the start of the board meeting if a member plans to recuse themselves for any agenda item. She reported that if board members have any questions about whether something constitutes a conflict, to please contact her.

BOARD OPERATIONS

Chair Roan reported that Ombudsman Villafuerte will be delivering the board operations update and executive director report.

CPO Board Membership and Recruitment Updates

Ombudsman Villafuerte provided the Board with membership and recruitment updates. She reported that there are three open appointments and that she and Ms. Steffen continue to work to fill those positions.

Board Member Welcomes

Ombudsman Villafuerte reported that she conducts a one-on-one orientation during which she likes to meet with each board member the history of the CPO and other pertinent information. She reported that she will be reaching out to all the new board members to set those appointments.

EXECUTIVE DIRECTOR REPORT

Financial Report

Ombudsman Villafuerte directed board members to the financial reports provided to them.

FY 2020-21 Budget – Ms. Villafuerte provided board members with the CPO’s Final FY 2020-21 operating budget report. She reported that the CPO was \$31,000 under budget.

FY 2021-22 Budget – Ombudsman Villafuerte reported that the CPO began this fiscal year on July 1, 2021, has approximately \$1,000,000 remaining. She stated that the bulk of the CPO’s funds are for employee salaries.

FY 2022-23 Budget - The CPO has been working with a State Court Administrator’s Office (SCAO) budget analyst to finalize the agency’s Fiscal Year 2022-23 Agency Summary and Budget Request. Ombudsman Villafuerte stated that the request will be submitted on November 1, 2021. She reported that the new budget request includes salary increases for each staff member, costs for infrastructure development and a part-time communications specialist.

Chair Roan stated that she is glad that the CPO is asking for staff to have meaningful salary increases.

Ombudsman Villafuerte reported that she will provide a copy of the CPO's budget request after it is submitted.

Legal Services Report – Ombudsman Villafuerte provided the Board with the CPO's FY 2021-22 legal services report. She reported that the CPO has been allocated \$13,000 and has spent \$2,300 to date.

Human Resources

Ombudsman Villafuerte reported that the CPO has a new client services analyst, Chelsea Adams, who will be starting on September 20, 2021. The addition of Ms. Adams will bring the total number of employees up to nine. She reported that the agency still has one vacant client services analyst position. That position was provided to the agency through the passage 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 the end of the calendar year.

COVID-19

Ombudsman Villafuerte reported that, due to the ongoing risks presented by COVID-19, most CPO staff will continue to work from home. Currently, all staff are in the office on Mondays and Tuesdays for team and group meetings. Staff are not requested to be in the building any other days of the week.

Ombudsman Villafuerte reported that Ralph L. Carr building has postponed its re-occupancy plan due to the ongoing pandemic. She will continue to monitor SCAO policies and public health guidance. She stated that she will update the Board if any circumstances change.

New Developments and Projects

Ombudsman Villafuerte reported that the 2021 legislative session provided the CPO with the opportunity to expand its practice and additional programming.

Critical Incident/Fatality Reviews – Ombudsman Villafuerte reported that with the passage and implementation of House Bill 21-1272, the CPO will now be able to review child maltreatment deaths. Ombudsman Villafuerte reported that the CPO team has been meeting with other national organizations across the country to learn more about how other agencies conduct these reviews. The CPO is currently working on drafting internal protocols for how cases involving child maltreatment deaths, near fatalities and egregious incidents will be reviewed.

Ms. Villafuerte stated that in July 2021, the CPO published an issue brief detailing gaps in Colorado's current processes for reviewing child maltreatment deaths. Ms. Steffen reported that the CPO's review of child maltreatment data for six years (2014 through 2020) shows that, on average, such information was not disclosed to the public in at least 39 percent of child maltreatment deaths. She stated that the brief details these concerns and announced the launch of the CPO's own child fatality/critical incident review process (mentioned above).

There was some conversation about whether there would be an overlap with the CPO completing these reviews. Ms. Steffen stated that there are two state agencies in Colorado tasked with studying child abuse and neglect deaths, as well as the systems capable of preventing such fatalities. While both entities share the same goal, the approach, methodology and capability of each is fundamentally different.

She reported that the CPO joins the majority of child protection ombudsman offices across the country already doing this critical work. Being an office independent from the state and county agencies that work on behalf of children and families, the CPO's new program offers an impartial and independent investigation.

Safety Science - Ombudsman Villafuerte reported that the CPO has been working with the Annie E. Casey Foundation and Collaborative Safety Inc. to implement Safety Science and collaborative safety tools to help guide critical incident reviews and allow client services analysts to better understand the decisions made in a case.

She reported that Annie E. Casey Foundation provide the CPO with a \$50,000 grant to do this programming. Ms. Villafuerte reported that she spoke with Assistant Attorney General Fischer and the SCAO to make sure there was no legal and financial ramifications. The CPO anticipates it will start training staff and stakeholders regarding these tools during the next few months.

Chair Roan applauded the efforts of the CPO to receive the funds and stated that she is excited to see the work.

Unaccompanied Immigrant Children – Ombudsman Villafuerte stated that with the passing of House Bill 21-1313, the CPO will review the safety, well-being and care of unaccompanied immigrant children who are placed in state-licensed residential child care facilities and who are in the custody of the federal Office of Refugee Resettlement.

She discussed the two different categories of children coming into the state and reported that the CPO team continues to consult and build relationships with the state and federal partners currently working with this population. The CPO scheduled site visit at the facility and one of the challenges will be determining how to access these children and their records.

There was conversation regarding the educational services being provided to these youth. Ombudsman Villafuerte reported that the CPO will be reviewing all the services the children will be getting. There was also a discussion regarding whether the law creates an age-limit restriction Ombudsman Villafuerte stated that although the agency typically serves children under the age of 18, the CPO has also served young adults up to the age of 23. as long as they touch the child protection system.

CPO in the Press

The CPO and Child Protection Ombudsman continue to be featured in the press.

Ombudsman Villafuerte reported that the CPO and the work of ombudsmen were recently featured in an article published by The Imprint. The article discusses the innovative work of ombudsmen across the country and the increasing variety of issues such offices tackle, including how ombudsmen handle cases involving youth in foster care placements. She reported the article highlights the CPO and its work to address issues impacting youth receiving care at residential child care facilities. The article was published on July 26, 2021.

CPO in the News

Ms. Steffen reported that the CPO continues to grow and find ways to keeping involving the public and the press. She reported that there will be coordinated efforts for agency projects and more press releases as the agency communicates with the public through the media which is a key part of the CPO's work. The CPO will continue to utilize its blog and newsletters to communicate agency highlights.

Outreach Efforts

Ombudsman Villafuerte reported that the CPO team continues to provide the community and child protection stakeholders with education regarding the work of ombudsmen generally, as well as the specific services of the CPO.

National Association of Counsel for Children (NACC): On August 15, 2020, Ombudsman Villafuerte, Ms. Steffen and Patrick Dowd, executive director of the Washington State Office of the Family and Children's Ombuds, presented a 90-minute training during the NACC's 14th annual conference. Ombudsman Villafuerte reported that the presentation, which was attended by approximately 30 people, provided an overview of how ombudsman offices have been developed across the country. It also demonstrated how attorneys and other advocates may utilize the work of ombudsman offices to help drive systemic change.

Children Need Amazing Parents (CHAMPS): Ms. Steffen stated that last month she presented during the CHAMPS' August Policy Call. The presentation covered the development of child protection ombudsman offices across the country, as well as the legislative history of the CPO and an agency overview. She reported that several attendees are working to establish child protection ombudsman offices in their jurisdictions.

The Board took a break at 9:15 a.m. The meeting resumed at 9:30 a.m.

PROGRAM UPDATES

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

CLIENT SERVICES

Program Overview

Ms. Pennington reported that the CPO opened 161 cases during July and August 2021. The CPO opened 95 cases in August, which reflects a 58 percent increase in cases as compared to the same month the previous fiscal year. Currently, the CPO has 117 open cases, split between four analysts.

She reported that during the past two months, the CPO has seen an increase in the number of cases involving inconsistent communication with parents involved in ongoing child welfare cases, youth complaints regarding Division of Youth Services (DYS) staff conduct and how domestic violence is handled in both non-court and court-involved cases.

There was some discussion around the Colorado Department of Human Services' Domestic Violence Safe and Together model and how counties are implementing this practice guide.

Outreach and Education

Ms. Pennington stated that members of the Client Services team continue to participate in the following committees and groups: the Colorado Department of Human Services' (CDHS) Child Fatality Review Team, the Colorado Department of Public Health and Environment's Colorado Fatality Prevention Systems' state team (CFPS), the Juvenile Justice Reform Committee, the DYS Restraint and Seclusion Working Group and the CDHS' Colorado Trails User Group.

Division of Youth Services

To date, the CPO has opened 14 cases involving youth residing in DYS youth centers. Ms. Pennington directed the board member to the DYS Dashboard which is accessible through the hyperlink in the CPO agency operations update. She stated that it contains the most current data regarding how COVID-19 cases

are being managed inside DYS youth centers. The CPO continues to collaborate with DYS leadership monthly to address cases and discuss systemic issues and policy-related questions.

Video Conferencing

The CPO continues to utilize video conferencing to connect with DYS youth to take their complaints and build relationships with stakeholders and partners. Ombudsman Villafuerte reported that the CPO used this platform 90 times with county human service departments this past year to improve processes.

At 10:03 a.m. Mr. Miltenberger joined the Zoom meeting.

General Reporting

Ms. Pennington reports that the CPO sent out the first quarter of individual county human services reports that are county specific and reflect how cases were resolved. Additionally, the CPO sent 10 CPO recognition letters and nine letters of CPO concern.

PUBLIC POLICY

Updates Regarding Stakeholder Engagements

Ms. Madrid reported that the CPO continues to attend stakeholder engagement meetings so the CPO can participate in conversations that are shaping policy, practice and law regarding child welfare, the juvenile justice system and the state's prevention efforts.

CPO Roundtable on Juvenile Facilities – On August 19, 2021, Ms. Madrid reported that the CPO hosted its quarterly Roundtable on Juvenile Facilities. These meetings provide youth advocates such as the DYS, the CPO, attorneys and others the space to learn and share information about topics that impact youth in Colorado's juvenile detention or commitment facilities.

Division of Youth Services Policy Development – Ms. Madrid stated that the CPO continues to be an active participant on the DYS' policy review committees. The CPO is a member on both that relates to state programs and another that relates to contract program. Along with other stakeholders, the CPO reviews state and contract program policies to ensure they reflect the best interests of children, youth and families. She reported that through this work, the CPO will have the opportunity to review and provide feedback on all DYS policies, in addition to helping develop new policies and determine the elimination of policies.

Family First Juvenile Justice Work Group – Ms. Madrid reported that the CPO is continuing to participate in the Family First Juvenile Justice Work Group to learn more about how the upcoming implementation of the FFPSA will impact Colorado's juvenile justice population and how the state is preparing for the launch on October 1, 2021. The CPO will keep a close eye on how it will impact our agency as more families are served prevention services.

Legislative Updates

The CPO is preparing for the First Regular Session of the 74th General Assembly that is scheduled to convene on January 12, 2022. Ms. Madrid directed both members to legislative updates contained in the agency operations report. She stated that after the session ended in May 2021, the CPO engaged in conversations and preparatory activities to identify issues that may require legislative solutions.

As part of this work, the CPO is currently exploring youth who run from state residential treatment programs, the state's inadequate regulatory framework for residential treatment programs, and insufficient public information related to licensing actions. Additionally, there is concern since the CPO's investigation into the former El Pueblo Boys and Girls Ranch. Ms. Madrid reported that each issue has recently received

press coverage and has been echoed by the Colorado Association of Family and Children's Agencies, an organization that represents several residential treatment program providers.

SMART Act Reporting Update

Ms. Madrid reported that the CPO's SMART Act Quarter Four Evaluation for FY 2020-21 was published on July 16, 2021. The report details the agency's progress towards its performance goals during quarters three and four of the fiscal year.

Additionally, she stated that the CPO's SMART Act Performance Management System for FY 2021-22 was published on July 30, 2021. The report describes the agency's approach to performance management and how the agency practices continuous process improvement to promote operational efficiencies and effective service delivery.

CPO FY 2020-21 Annual Report

The CPO submitted its Fiscal Year 2020-21 Annual Report on September 1, 2021. Ms. Steffen reported that the CPO's enabling statute requires that the agency produce an annual report. The report highlighted the agency's community engagement, provided case-specific examples that demonstrate how the CPO interacts with clients on different issues and the agency's increased contact with youth living in DYS youth centers. She stated that it also reflected the CPO's continued work to address issues impacting children and youth who reside in residential treatment facilities and several education and outreach initiatives.

DROPBOX

Ms. Steffen followed up with board members to see how the new Dropbox platform for board communication was working. The Board stated that they did not have any issues accessing the information.

Assistant Attorney General Fischer indicated that the information sharing platform allows the CPO to store and share files one-way without compromising their integrity. She reported that members cannot edit documents. Ms. Steffen thanked Ms. Fischer for her legal advice on information sharing and she encouraged board members to reach out to her if issues arise.

EXECUTIVE SESSION

At 9:57 a.m. Chair Roan called for a Motion to enter executive session for the purposes of the Ombudsman annual evaluation and potential salary increase for the Ombudsman. Dr. Krugman made a Motion to enter executive session for purposes of the Ombudsman annual evaluation and potential salary increase for the Ombudsman FY22-23. Mr. Bernhard seconded the Motion. The Motion passed unanimously.

Executive Session was held for the Board to receive legal advice pursuant to
§24-6-402(3)(a)(11), C.R.S.

The Executive Session was recorded in compliance with
§24-6-402(2)(d.S)(l)(A), C.R.S

Assistant Attorney General Fischer attended the session.

At 10:43 a.m. Chair Roan returned the meeting to open session.

Motion 1

Chair Roan called for a Motion to approve a salary increase for the Ombudsman in FY22-23. Dr. Krugman made a Motion to approve salary increase for the Ombudsman FY22-23 and Ms. Petersen seconded the Motion. The Motion passed unanimously.

BOARD BUSINESS

Chair Roan reminded board members to write a short biography and submit it to Ms. Steffen.

CLOSING REMARKS

Chair Roan stated that the next CPO board meeting will be held at 8:00 a.m. on Thursday, November 18, 2021, via Zoom teleconference.

Chair Roan recognized everyone for their participation and valuable conversations.

ADJOURN

Chair Roan entertained a Motion to adjourn. Dr. Krugman made a Motion to adjourn, and Judge Plotz seconded the Motion. The Motion passed unanimously.

The Board formally adjourned the meeting at 10:51 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on September 9, 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.

Ann M. Roan

11-18-21

Board Chair

Date

Simone Jones

11/18/21

Board Vice-Chair

Date

