



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

March 10, 2022

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 8:02 a.m. by Ombudsman Villafuerte.

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Zoom

Ann Roan, Chair
Judith Martinez, Interim Vice-Chair
Jerene Petersen
Victoria Shuler
Brian Bernhard
April Lane
Wendy Buxton-Andrade
Aaron Miltenberger
Benjamin Rounsborg

Others Present

Stephanie Villafuerte, Ombudsman
Jordan Steffen, Deputy Ombudsman
Karen Nielsen, Director of Administrative Services
Amanda Pennington, Director of Client Services
Claire Hooker, Senior Client Services Analyst
Derek Cooley, Client Services Analyst
Wendy Oldenbrook, Client Services Analyst
Chelsea Adams, Client Services Analyst
Allison Valencia, Client Services Analyst
Janna Fischer, Assistant Attorney General

PRESENT FROM THE PUBLIC

Michelle Weeks

INTRODUCTIONS

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

Chair Roan welcomed everyone.

REVIEW AND APPROVAL OF MINUTES

January 13, 2022, Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on January 13, 2022. Jerene Petersen made a motion to approve the final minutes of January 13, 2022, and Interim Vice-Chair Judith Martinez seconded the motion. The motion passed unanimously, minus Aaron Miltenberger who later joined the meeting.

PUBLIC COMMENT

Chair Roan provided board members, CPO staff and public attendees with the guidelines for public comment.

Michelle Weeks was given three minutes and read a statement sharing her concerns regarding the CPO's handling of her case. Chair Roan thanked Ms. Weeks for her statement and time.

At 8: 06 a.m. Mr. Miltenberger joined the meeting.

At 8:07 a.m. Ms. Weeks left the meeting.

No other public comment.

BOARD BUSINESS

Nominations for CPO Board Vice-Chair

Chair Roan reported that Interim-Vice Chair Martinez was the only board member nomination for the vice-chair position, which became vacant after Simone Jones's term ended in January 2022.

Chair Roan moved to approve the nomination of Interim Vice-Chair Martinez. Wendy Buxton-Andrade seconded the motion. The Board will vote to finalize the nomination during the May 12, 2022, meeting and the elected member will begin their two-year term in September 2022.

EXECUTIVE SESSION

Chair Roan turned the meeting over to Assistant Attorney General Janna Fischer to discuss the public complaint by Ms. Weeks.

AAG Fischer reported that the Board received a copy of Ms. Weeks public complaint and the CPO Board Public Comment Complaint Process Policy. Chair Roan designated the complaint for executive session because it involves the discussion of a personnel issue regarding Ombudsman Villafuerte. Ombudsman Villafuerte has also requested that the personnel matter be discussed in executive session.

At 8:10 a.m. Chair Roan called for a motion to enter executive session for the purposes of discussing a public complaint against a public official, which was received by the Board on January 20, 2022. Mr. Miltenberger made a motion to enter executive session for the purposes of discussing the public complaint. Victoria Shuler 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)(II), C.R.S.

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

Ombudsman Villafuerte attended the executive session.

At 8:33 a.m. Chair Roan returned the meeting to open session.

Chair Roan called for a motion regarding the public complaint. Ms. Shuler motioned that Chair Roan shall respond in writing to Ms. Weeks regarding her public complaint from January 20, 2022. Ms. Buxton-Andrade seconded the motion. The motion passed unanimously. Chair Roan with work with AAG Fisher on the response letter.

Chair Roan turned the meeting over to Interim Vice-Chair Martinez.

At 8:36 a.m. Chair Roan left the meeting.

BOARD MEMBER EDUCATION

Benjamin Rounsborg was selected to present during the Board Member Education Session. Mr. Rounsborg talked about his background involving dependency and neglect, as well as juvenile delinquency cases. He previously served as a Guardian ad Litem in dependency and neglect and delinquency cases in El Paso County. He stated he currently works for the Jefferson County District Attorney's Office, and he enjoys his work in the child protection field.

There was discussion around the distinct roles and the amount of people involved in child protection cases. Mr. Rounsborg talked about the difference between involuntary and non-court involved child welfare cases. He also discussed the difference between child welfare and school district truancy petitions.

Ombudsman Villafuerte and Mr. Rounsborg talked about The Office of Respondent Parents' Counsel Preventive Legal Services Pilot Program in Jefferson County. He stated that the new program aims to connect parents to preventive legal services and keep families together by addressing legal problems such as housing and eviction, custody and visitation, guardianship, parentage/paternity and orders of protection. He reported the goal is to safely reduce child welfare involvement, removals of children and ultimately better outcomes for families.

Ombudsman Villafuerte thanked everyone for their participation in the discussion.

Ms. Shuler volunteered to educate the Board on sibling connections at the Board meeting in May 2022.

At 9:02 a.m. Ms. Buxton-Andrade left the meeting.

EXECUTIVE DIRECTOR REPORT

Interim Vice-Chair Martinez reported that Ombudsman Villafuerte will be delivering the executive director report.

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

Financial Report

FY 2021-22 Budget - Ombudsman Villafuerte provided board members with the CPO's current FY 2021-22 operating budget report. She reported that the CPO has a FY 2021-22 operating budget of \$1,100,000 and that there is \$462,000 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.

Legal Services Report - Ombudsman Villafuerte provided the Board with the CPO's FY 2021-22 legal services report. She reported that the CPO has a FY 2021-22 legal services budget of \$13,000 and that there is \$5,700 remaining. She stated that the office continues to utilize these legal services. She thanked AAG Fischer for her expertise. They continue to be a great resource to the office.

FY 2022-23 Budget Request - Ombudsman Villafuerte reported that the Joint Budget Committee approved the CPO's FY 2022-23 budget request. She reported that it will be a \$170,00 increase to the agency's bottom line. The CPO's request included four decision items. First, the CPO is requesting to classify all the agency's positions and increase salaries to meet the standards of those classifications. The CPO worked with the Supreme Court Administrator's Office (SCAO) to identify the proper classification and appropriate salary range for each position. Ombudsman Villafuerte stated that the agency has worked on creating this structure for several years and obtaining the requested classifications and salary adjustments will help the agency retain and recruit qualified employees.

Second, the CPO is requesting a .5 FTE public information coordinator for the agency. Ombudsman Villafuerte reported that this position will assist the CPO in effectively distributing and promoting CPO products – including issue briefs, recommendations and other reports – which is a key component of how the agency fulfills its statutory duty to educate the public, legislators and stakeholders.

The third item was one-time funds to ensure that the CPO office infrastructure supports current and future staff. Ombudsman Villafuerte reported that the CPO has nine physical office spaces for 10 FTE. The CPO has no room in its suite to build additional offices and the office has explored several options to accommodate the agencies increased growth.

Lastly, the CPO is seeking funds to continue utilizing the Collaborative Safety unique critical incident review system and receive technical assistance for the program. Ombudsman Villafuerte reminded the Board that the CPO worked with the Annie E. Casey Foundation and Collaborative Safety Inc. to implement Safety Science and collaborative safety tools to help guide critical incident reviews. She reported that Annie E. Casey Foundation provide the CPO with an initial grant to do this programming. The requested funding would allow the agency to continue utilizing the system as it builds its critical incident review program.

Ombudsman Villafuerte reported that she will update the Board when the Governor signs the Long Bill.

Human Resources

Ombudsman Villafuerte reported that the CPO has a new client services analyst, Allison Valencia, who started on March 1, 2022. Like other state agencies, the CPO has struggled to fill vacancies during the pandemic. The addition of Ms. Valencia will bring the total number of employees up to ten.

Ms. Valencia introduced herself to the Board.

General Operations/COVID-19

Ombudsman Villafuerte reported the CPO staff have worked remotely since March 13, 2020. She reported that the CPO has followed guidance handed down by the Colorado Department of Public Health and Environment and SCAO regarding COVID-19 restrictions and mandates. Those restrictions and mandates have since been lifted in the Ralph L. Carr Building so the CPO is going back to a hybrid work schedule on April 1, 2022.

Ombudsman Villafuerte reported that after a collaborative effort with the staff, the CPO has determined that it would be most cost effective to create “benching workstations” in five existing offices and in the center of its office space. This is a functional and affordable way to maximize space in the office while providing accommodations for a hybrid work schedule and future employee growth.

She will update the Board if circumstances change.

There was discussion around continuing virtual -vs- in-person Board meetings. Ms. Villafuerte reported that she plans to speak with Chair Roan and will report back to the Board when she has more information.

At 9:17 a.m. Ms. Shuler left the meeting.

New Developments and Projects

Mandatory Reporting Legislation – Ombudsman Villafuerte reported that back in September 2021, the CPO wrote an issue brief regarding Colorado’s mandatory reporter law which identified that the existing law lacked the necessary infrastructure to support those charged with reporting suspected child abuse.

Representative Froelich, Representative Young and Senator Fields, picked up the bill and on February 16, 2022, House Bill 22-1240 was introduced. Since then, the CPO has been facilitating large stakeholder groups – more than 90 participants per call - and coordinated with community partners to review draft legislation to address Colorado’s mandatory reporting law. The introduced bill originally would have made a number of immediate changes to the law and establish a mandatory reporter task force. However, following stakeholder feedback, the bill was substantially amended and now will only establishes a task force. The bill will also require a fiscal note and Deputy Ombudsman Jordan Steffen has collaborated with outside vendors to put together those estimates because the CPO cannot absorb the added workload.

Ombudsman Villafuerte reported that the bill was heard in the House Judiciary Committee on Wednesday, March 2, 2022. The CPO will continue to collaborate with the sponsors during the upcoming weeks to incorporate necessary amendments into the bill.

Residential Child Care Facilities and Runaway Youth – Ombudsman Villafuerte reported that the second piece of legislation the CPO is currently working on is developing a two-year task force to study reasons why youth run away from out-of-home placements and to prevent children from running away from out-of-home placements. She stated that, if the bill is granted late status Representative Michaelson Jenet will carry the legislation. The bill would also have a fiscal note and that the task force would be housed in the CPO.

The task force would analyze the root causes of why children run away from these placements, develop a consistent, prompt, and effective response to recover missing children; and address the safety and well-being of a child who has run away upon the child's return to out-of-home placement.

The legislation would also require the Colorado Department of Human Services (CDHS) to develop and implement a quality assurance and accountability system to set quality measures for certain residential childcare facilities.

Ombudsman Villafuerte reported that residential childcare facilities are in support of the legislation.

CPO Data Bill – Ombudsman Villafuerte is seeking late bill status for legislation that will increase the frequency which the CPO must report out to the General Assembly and to citizens as well as the depth of what the CPO is seeing. The bill would also require the CPO to show demographic and qualitative data as well as give the agency the ability to report out when it identifies issues.

Ombudsman Villafuerte reported that Representative Lisa Cutter will sponsor the bill if it is introduced.

The Board was supportive of the legislation and the role of the CPO in it.

Board took a break at 9:41 a.m. The meeting resumed at 9:50 a.m.

AGENCY OPERATIONS UPDATE

CLIENT SERVICES

Interim Vice-Chair Martinez reported that Amanda Pennington, Director of Client Services, will be delivering the Client Services update.

Program Overview

Director Pennington stated that the CPO opened 171 cases during January and February 2022. During this review period, the CPO has seen an increase in the number of cases initiated by youth residing in the Division of Youth Services (DYS) youth centers. The nature of the complaints are related to access to services inside the youth centers and staff conduct.

She reported that the CPO has seen a 17 to 19% increase in calls this fiscal year. The CPO received 852 calls in FY 2020-2021 and is on track to potentially hit one thousand calls this fiscal year.

Outreach and Education

Director Pennington reported that members of the Client Services team continue to participate in committees and groups such as 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, the Division of Child Welfare and Division of Youth Services Transition Task Group, the Juvenile

Justice Reform Committee, the DYS Restraint and Seclusion working group and the CDHS's Colorado Trails user group.

In February, the CPO hosted a virtual meet and greet with the Administrative Service Organizations (ASO) across the state. ASOs are the entities responsible for overseeing the independent assessment of youth who are seeking placement in qualified residential treatment placements (QRTP). The discussion during this meeting centered on the process required under the Family First Prevention Services Act (FFPSA), and what those assessments mean for the families and professionals involved in these cases.

Director Pennington reported that the key takeaways from that meeting included:

- The evaluators are relying on their use of telehealth to ensure equitable access throughout the state. The ASO's discussed that the use of telehealth is currently allowed due to the pandemic but recommended that the practice should be considered as a long-term solution given the state's current issues with providing behavioral health services.
- The purpose of the assessment is to determine whether the youth qualifies for QRTP placement based on their mental health needs. If a youth is found to have other co-occurring needs, such as substance use or intellectual/developmental delays, the treatment team may address other considerations once the recommendation is made.
- The independent evaluation process for youth residing in the DYS youth centers currently differs from those involved with child welfare, due to the number of clinical assessments conducted with the DYS youth.

Division of Youth Services

Director Pennington reported that there are currently no DYS youth centers on outbreak status, and that all face-to-face visits with family/guardians are allowed.

The CPO attended the DYS Restraint and Seclusion Working Group on January 7, 2022. Director Pennington reported that DYS saw a small decline in seclusion and a minor increase in restraint when comparing the two most recent reporting periods.

Director Pennington stated that the CPO continues to collaborate with the DYS monthly to address cases, systemic issues and policy-related questions.

Critical Incident/Fatality Reviews

Director Pennington stated that the CPO is working to determine how to incorporate the Collaborative Safety approach into agency practice and how to memorialize the approach in the CPO's "Case Practices and Operating Procedures." The CPO continues to meet regularly with Collaborative Safety as it begins to process cases through the new program.

Unaccompanied Immigrant Children

Director Pennington reported that the CPO is continuing its efforts to implement procedures to serve unaccompanied immigrant children who are placed at the state-licensed facility.

During the past two months, the CPO has continued to build relationships with state and federal partners. There was discussion about how the CPO handles translation services. Ms. Pennington reported that the CPO uses a company called LanguageLink that provides Over the Phone Interpretation services and Video-Remote Interpretation sessions for all languages.

GENERAL DISCUSSION

National News

There was a discussion around lawmakers passing bills in Texas and Florida related to transgender, sexual orientation, gender identity and gender-affirming health care for children as a form of child abuse.

Ombudsman Villafuerte reported that there are legal children advocacy groups and organizations that are watching these actions carefully. She stated she is unaware of any similar actions in Colorado.

Well-Being of Children

There was a discussion around the importance of physical and mental well-being of children. Board members discussed different programs, curriculums and resources for children across the state that are focused on improving these services.

Ombudsman Villafuerte reported that the CPO is following HB 22-1278, which would establish the Behavioral Health Administration and monitoring any bills related to mental health and children during the 2022 legislative session.

BOARD BUSINESS

Schedule CPO Board Youth Voice Working Group Meeting

Deputy Ombudsman Steffen stated that at the meeting in January 2022, board members Interim Vice-Chair Martinez, Hon. Ken Plotz, Ms. Shuler, April Lane and Ms. Buxton-Andrade volunteered for the sub-group addressing youth voice. She reported that she would like to schedule the first Board subcommittee meeting in April 2022, and that the discussion will include an overview of the CPO's charge, scope and duration of the subcommittee, as well as the intention and goals for the subcommittee's work.

AAG Fischer suggested that the CPO offer in-person and virtual options for the meetings and reminded the Board that the subcommittee/working groups are open to the public.

Deputy Ombudsman Steffen stated that the CPO can accommodate both in-person and virtual options and that she will send out a poll with date options for the first meeting. She thanked the board members that have volunteered and stated that she is eager to have robust discussions.

CLOSING REMARKS

Interim Vice-Chair Martinez thanked the board for their participation. She stated that the next CPO board meeting will be held at 8:00 a.m. on Thursday, May 12, 2022, via Zoom teleconference.

At 10:20 a.m. Ms. Shuler re-joined the meeting.

ADJOURN

Interim Vice-Chair Martinez entertained a motion to adjourn. Brian Bernhard made a motion to adjourn, and Ms. Petersen seconded the motion. The motion passed unanimously, minus Chair Roan and Ms. Buxton-Andrade, who had previously left the meeting.

The Board formally adjourned the meeting at 10:21 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on March 10, 2022, 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 McKeon

Board Chair

____5-18-22_____
Date

Judith Mastz

Board Vice-Chair

____05-18-22_____
Date

