



CHILD PROTECTION
OMBUDSMAN
of COLORADO

CASE PRACTICES AND OPERATING PROCEDURES

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Table of Contents

Definitions	3
1.000 Introduction	4
1.100 Contacting the CPO	4
1.200 Role of the Ombudsman	4
1.300 Responsibilities of the CPO	5
1.400 CPO Jurisdiction	5
2.000 Confidentiality	6
2.100 Case Confidentiality	6
2.200 Client Confidentiality	6
3.000 Intake and Case Review	6
3.100 Intake	7
3.200 Case Review	7
3.300 Critical Incident Reviews	8
3.400 Unaccompanied Immigrant Children in State Care	9
3.500 Contact with Agency/Provider	9
4.000 Case Dispositions, Recommendations and Reports	10
4.100 Case Dispositions	10
4.200 Recommendations	11
4.300 Publication of CPO Reports	11
4.301 Required Reports	11
5.000 Open Meetings Laws	12
6.000 Colorado Open Records Act (CORA)	12
6.100 Procedures for Handling Record Requests	12
6.200 Fees	13
6.300 Production of Documents	13
6.400 Format of Records Produced	14
6.500 CPO Contact for CORA Requests	14
7.000 Mandatory Reporting	14
8.000 Conflict of Interest	14
9.000 Filing a Grievance Against CPO Staff or Ombudsman	14

Definitions

The terms and phrases listed below will be used throughout this document to help explain the Office of Colorado’s Child Protection Ombudsman’s (CPO) case practices and operating procedures.

Agency/Provider: Any public agency/provider within the child protection system that “*receives public moneys*” and is responsible for providing services that impact the “*safety, permanency, or well-being of the child.*” See C.R.S. §19-3.3-103(1)(a)(I)(A).

CMS (Case Management System): The CPO maintains an internal case management system. This database includes all records related to the CPO’s handling of cases.

Case: Every question/complaint filed with the CPO is opened as a case, issued a case number and assigned to a CPO employee for review.

Case Disposition: A classification, assigned to every CPO case upon closure, which denotes what assistance was provided to the client, the findings of the CPO’s review and any additional action taken by the agency.

Case Number: Every question/complaint received by the CPO will be assigned a unique identifying number in the CMS.

Child Protection System: Per Colorado Revised Statute §19-3.3-103(1)(a)(I)(A), Colorado’s child protection system is comprised of “*any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of the child.*”

Client: Any individual who engages the CPO with a question/complaint about the child protection system.

Question/Complaint: A concern or question regarding the child protection system that is brought to the CPO by a citizen.

CPO (Office of Colorado’s Child Protection Ombudsman): The Office of Colorado’s Child Protection Ombudsman will be referred to as the CPO. The CPO denotes the agency as a whole and does not refer to an individual employee.

Critical Incident: An incident of egregious abuse or neglect or near fatality, as described in C.R.S. §26-1-139, or fatality of a child, as described part 20.5 of Title 25 and C.R.S. §26-1-139.

Ombudsman: The term Ombudsman refers to the head of the CPO who is responsible for the implementation and execution of these practices and procedures.

Recommendation: A suggestion or proposal, “*to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.*” See C.R.S. §19-3.3-103(2)(e).

1.000 Introduction

This document outlines general operating policies and procedures to guide the operations of the Office of Colorado’s Child Protection Ombudsman (CPO).

In writing its procedures, the CPO completed a thorough study of policies and procedures practiced by child protection ombudsmen worldwide. CPO procedures were designed to mimic best practice standards set by the International Ombudsman Association, the United States Ombudsman Association and the American Bar Association.

These case practices and operating procedures have been developed to ensure that the Ombudsman is able to execute the functions and responsibilities of the CPO as mandated in statute.

1.100 Contacting the Office of Colorado’s Child Protection Ombudsman

The business hours of the CPO are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays.

The CPO can be contacted in the following ways:

Mail: Office of Colorado’s Child Protection Ombudsman
1300 Broadway, Suite 430
Denver, Colorado 80203

Email: Info@coloradocpo.org

Phone: 720-625-8640

Online Complaint Form: www.coloradocpo.org

Upon receipt of an email, letter or telephone message, CPO staff will respond within two business days.

In person appointments: Due to security restrictions at the Ralph L. Carr Judicial Center, the CPO is unable to meet with clients in person.

1.200 Role of the Ombudsman

By design, the Office of Colorado’s Child Protection Ombudsman (CPO) serves as an independent, neutral problem solver that helps citizens navigate a complex child protection system in an expert and timely manner. The Ombudsman has independent access to child protection records that are not otherwise available to the public. This allows the CPO to objectively review and investigate cases, deliver recommendations and drive systemic reform through research and education. Through objective study the CPO works to proactively improve the delivery of services to children and families within the child

protection system.

1.300 Responsibilities of the CPO

The CPO was established pursuant to C.R.S. §19-3.3-101. The CPO's primary duties include:

- Provide citizens free and confidential services.
- Listen to citizens about their experience with and concerns about child protection.
- Help citizens navigate the *child protection system* and direct them towards needed services and resources.
- Research and investigate concerns reported about service delivery within the child protection system.
- Determine the best way to resolve concerns – that might mean bridging communication barriers or resolving conflicts based on misunderstanding.
- Identify trends where the community's needs have changed, and the system has not had the funding, resources or practices to keep up.
- Make *recommendations* to the public, child protection *agencies/providers*, the General Assembly and the Governor that help reform and improve outcomes for children and families.
- Convene lawmakers, professionals and other stakeholders to advance legislation and policies that have a lasting, positive impact on children and families.

1.400 CPO Jurisdiction

The CPO receives “*complaints concerning child protection services 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 moneys that may adversely affect the safety, permanency, or well-being of a child. The ombudsman may, independently and impartially, investigate and seek resolution of such complaints, which resolution 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).

Examples of *agency/providers* the CPO has jurisdiction to review include, county and state human services agencies, juvenile justice, 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.
- Investigate questions/complaints related to judges, magistrates, attorneys or guardians ad litem.
- Overturn any court order.

- Mandate the reversal of an agency/provider decision.
- Release any documents obtained from third parties during the course of case.
- Offer legal advice.

2.000 Confidentiality

The CPO may be limited in the type of and amount of information it may share with a client, depending on the client’s relationship to the case and circumstances of the case.

2.100 Case Confidentiality

Additionally, pursuant to C.R.S. §19-3.3-103(1)(a)(I)(C) *“The ombudsman or any employee or person acting on behalf of the ombudsman shall not be compelled to provide oral and written testimony in a civil or criminal proceeding in which the ombudsman is not a legal party. Information, records, or documents requested and reviewed by the Ombudsman pursuant to this section are not subject to a subpoena issued to the Ombudsman, discovery from the Ombudsman, or introducing into evidence through the Ombudsman in a civil or criminal proceeding in which the Ombudsman is not a legal party. Nothing in this subsection (1)(a)(I)(C) restricts or limits the right to discover or use in a civil or criminal action evidence that is discoverable independent of the proceedings of the ombudsman.”*

2.200 Client Confidentiality

Pursuant to C.R.S. §19-3.3-103 (1)(a)(I)(B) the CPO shall treat identities of clients and cases as confidential, unless the CPO obtains the consent of the client to release their identity to an agency/provider and/or include the client’s identity in a public report.

When researching a case, the CPO may ask a client to sign a release of information form to secure additional documents and information needed to review a case.

The CPO will release identifying information to the proper authorities for anyone that makes any statements of credible harm to themselves or to someone else.

3.000 Intake and Case Review

Each question/complaint received by the CPO will be opened as a case and logged into the CMS with a unique case number. The processes for handling the majority of cases are outlined below.

The Ombudsman maintains discretion regarding how to handle cases, as well as decline the review of a case.

3.100 Intake

Excluding the processes and cases detailed in *Policy 3.300 Unaccompanied Immigrant Children in State Care*, the CPO does not have authority to self-initiate cases. Pursuant to C.R.S. §19-3.3-103(1)(a)(I)(A), the CPO must receive a question/complaint to open a case.

The CPO will assign each case a unique identifying number. Each case will be subject to an intake process. During that process, the CPO will gather information from the client, which will also be entered into the CMS. Each case will be assigned to a CPO employee.

The CPO will respond to all clients within two-business days of receiving their call or online submission.

During intake, the CPO will do the following:

- Gather information from the client to determine appropriate next steps in the case.
- Advise clients of the CPO's confidentiality requirements and practices. (See *Policy 2.000 Confidentiality*.)
- Advise clients that the CPO does not have authority to intervene in any legal proceedings.
- Attempt to verify the client's identity, relevant demographics, and relationship to the case.
- Advise clients that the CPO will notify the proper authorities for anyone that makes any statements of credible harm to themselves or to someone else.
- Obtain consent from the client to contact relevant agencies/providers as appropriate.

All information gathered during the intake will be entered into the CMS.

Per the discretion of the Ombudsman, cases may be prioritized based on the circumstances involved in the case.

3.200 Case Review

Concerns related to child protection matters are of the utmost importance. When citizens call the CPO they often have a concern about an urgent child protection matter. The CPO addresses these concerns through both formal and informal mechanisms, including researching data and records as well as direct conversations with the relevant agencies/providers to address the client's concerns.

The CPO works to provide clients with quality information in a timely manner that resolves their case. As such, the CPO endeavors to resolve each case at the lowest level possible with the agency/provider unless to do so would result in harm to a citizen, or the agency/provider refuses to cooperate. The CPO will consider such circumstances when determining which case closure disposition to assign. (See *Policy 4.100 Case Dispositions*)

In most cases, the CPO will independently review relevant records and documents, including any information provided by *clients*, as well as relevant rules and laws.

To maintain its impartiality – and in keeping with statute – the CPO will independently collect

any information, records and/or documents necessary for completing a case. Pursuant to C.R.S. 19-3.3-103(1)(a)(II)(A), the CPO *“shall have the authority to request and review any information, records, or documents, including records of third parties, that the ombudsman deems necessary to conduct a thorough and independent review of a complaint so long as either the state department or a county department would be entitled to access or receive such information, records, or documents.”*

The CPO may contact relevant agencies/providers to help gain clarity regarding their decisions and determinations.

The CPO will obtain the client’s permission to contact any relevant agency/provider prior to doing so. The client maintains the ability to remain anonymous and may revoke this permission at any time prior to the CPO contacting the agency/provider. However, if a client does not permit the CPO to make such contact, the CPO may be limited in its ability to resolve the case.

Not all cases require the CPO to contact relevant agencies/providers.

The CPO will work to provide clarity regarding the processes, expectations and determinations in a specific case. CPO employees will use information gained from records, documents and/or discussions with agencies/providers to help provide clients with answers and explanations in their case. The CPO may also use information gained during the review of a case to inform the client and/or agency/provider of the need for additional communication.

All documents that are reviewed by the CPO, including records provided by an agency/provider or client, will be scanned and electronically stored within the CMS.

The CPO will document what information, resources or education was provided to the client at the resolution of the case.

3.200 Critical Incident Reviews

Pursuant to C.R.S. §19-3.3-103(1)(a)(I)(A), the CPO 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.”*

Pursuant to C.R.S. §19-3.3-103(1)(a)(I)(A), the CPO may not self-initiate a case to review a critical incident.

All cases involving the review of a critical incident will be entered into the CMS.

The CPO’s review of critical incident will comply with *Policy 3.200 Case Review* and will be closed compliant with *Policy 4.000 Case Dispositions, Recommendations and Reports*.

3.300 Unaccompanied Immigrant Children in State Care

Pursuant to C.R.S. §19-3.3-103(1)(a.5)(I), the CPO “*may self-initiate an independent and impartial investigation and ongoing review of the safety and well-being of an unaccompanied immigrant child who lives in a state-licensed residential child care facility, as defined in section 26-6-102, and who is in the custody of the office of refugee resettlement of the federal department of health and human services as set forth in 8 U.S.C. sec. 1232 et seq.*”

The CPO is authorized to complete ongoing reviews of the safety and well-being of unaccompanied immigrant children during the entirety of their stay in a state-licensed facility. The ombudsman maintains the discretion to refer a case to the Colorado Department of Human Services or any appropriate agency/provider and to make recommendations for action relating to the safety and well-being of such children.

The CPO’s review of these cases will comply with *Policy 3.200 Case Review* and will be closed compliant with *Policy 4.000 Case Dispositions, Recommendations and Reports*.

3.400 Contact with Agency/Provider

If the CPO contacts an agency/provider during the review of a case, the CPO will:

- Initiate communication with an agency/provider will be done in writing via email and will include a summary of the case.
- All additional communication between the CPO and the agency/provider will be done in a manner deemed appropriate by both parties, including phone, email, video conference and in-person exchanges.
- The CPO will ensure all efforts to resolve the case are done in a collaborative manner with the agency/provider so both entities have the ability to best serve the client.
- If the case results in the identification of possible violations of rule or law, the ombudsman maintains the discretion to determine whether to produce written notification of such concerns and provide those concerns to the agency/provider and, if applicable, the agency/provider’s supervising entity.

4.000 Case Dispositions, Recommendations and Reports

After work on a case has concluded, the case will be presented to the Ombudsman. A case may only be closed in the CMS upon approval of the Ombudsman or their designee.

All documents that are reviewed by the CPO, including records accessed independently, obtained from third parties, provided by agencies/providers or provided by a client will be stored in the CMS. The Ombudsman will approve the closure disposition in each case. The assigned case closure disposition will be dependent upon the unique circumstances of the case and the CPO’s completed review.

4.100 Case Dispositions

Each case will be assigned one of seven case closure dispositions:

- (1) **Closed Per Lack of Information** – The CPO will assign this disposition to a case when a client did not complete the case intake and/or did not provide the CPO with sufficient information to proceed with a review of their case.
- (2) **Closed Per Client** – The CPO will assign this disposition to a case when a client requests the CPO close the case and take no further action to review their question/complaint.
- (3) **Closed Per Ombudsman Discretion** – The Ombudsman, or their designee, has the authority to decline to review a question/complaint or close a case. The reasons for such decisions shall be documented in the CMS, pursuant to C.R.S. §19-3.3-103(1)(a)(I)(A).
- (4) **Closed with an Information and/or Resource Referral** – The CPO will assign this disposition when it provides a client with any information or resources to entities that may aid the client in addressing their concerns or questions.
- (5) **Closed with Support** – The CPO will assign this disposition to a case when the CPO was able to provide assistance to the client or is able to resolve a client’s concern in collaboration with the relevant agency/provider. Often this will involve the CPO making suggestions or informal recommendations to an agency/provider to help facilitate a resolution.
- (6) **Closed with Concern** – The CPO will assign this disposition to a case when, through its review of a case, the CPO identifies one or more of the following circumstances: (1) There is a possible breach of criminal or civil statute; (2) There is a violation of legal rights; (3) Injury has resulted to an individual; (3) Instances of agency misconduct are identified; (4) Systemic concerns are identified; (5) A pattern of concerning practice or possible regulatory violations are identified; or (6) When an action was not in the best interest of a child or youth. This list is not exhaustive. The Ombudsman maintains the discretion to assign this disposition to other circumstances identified during the course of a case.
- (7) **Closed as Duplicate** – The CPO will assign this disposition to a case when a case involves concerns and questions previously addressed by the CPO.

4.200 Recommendations

The CPO will issue recommendations pursuant to C.R.S. §19-3.3-103(2)(e), which mandates

the CPO to, “*recommend to the general assembly, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.*”

The Ombudsman maintains discretion to determine whether a recommendation is warranted. Additionally, pursuant to C.R.S. § 19-3.3-103(2)(a), the Ombudsman maintains discretion to determine the appropriate agency/provider to receive CPO recommendations.

All CPO recommendations are considered public information and may be made available – if not proactively published on the CPO’s website – through a request under the Colorado Open Records Act. (See *Policy 6.000 Colorado Open Records Act*)

4.300 Publication of CPO Reports

Pursuant to C.R.S. § 19-3.3-103(2)(c), the CPO has a duty to “*educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe.*” The Ombudsman maintains the discretion to determine the type, amount and frequency of information released by the agency that is necessary to fulfill this charge. In fulfilling this charge, the CPO may release a letter, brief, report and/or other products to highlight pertinent findings in any case or issues impacting the child protection system broadly.

All such publications are considered public information and may be made available – if not proactively published on the CPO’s website – through a request under the Colorado Open Records Act. (See *Policy 6.000 Colorado Open Records Act*). All publications will be redacted to protect confidential information, in compliance with state and federal law, as well as *Policy 2.000 Confidentiality*.

4.301 Required Reports

Per state law, the CPO is required to publish multiple informational reports regarding the performance of the agency, strategic planning and program updates. The CPO will fulfill these requirements through the scheduled release of the following informational reports:

- Annual Report: Per C.R.S. §19-3.3-108(1), the CPO’s annual report will be submitted on September 1 of every year.
- UIC Investigations: Per C.R.S. §19-3.3-108(1)(c), on or before September 1 of every year, the CPO will publish a summary of the “*self-initiated investigation and ongoing review of the safety and well-being of an unaccompanied immigrant child who is housed in a state-licensed residential child care facility.*”
- State Measurement for Accountable, Responsive and Transparent (SMART) Government Act: Per C.R.S. §2-7-201 to 207, the CPO will submit and publish the five required reports throughout each fiscal year.

5.000 Open Meetings Laws

The CPO is committed to including public input and transparent processes. The CPO is subject to open meeting laws and all CPO board meetings are open to the public pursuant to C.R.S. §24-6-401 to 402.

6.000 Colorado Open Records Act (CORA)

The CPO is committed to transparency. The CPO is subject to the Colorado Open Records Act (see C.R.S. §24-72-201 to 206) and in accordance with the provisions outlined in C.R.S. §19-3.3-103(1)(a)(I)(B). In adhering to CORA, the CPO will comply with all state and federal confidentiality laws with respect to the treatment of confidential information or records and the disclosure of such information and records.

6.100 Procedures for Handling Record Requests

All records requests submitted to the CPO by mail, courier or email shall be immediately provided to the Ombudsman. The Ombudsman will approve all responses to the CORA except in extraordinary circumstances he/she will authorize a designee.

The CPO will accept only records requests made in writing or electronically via email. Records request made via social media shall not be accepted and must be resubmitted. Record requests or requestors that cite the Freedom of Information Act (FOIA) will be treated as though they were made pursuant to CORA.

When responding to a records request, the CPO shall make every effort to respond within three business days, as is required by C.R.S §24-72-203(3)(b). A request is received the day an email or letter containing the request is opened. The three-business day response time begins the first business day following receipt of the request. A request received after noon on any day the CPO is officially closed will be considered received as of the following business day.

No employee of the CPO may modify, redact or omit any records they are required to provide, pursuant to this policy, to the Ombudsman or his or her designee handling the request. Staff should never assume a document is exempt and should always consult the Ombudsman before making a final determination. Redactions and decisions about whether a record falls under an exemption to CORA will be made by the Ombudsman, and or their designee, in consultation with the Colorado Attorney General's Office.

When feasible, the CPO will endeavor to provide electronic copies of files to requestors if such alternative is significantly less burdensome to provide than paper copies. When responsive records cannot be easily or cost effectively provided electronically to a requestor, the CPO will work with the requestor to schedule a time to inspect the records in person. The CPO is open from 8 a.m. to 5 p.m., Monday through Friday, except state holidays. The Ombudsman may grant exceptions where the CPO, requestor or the records produced

require special accommodations.

When a requestor (either an individual or organization) has an overdue balance for completing a prior request to the CPO, work on a new CORA request will not begin until the overdue bill is paid in full.

6.200 Fees

When a request requires the production of more than 25 pages of documents or more than one hour of staff time to locate or produce the records, the CPO will charge the requestor for all copying expenses and for staff time in accordance with C.R.S. §24-72-205(5)(a) and applicable law.

Any cost charged to a requestor shall not exceed the actual cost of producing the records, in accordance with C.R.S. §24-72-205(5)(a) and applicable law.

For requests where the CPO anticipates more than 25 pages will be produced and/or more than one hour of staff time will be consumed, the CPO will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made through the *Ombudsman*.

6.300 Production of Documents

When the number of pages produced in response to a records request exceeds 25 pages, the CPO will charge \$0.25 per page for all documents copied.

When researching the location of a document, retrieving or producing records consumes more than one hour of staff time, the CPO shall charge \$20 an hour for all staff time. An hourly rate not to exceed \$30 an hour when specialized document production or specialized skills are required to fully comply with a records request. In extraordinary circumstance, the use of a third-party contractor may be necessary and will be discussed with the requestor in advance.

By policy of the CPO, the requestor shall also be charged \$30 an hour for time spent by an attorney engaged in the practice of law directly related to a records request, including but

not limited to, the review of documents for privilege or other exemptions to production; document redaction; creation of documents that articulate the privileged nature of the requested documents or conducting CORA related legal research.

Payment is due within 30 calendar days of the invoice date. Past due amounts will be referred to collections.

6.400 Format of Records Produced

CORA guarantees that “*all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law,*” as stated in C.R.S. §24-72-201. CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of the CPO and staff, in accordance with C.R.S. §24-72-203(1)(a), or levy an undue burden upon the CPO, the *Ombudsman* will determine the appropriate format for the records to be produced. The CPO may require that members of the public only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the CPO, its staff or the production of original records could jeopardize the condition of the records.

6.500 CPO Contact for CORA Requests

For details on how to file a CORA request, please visit <https://coloradocpo.org/media/>

Additionally, anyone seeking information may call the CPO at 720-625-8640.

7.000 Mandatory Reporting

Pursuant to C.R.S. §19-3-304(2)(gg) CPO employees are mandatory reporters. CPO staff shall immediately, upon receiving information about known or suspected child abuse or neglect, make a report to the relevant county department of human services or local law enforcement. Employees shall document the report in the CMS.

8.000 Conflict of Interest

Staff must have the ability to act independently and impartially to perform the duties necessitated by their position. Staff must be above reproach in all relationships and must not maintain any appearance of a conflict of interest. The CPO has a conflict of interest policy within the personnel manual. Each staff member must certify annually that they have reviewed the policy and have no conflicts of interest that would impair their ability to carry out their duties.

9.000 Filing a Grievance Against CPO Staff or the Ombudsman

Should a client believe that any staff member performed their duties in an unsatisfactory

manner, the client is entitled to file a written grievance with the Ombudsman. **(See Appendix A: Grievance Policies)**

Should a client believe that the Ombudsman performed his/her duties in an unsatisfactory manner, the client is entitled to file a written grievance with the CPO Board. **(See Appendix A: Grievance Policies)**

APPENDIX A: Grievance Policies

Complaints Regarding CPO Staff Member Performance

Should a client be dissatisfied with the performance of a CPO staff member during the course of their involvement with the CPO, the client may file a grievance with the Ombudsman. In order to do so, the client may submit their detailed concerns in writing to the Ombudsman.

Grievances should be addressed to the Ombudsman and can be mailed to:

Office of Colorado's Child Protection Ombudsman
Attn: Complaint Regarding CPO Staff Member Performance
1300 Broadway, Suite 430
Denver, Colorado 80203

Once received, the Ombudsman will thoroughly review the grievance and take the following steps to ensure resolution:

1. Review the written grievance and speak with the client should more information be necessary.
2. Meet with staff associated with the grievance.
3. Review the work completed by CPO staff.
4. Provide verbal or written feedback to the client regarding the findings of the grievance review and any plan necessary to resolve the client's concerns.

Complaints Regarding the Ombudsman

Should a client be dissatisfied with the performance of the Ombudsman, the client may file a grievance with the CPO Board. In order to do so, the client may submit their written complaint to the CPO Board through the process outlined in [The Colorado Child Protection Ombudsman Board Public Complaint Process](#).

The process for filing that complaint may be found on the [CPO's website](#), or by clicking [HERE](#).