



# CHILD PROTECTION OMBUDSMAN of COLORADO

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## COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

May 12, 2022

Record of Proceedings

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*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 8:04 a.m. by Chair Ann Roan.

A quorum of the Board was present.

### INTRODUCTIONS

#### PRESENT AT THE MEETING

##### **Board Members on Zoom**

Ann Roan, Chair  
Judith Martinez, Interim Vice-Chair  
Hon. Ken Plotz  
Jerene Petersen  
Victoria Shuler  
April Lane  
Hon. Amanda Hopkins  
Wendy Buxton-Andrade  
Brian Bernhard  
Dr. Coral Steffey

##### **Others Present**

Stephanie Villafuerte, Child Protection Ombudsman  
Jordan Steffen, Deputy Ombudsman  
Karen Nielsen, Director of Administrative Services  
Amanda Pennington, Director of Client Services  
Claire Hooker, Senior 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**

Stacey Sanders, Executive Director, Elevating Connections

**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**

*March 10, 2022, Meeting Minutes*

Chair Roan entertained a motion to approve the final minutes of the meeting held on March 10, 2022. Jerene Petersen made a motion to approve the final minutes of March 10, 2022, Judge Ken Plotz seconded the motion. The motion passed unanimously, minus Brian Bernhard and Dr. Coral Steffey who later joined the meeting.

*April 15, 2022, Youth Voice Sub-Committee Meeting Minutes*

Chair Roan entertained a motion to approve the final minutes of the meeting held on April 15, 2022. Ms. Petersen made a motion to approve the final minutes of April 15, 2022, Interim Vice-Chair Judith Martinez seconded the motion. The motion passed unanimously, minus Mr. Bernhard and Dr. Steffey who later joined the meeting.

**PUBLIC COMMENT**

No public comment.

*At 8: 09 a.m. Mr. Bernhard joined the meeting.*

**EXECUTIVE SESSION**

At 8:10 a.m. Chair Roan called for a motion to enter executive session for the purposes of discussing the Board’s continued response to a public complaint against a public official, which was received by the Board on January 20, 2022. Commissioner Wendy Buxton-Andrade made a motion to enter executive session for the purposes of discussing the response to the public complaint. Judge Plotz seconded the motion. The motion passed unanimously, minus Dr. Steffey who later joined the meeting.

*At 8:12 a.m. Dr. Steffey joined the meeting.*

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 8:27 a.m. Chair Roan returned the meeting to open session.

### **Motion 1**

Chair Roan called for a motion to approve the response letter with the amendments discussed during executive session regarding the public complaint. Judge Amanda Hopkins made a motion that Chair Roan shall respond in writing to the public complaint from January 20, 2022. Dr. Steffey seconded the motion. The motion passed unanimously. Chair Roan stated she will work with Assistant Attorney General Janna Fisher to send the response letter.

*At 8:29 a.m. Mr. Bernhard left the meeting.*

### **BOARD BUSINESS**

#### **Election of CPO Board Vice-Chair**

Chair Roan reported that Interim-Vice Chair Martinez was the only board member nomination for the vice-chair position.

Ms. Buxton-Andrade moved to approve election of CPO Board Vice-Chair Martinez. Chair Roan seconded the motion. The motion passed unanimously minus Mr. Bernhard, who was not present for the vote.

Ms. Martinez is the official Board Vice-Chair.

#### **CPO Board Meetings**

Deputy Ombudsman Jordan Steffen stated that the CPO Board meetings will be held virtually during Fiscal Year 2022-23, via Zoom teleconferencing.

#### **Out-of-town CPO Board Meeting**

Chair Roan stated that the statute requires that the CPO hold one Board meeting per year outside of the Denver metropolitan area.

Given ongoing concerns regarding COVID-19 – and fluctuating case rates – the group discussed whether to coordinate an in-person meeting in a rural jurisdiction. Deputy Steffen will send out a survey to board members and staff to gauge their comfort level and preference regarding an in-person meeting. The group agreed that if anyone expressed concerns with COVID, the meeting would be held virtually.

Chair Roan called for a motion to approve the survey. Commissioner. Buxton-Andrade moved to approve the survey. Dr. Steffey seconded the motion. The motion passed unanimously, minus Mr. Bernhard who was not present for the vote.

Deputy Steffen stated she will send out the survey and report back to the Board.

#### **Ombudsman Evaluation Process**

AAG Fischer reported that it is time for the Board to complete Ombudsman Villafuerte's annual evaluation. The Board discussed the evaluation process, the timeframe and selected the three evaluation subcommittee

members that will be summarizing the individual evaluations from board members. Ombudsman Villafuerte will be completing her own self-evaluation.

*At 8:58 a.m. Judge Plotz left the meeting.*

AAG Fischer stated she will be the point of contact for the Ombudsman evaluation and that the goal is to have the evaluation finalized at the November 2022 meeting.

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

*At 9:04 a.m. Chair Roan left the meeting.*

*At 9:05 a.m. Stacey Sanders joined the meeting.*

### **BOARD MEMBER EDUCATION**

Victoria Shuler volunteered to educate the Board regarding sibling connections in the child protection. Ms. Shuler invited Stacey Sanders, Executive Director of Elevating Connections to talk to the group about why sibling relationships matter and how the CPO can advocate for sibling relationships.

Executive Director Sanders talked about the importance of sibling relationships and House Bill 19-1288 - Foster Youth Sibling Bill of Rights. She stated that it is the responsibility of all adults involved in a youth's life to promote continuity and help to sustain family relationships. It is beneficial for youth placed in foster care to be able to continue relationships with the youth's siblings, regardless of age, so that siblings may share their strengths and common experiences.

Executive Director Sanders reported that Elevating Connections is dedicated to building sustained positive relationships for current and former youth in foster care, including those experiencing sibling separation to find their voice and build meaningful community connections.

*At 9:14 a.m. Mr. Bernhard re-joined the meeting.*

Executive Director Sanders stated that Elevating Connections is also a community resource that helps in reuniting siblings separated in foster care and that they also reduce the number of youth who are left without permanent connections upon emancipation, thereby increasing the number of emancipating youth who are able to lead happy, productive lives.

Ms. Shuler stated that the child protection system needs to create a culture that values sibling relationships.

*At 9:47 a.m. Executive Director Sanders left the meeting.*

*At 9:47 a.m. Judge Plotz re-joined the meeting.*

Ombudsman Villafuerte thanked everyone for their participation in the education session and is looking forward to having ongoing discussions.

April Lane volunteered to present at the next Board Member Education Session in July 2022.

The Board took a break at 9:48 a.m. The meeting resumed at 10:00 a.m.

## **EXECUTIVE DIRECTOR REPORT**

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

### **Financial Report**

Ombudsman Villafuerte stated that the Long Bill was sign by Gov. Polis and that the CPO's FY 2022-23 budget request was approved.

The CPO's request included:

- Re-classify all the agency's positions and increase salaries to meet the standards of those classifications.
- Obtain a .5 FTE public information coordinator for the agency to effectively distribute and promote CPO product.
- Obtain one-time funds to ensure that the CPO office infrastructure supports current and future staff.
- One-time funds to continue utilizing the Collaborative Safety unique critical incident review system and receive technical assistance for the program to continue building its critical incident review program.

*At 10:07 a.m. Dr. Steffey left the meeting.*

**FY 2021-22 Budget** - Ombudsman Villafuerte provided board members with the CPO's current FY 2021-22 operating budget report. She stated that the majority of the budget goes to staff payroll and benefits and that the administrative and operating budget expenses remain low.

Ombudsman Villafuerte reported that the CPO is anticipating a FY 2021-22 surplus, which is a result of vacancy savings.

**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 \$13,600 and that there is \$1,500 remaining. She stated that the office continues to utilize these legal services. She thanked AAG Fischer for her expertise.

There was a discussion around the CPO's past legal services budget. Ombudsman Villafuerte reported that the CPO has had a consistent legal services budget of \$13,600 for the past five years.

*At 10:14 a.m. Dr. Steffey re-joined the meeting.*

### **New Developments and Projects**

**New Legislation** – Ombudsman Villafuerte reported the CPO wrote and promoted two pieces of legislation; House Bill 22-1375, Child Residential Treatment and Runaway Youth and House Bill 22-1240, Mandatory Reporters. These bills will establish two needed task forces.

The Child Residential Treatment And Runaway Youth bill will require the CPO to convene the Timothy Montoya Task Force to Prevent Children from Running Away from Placement. The Task Force will analyze nine directives aimed at improving safeguards for children in out-of-home placement who have

runaway behaviors. This task force requires the CPO to appoint individuals with specific experience and/or knowledge.

The Mandatory Reporting Task Force will analyze 19 directives concerning the procedures and effectiveness of Colorado's child abuse and neglect mandatory reporting system and possible improvements.

Ombudsman Villafuerte reported that as a result of the two pieces of legislation, the CPO will be receiving funds to hire facilitators for both these task forces. This requires the CPO to put out an informal services request to hire those facilitators.

These two task forces will be an additional \$360,000 increase to the agency's operating budget.

The Board discussed how membership on the task forces are determined. Ombudsman Villafuerte reported that both pieces of legislation define all the appointments. The CPO plans to have the appointments in place by the end of the summer.

Deputy Steffen reported that, per the legislation, all these stakeholder meetings will be open meetings. The CPO plans to update the agency's website so these projects will be easily accessible for stakeholders, task force members and members of the public. She reported that the CPO's public information coordinator will help with the agency's social media, newsletters and communicating and promoting the two task forces so the CPO can get public participation.

Ombudsman Villafuerte is grateful to everyone who participated in the stakeholder process for both pieces of legislation and that she would appreciate the Board's involvement and feedback in both of these task forces.

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

### **Human Resources**

Ombudsman Villafuerte reported that the agency is continuing to work on a hybrid schedule. CPO staff continue to come into the office two days a week.

### **General Operations/COVID-19**

Ombudsman Villafuerte thanked Deputy Steffen and Karen Nielsen, Director of Administrative Services, for the creation of six extra "benching workstations" in the center of the CPO office space. This was an efficient and cost-effective way to maximize the space while providing accommodations for a hybrid work schedule and future employee growth.

### **Staff Development**

***Diversity, Equity and Inclusion Assessment and Training*** – Ombudsman Villafuerte reported that the CPO contracted with Vincent Strategies to provide the agency an assessment and training regarding diversity, equity and inclusion. Dr. Vincent and his team met individually with CPO staff during the past two months and held the first of several sessions to discuss how the CPO may continue to develop DEI policies – both internally and in the agency's engagement with outside constituents and stakeholders.

## **AGENCY OPERATIONS UPDATE**

### **CLIENT SERVICES**

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 167 cases during March and April 2022. Currently, the Client Services Team has 130 open cases. She reported that the CPO continues to see an increase in calls and has opened 839 cases during Fiscal Year 2021-22.

**Monthly Contacts (Statewide)** – Director Pennington reported that during past two months, the CPO has continued to hear from parents and respondent parent attorneys regarding a lack of communication in both court and non-court involved child welfare cases and the negative impacts of this on efforts to reunify children and parents. The CPO’s review of approximately 20 cases found inconsistencies in how child welfare staff complete the required monthly efforts to contact parents. In these cases, the CPO also observed that this lack of effort to contact parents is being inconsistently reported to judges, may have an impact on the permanency plan for the case and how this information is utilized by the Administrative Review Division within foster care review cases.

Volume 7 requires that parents be contacted face to face monthly in order to discuss how things are going, case progression, services and how can the departments address barriers. The CPO will continue to monitor these concerns.

**Moffat County Department of Human Services** – The CPO continues to monitor child welfare practice in Moffat County. Since 2019, the CPO has issued four letters of concern to the Moffat County Department of Human Services (MCDHS) and the Colorado Department of Human Services (CDHS). These letters detailed the CPO’s concerns regarding failure to respond to adequately address concerns of child safety, delayed response to concerns of child safety and inadequate documentation.

The CDHS is the MCDHS’ supervising entity were actively monitoring child welfare services in the county, have provided ongoing training and technical assistance and implemented an action plan to support the ongoing changes they were expecting to see.

The CPO continues to monitor the MCDHS’ performance in several areas through review of the available data and ongoing work with the CDHS.

**Trends** – Director Pennington reported that the Client Services Team added two trends to the agency’s tracking and monitoring system during the past two months which include sibling rights and father engagement.

The Sibling Rights trend was added to the CPO’s database after review of cases in which the CPO identified that sibling relationships were not being maintained for foster children. Tracking this trend will allow the CPO to monitor the potential impact of practice and to determine whether the law provides enough clarity that it is being consistently applied across the state.

The Father Engagement trend was added to the CPO’s database after a review of several cases in which the CPO identified inconsistencies in how fathers were being brought into cases (court and non-court involved), informed of what was going on and whether they were considered as a permanency option for their children. The CPO found that it is important to track father specifically given that the state

department and other child welfare agencies has made targeted efforts to promote and increase father engagement in child welfare cases. The CPO will continue to track and monitor how these efforts are impacting families.

### **Outreach and Education**

Director Pennington reported that members of the Client Services team continue to participate in committees and groups.

Since the last Board meeting Claire Hooker, Senior Client Services Analyst, was selected to serve on the Task Force on High-Quality Parenting Time steering committee and task force. This group will work to examine the current policies and laws for parenting time in dependency and neglect cases, study best practices for providing and determining parenting time plans and to make recommendations that will support high-quality parenting time in Colorado.

Ms. Oldenbrook, Client Services Analyst, was selected to serve on the Domestic Abuse Statutory Definition Task Force as a voting member. The task force will work to create the best definition of exposure to domestic abuse for the Children's Code and will inform best practices and training regarding the intersection of child maltreatment

### **Division of Youth Services**

Director Pennington reported that as a result of the declining cases of COVID-19, the Division of Youth Services (DYS) has taken down the electronic dashboard that provided real-time status on youth and staff outbreaks and updates regarding visitation expectations within youth centers.

She reported that DYS is requesting that individuals call the facility directly to get current information.

### **Critical Incident/Fatality Reviews**

The CPO completed its first Systems Learning Mapping with stakeholders in April 2022. The mapping is a vital piece of the critical incident review process. The CPO worked with Collaborative Safety to thoughtfully prepare the mapping participants, as this process is distinctly different than other current critical incident reviews. The mapping was well attended by county and state human services department staff and the participants openly engaged in process to provide valuable insight into the decision-making that occurred in this case.

The CPO is excited to continue this process and will keep the Board informed.

### **Unaccompanied Immigrant Children**

Director Pennington reported that the CPO is continuing to meet with stakeholders, medical providers, CDHS, federal partner and the state-licensed facility working with these youth.

The CPO most recently has designed and printed one-page flyers and posters for these unaccompanied immigrant children living in these facilities. The agency hopes to get those distributed in the near future.

### **PUBLIC POLICY**

Vice-Chair Martinez reported that Deputy Ombudsman Steffen will be delivering the public policy and general operations update.



## Legislative

Deputy Ombudsman reported that throughout March and April 2022, Colorado's General Assembly has been in full swing. The CPO continues to monitor legislation to ensure positive impacts on children, youth and family. She directed the Board to the Agency Operations Update to review the list of bills the CPO is publicly supporting and additional information.

***SMART Act Reporting*** – The CPO's FY 2021-22 ends June 30, 2022, and with the new fiscal year comes a new reporting cycle for the agencies SMART Act.

The CPO is consistently working to update and improve its processes. This is reflected throughout the agency's work, including the agency's Performance Plan. The CPO will start writing the Performance Plan for FY 2022-23 next month. The agency has a unique database and continues to build new tools within the system to track, pull out and report on the data more efficiently and consistently. The CPO will continue to correlate the data into performance goals.

## **GENERAL OPERATIONS**

### Communications

***CPO in the Press*** – The CPO legislative efforts were featured in multiple media outlets during April 2022:

***9News: "Bill aims to prevent runaways, improve mental health results for Colorado foster youth at residential centers"*** – House Bill 22-1375 and the ongoing work to address the care provided to youth who run away from out-of-home placements was featured in a 9News story in April. This article was published on April 19, 2022.

***The Colorado Sun: "Bill aims to prevent runaways, improve mental health results for Colorado foster youth at residential centers"*** – Child Protection Ombudsman Villafuerte was quoted in this article that detailed House Bill 22-1375 and the CPO's ongoing work to address the safety and well-being of youth living in residential facilities and youth. This article was published on April 18, 2022.

***CPO Board Youth Voice Sub-Committee*** – Deputy Ombudsman Steffen thanked the board members for volunteering for the subcommittee and providing their time, insight and expertise regarding effective strategies for connecting with children and youth in Colorado. The CPO will be working on ways to promote and incorporate this feedback into agency outreach efforts. The subcommittee will meet during the months of April, May, June and July.

***CPO Director and Leadership Coaching*** – Deputy Ombudsman stated that, as part of its ongoing staff development, the CPO has contracted with a professional development coach to work with the director team and deputy ombudsman. The coaching sessions are designed to strengthen communication, provide management techniques and continue building strong partnerships among CPO management. Each member of the management team will get one-on-one instruction, as well as group sessions. The CPO is excited to continue building and supporting its team.

***Adoption Assistance Worksheet*** – Deputy Ombudsman reported that the CPO has continued its participation in the large and small stakeholder group to develop an adoption assistance negotiation worksheet. The worksheet represents a culmination of several CPO efforts to ensure that adoptive families receive equitable consideration for, and access to, adoption assistance across the state. The CPO has worked closely with the CDHS, county departments, advocates and county attorneys to develop a draft of the worksheet that will be presented to the large group later this month.

**CLOSING REMARKS**

Vice-Chair Martinez thanked Ms. Shuler for the presentation on sibling connection, the board members for their participation in the youth subcommittee and everyone’s participation in today’s meeting. She stated that the next CPO Board meeting will be held at 8:00 a.m. on Thursday, July 14, 2022, via Zoom teleconference.


**ADJOURN**

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


The Board formally adjourned the meeting at 10:55 a.m.

**ATTESTATION**

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on May 12, 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.

  
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Board Chair

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07-25-22  
Date

  
\_\_\_\_\_  
Board Vice-Chair

\_\_\_\_\_  
07-26-22  
Date

