



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

July 14, 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 Chair Ann Roan.

A quorum of the Board was present.

INTRODUCTIONS

PRESENT AT THE MEETING

Board Members on Zoom

Ann Roan, Chair
Hon. Kenneth Plotz
Victoria Shuler
April Lane
Hon. Amanda Hopkins
Brian Bernhard
Ben Rousborg
Aaron Miltenberger

Others Present

Jordan Steffen, Deputy Ombudsman
Tiffany Madrid, Director of Legislative Affairs and Policy
Wendy Oldenbrook, Client Services Analyst
Allison Valencia, Client Services Analyst
Janna Fischer, Assistant Attorney General

PRESENT FROM THE PUBLIC

None

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 Deputy Ombudsman Jordan Steffen facilitated the meeting via teleconference. Board members and Office of Colorado's Child Protection Ombudsman (CPO) staff participated via Zoom teleconferencing.

Chair Roan welcomed everyone.

PUBLIC COMMENT

No public comment.

BOARD MEMBER EDUCATION

April Lane talked about the challenges that she and her family faced for many generations while involved with the foster care system.

At 8:05 a.m. Judge Amanda Hopkins and Aaron Miltenberger joined the meeting.

She spoke about the difficulties and lack of resources she has experience for years with the many foster children she has had in her home. She shared her experience with the children she has cared for who experienced trauma that manifested physically, as well as emotionally. Ms. Lane stated that she has explored yoga, studied different therapies and how treatment can make a difference in a person's health and well-being.

Additionally, Ms. Lane shared that she volunteers with different organizations in the state that work with foster youth, and that she also works directly with children and veterans, particularly those with post-traumatic stress syndrome and that it is rewarding.

At 8:13 a.m. Tori Shuler joined the meeting.

Chair Roan thanked Ms. Lane for sharing her story.

REVIEW AND APPROVAL OF MINUTES

May 12, 2022, Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on May 12, 2022. Judge Hopkins made a motion to approve the final minutes of May 12, 2022, Chair Roan seconded the motion. The motion passed unanimously.

May 12, 2022, Youth Voice Sub-Committee Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on May 12, 2022. Ms. Lane made a motion to approve the final minutes of May 12, 2022, Judge Hopkins seconded the motion. The motion passed unanimously.

June 17, 2022, Youth Voice Sub-Committee Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on June 17, 2022. Judge Kenneth Plotz made a motion to approve the final minutes of June 17, 2022, Ms. Lane seconded the motion. The motion passed unanimously.

YOUTH VOICE SUB-COMMITTEE MEETING UPDATE

Deputy Ombudsman Steffen shared that members of the CPO Board Youth Voice Subcommittee worked with the organization Think of Us (TOU). TOU recruited young people and lived experts for the opportunity to participate in the survey via both the TOU Lived Experience Network and an open call out to the public. CPO staff and members of the Subcommittee helped to develop the questions and structure of the meetings with the change agents.

The Subcommittee will review the final report provided by TOU, which outlines the discussions and feedback provided by the change agents. The CPO and Subcommittee will use feedback from TOU and other research to help continue the CPO's engagement with youth and young people in Colorado. These efforts including updating the youth-specific outreach materials the agency uses, as well as developing ongoing efforts to continue similar opportunities to seek feedback from youth.

BOARD BUSINESS

Out-of-Town CP Board Meeting

Deputy Ombudsman Steffen stated that after the May 12, 2022, meeting, the CPO sent out a survey to board members and staff to gauge their comfort level and preference regarding an in-person out-of-town meeting. The group elected to not hold an in-person out-of-town board meeting due to ongoing COVID-19 concerns and fluctuating case rates. She said the CPO will aim to incorporate the out-of-town board meeting virtually.

Rural Community Engagement

Deputy Ombudsman Steffen shared that Colorado Counties, Inc. asked the CPO to develop an educational opportunity for county commissioners and that she plans to get it scheduled within the next month. As part of the forthcoming virtual out-of-town meeting, the CPO would like to create opportunities for representatives of rural communities to share their experience and work.

She reported that the CPO would like to reach out to five or six different quadrants of the state – specifically the northwest, southwest, northeast and southeast.

Board members were in favor of the idea and suggested different ways to divide the state and to share the information that is tailored for each community. Deputy Ombudsman Steffen said these community meetings may not occur during the current calendar year but that she would like to discuss the details during future meetings.

Assistant Attorney General (AAG) Janna Fischer said whenever the CPO would like to explore the option that she is available to discuss.

UPDATES FROM THE ATTORNEY GENERAL

Child Protection Ombudsman Evaluation

Board members finalized the evaluation subcommittee members.

AAG Fischer reported that Child Protection Ombudsman Stephanie Villafuerte's self-evaluation is due to her on August 1, 2022, and that then she will share the self-evaluation and the board member evaluation form to individual board members within the first week in August. AAG Fischer, reported that she would like to have board members' individual evaluations back to her by mid-August 2022.

The evaluation subcommittee will then compile and finalize the comprehensive evaluation by the end of August 2022. AAG Fischer is hoping to have a packet containing the evaluation information finalized so it can be discussed during the Board's September 2022, executive session. Then Ombudsman Villafuerte will receive the comprehensive evaluation and have a chance to respond. It will be finalized at the November 10, 2022, Board meeting.

Board Meeting Training

AAG Fischer reported that The Office of the Attorney General's office has the duty to provide 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 10, 2022.

EXECUTIVE DIRECTOR REPORT

Financial Report and Budget

FY 2021-22 Budget – Deputy Ombudsman Steffen provided board members with the CPO's final FY 2021-22 budget report. She reported that the agency had a surplus of \$50,000 that was a result of vacancy savings. She stated that the surplus does not account for June 2022 staff payroll and benefits and remaining operating expenses but that she expects that number to remain around that \$50,000. Deputy Ombudsman Steffen shared that the surplus allowed CPO leadership to provide retention bonuses to staff. She said the agency is currently down one staff member and they were excited bonuses could be provided.

Legal Services Report – Deputy Ombudsman Steffen provided the Board with the CPO's final FY 2021-22 legal services report. She shared that the CPO exhausted all legal services funds and went over by approximately \$600. Deputy Ombudsman Steffen reported that when the CPO goes over budget, the funding does not come out of the CPO's operating budget but is covered through the Judicial Department's funds. She stated that the CPO anticipates that they will continue to utilize its legal services budget in Fiscal Year 2023-24.

She said a few things led to the overage, such as a client that made threats, the CPO's active legislative session and consulting with AAG Fischer. Specifically, the CPO utilized the AG's services extensively to address services not provided by the Supreme Court Administrator's Office (SCAO). These included services related to human resources management, payroll and procurement. These services have historically been provided by SCAO; however, the CPO has been informed many of these services will

no longer be provided. AAG Fischer reported that she continues to advise the CPO regarding the issue.

Deputy Ombudsman Steffen and board members thanked AAG Fischer for her expertise and ongoing support of the CPO.

FY 2022-23 Budget – Deputy Ombudsman Steffen reported that the new fiscal year began on July 1, 2022. She stated that the CPO budget this year has increased to about \$1.3 million. She stated the increase in the budget is due to:

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

The CPO continues to grow. To accommodate this, the CPO has converted space in its physical office to workstations that employees may easily plug into. This will allow for additional staff growth. She shared that she is proud of CPO employees' willingness to work in an environment that offers greater flexibility.

Human Resources/Staff Development

New Positions – Deputy Ombudsman Steffen shared that the CPO is currently receiving applications for a full-time Client Services Analyst position and for a part-time a Public Information Coordinator (PIC) position.

The agency is excited to have the PIC position assist in the development of and implementation of the CPO's public education and outreach programs. Primary responsibilities will include content analysis and development, publication and promotion of agency products and public education of agency services, findings and ongoing work including branding and social media.

The CPO had a large number of diverse applicants, and she hopes to have both positions filled mid-August early September 2022.

General Operations/COVID-19

The CPO continues to implement a hybrid work schedule. Staff are required to be in the office on Tuesdays and may choose a second day to come in. Deputy Ombudsman Steffen stated that when a staff member contracts COVID-19, the agency follows Centers for Disease Control and Prevention guidance. She said the agency is bending and flexing as COVID-19 continues to do the same.

Ongoing Projects

CPO Public Policy Advancement Center – Deputy Ombudsman Steffen reported that the CPO did a soft launch of the CPO's Public Policy Advancement Center, which has been a long-term goal for the agency.

The Policy Advancement Center will house the agency's systemic projects. She stated that these projects include multidisciplinary task forces, stakeholder groups and discussions to address some of the systemic and complex issues impacting the child protection system in Colorado.

This fall, the CPO will convene two task forces within the Center to help examine several critical issues that impact children residing in out-of-home placement and Colorado's mandatory reporting system.

The Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement (Timothy Montoya Task Force) will analyze nine directives concerning children with runaway behaviors that are in out-of-home placement. These include the root causes of why children run away from out-of-home placement, developing a consistent, prompt and effective response to for when children run and addressing the safety and well-being of a child upon the child's return to out-of-home placement. The first meeting is scheduled for September 7, 2022 and will be held bi-monthly.

The Mandatory Reporting Task Force will analyze 19 directives concerning Colorado's child abuse and neglect mandatory reporting law. These include systemic impacts of mandatory reporting, best practices, standardized training and materials, reporting procedures and the definition of "immediately." The first meeting is scheduled for October 5, 2022 and will also be held bi-monthly.

Deputy Ombudsman Steffen reported that the agency is working to procure facilitation services and a contract to administer the focus groups required under the law. Deputy Ombudsman Steffen said that all the task force meetings will be virtual, and all the information and meetings will be posted on the CPO's website calendar.

There was interest from board members to attend and potentially to even apply for the task force appointments. Deputy Ombudsman Steffen reported that she would engage the Board to attend these sessions and that she will send out regular meeting reminders. AAG Fischer reported that she would need to look into whether board members can apply for the appointments and better understand whether there would be a conflict of interest.

Legislative Affairs and Policy Director Tiffany Madrid reported that the CPO is still seeking members to join each task force and that additional information about each task force and how to apply is accessible on the CPO website.

Potential Legislation – Deputy Ombudsman Steffen shared that House Bill 22-1375 originally sought to create a quality assurance system for residential treatment facilities. She said that legislators and stakeholders are interested in revisiting the idea of a quality assurance system for these facilities. She said the CPO is currently examining the interplay between the new Behavioral Health Administration and these facilities.

AGENCY OPERATIONS UPDATE

CLIENT SERVICES

Fiscal Year 2021-22 Client Services Case Data - Deputy Ombudsman Steffen reported that during FY 2021-22, the CPO opened a record-breaking 982 cases or a 15 percent increase from the previous fiscal

year. This is the third consecutive fiscal year the CPO has experiences a steady increase in the number of cases it opened. She shared that the CPO wants to be proactive as the agency grows to ensure it has the staff to help cover the growth.

There was discussion around whether the growth is due to more people knowing about the CPO, things getting worse for kids in care or some combination of these factors. Deputy Ombudsman Steffen said that the CPO is experiencing growth because the agency has been doing more outreach and education the during the past two years. The CPO analyzes data of where the cases are coming from. She said she cannot say definitively whether things are getting worse, but clients are seeing the agency and are reaching out.

Deputy Ombudsman Steffen said that anyone who contacts the agency will receive a call back within two business days. She said the agency is extending the length of time it takes to close a case rather than sacrifice quality. She said the question is how the agency does things differently, so it does not end up in a cycle of vacancies and hirings, including creating contract positions.

Deputy Ombudsman Steffen reported that Director of Client Services, Amanda Pennington, creates reports for counties that share what the agency is seeing. She said the CPO also plans to deliver these reports to the Division of Youth Services (DYS) this year. These reports are intended to provided agencies with a snapshot of the cases the CPO received during the previous fiscal year and the services the CPO provided in their jurisdiction. These reports have been well received in the past.

Critical Incident/Fatality Reviews -The CPO completed its second Systems Learning Mapping with stakeholders in June. The mapping is a 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. The CPO values the collaboration in order to move this work forward and looks forward to continued discussions on the best way to share the information learned through this review process.

Deputy Ombudsman Steffen stated that the CPO continues to utilize the Collaborative Safety's unique critical incident review system and receive technical assistance for the program through June 30, 2023, to continue building its critical incident review program. The CPO is looking at other ombudsmen offices that also utilize this unique method and write reports in a manner that do not mimic what is already being done.

Unaccompanied Immigrant Children - The CPO is continuing its efforts to implement procedures to serve unaccompanied immigrant children who are placed at the state-licensed facility. House Bill 21-1313 requires the CPO to develop policies and practices to ensure the agency is able to:

- Initiate impartial and independent investigations to review the safety and well-being of unaccompanied immigrant children who are placed in state-licensed residential childcare facilities and who are in the custody of the federal Office of Refugee Resettlement (ORR);
- Obtain copies of records and documents needed to conduct a thorough and independent investigation;
- Distribute outreach materials to youth and their advocates; and
- Report the results of CPO reviews.

Deputy Ombudsman Steffen shared that in June, the CPO distributed youth-specific posters that describe the CPO and how the agency works to serve these youth. The posters were translated into the three most utilized languages on site – Spanish, Keq'chi and K'iche.' The CPO continues to build relationships with state and federal partners.

There was some discussion about how the CPO serves children and families in different languages. Deputy Ombudsman Steffen reported that the CPO has secured an agency called LanguageLink that helps the CPO navigate the complex nature of language services for its clients. They deliver language services in more than 300 languages and dialects.

EXTERNAL COMMITTEE PARTICPATION

Domestic Abuse Statutory Definition Task Force - Wendy Oldenbrook, Client Services Analyst, serves as the CPO's representative on the Domestic Abuse Statutory Definition Task Force (Task Force), which was created through legislation passed in 2021 – House Bill 21-1099. Ms. Oldenbrook serves as a voting member on the Task Force and attends bi-weekly meetings, which began in April 2022.

PUBLIC POLICY

SMART Act Reporting Updates - Director Madrid said the agency's SMART Act Performance Plan for Fiscal Year 2022-23 was published on July 1, 2022. She shared that the report features the agency's goals, strategies and key metrics for three principal areas – Outreach and Education, Services and Programs and Public Policy.

Stakeholder Engagements – Director Madrid said the agency continues to be involved in stakeholder discussions, such as CDHS' DYS's Policy Development, Child Protection Task Group and the CDHS' Statute Review Committee.

GENERAL UPDATES

Adoption Assistance – Deputy Ombudsman Steffen said that the adoption assistance tool is nearly completed. She reported that she has been a part of the Adoption Assistance Worksheet Workgroup since October 2021. 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.

She reported that the tool is going to be launched shortly. All counties agencies will be required to use this tool to guide conversations during adoption assistance negotiation meetings.

CLOSING REMARKS

Chair Roan thanked board members and CPO staff for all their work.

ADJOURN

Chair Roan entertained a motion to adjourn. Brian Bernhard made a motion to adjourn, and Judge Hopkins seconded the motion. The motion passed unanimously.

The Board formally adjourned the meeting at 9:23 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on July 14, 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

09-14-22

Date

Judith Mastz

Board Vice-Chair

09-14-22

Date

