



CHILD PROTECTION OMBUDSMAN of COLORADO

COLORADO CHILD PROTECTION OMBUDSMAN BOARD

PUBLIC MEETING

September 8, 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 8:00 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, Vice-Chair
April Lane
Dr. Coral Steffey
Commissioner Wendy Buxton-Andrade
Hon. Amanda Hopkins
Benjamin Rounsborg
Jerene Petersen
Commissioner Charles Tedesco
Brian Bernhard

Others Present

Stephanie Villafuerte, Child Protection Ombudsman
Jordan Steffen, Deputy Ombudsman
Michael Teague, Communications Coordinator
Karen Nielsen, Director of Administrative Services
Amanda Pennington, Director of Client Services
Claire Hooker, Senior Client Services Analyst
Wendy Oldenbrook, Client Services Analyst
Brittany Cornelius, Client Services Analyst
Tiffany Lewis, Client Services Analyst
Abbey Koch, Client Services Analyst
Janna Fischer, Assistant Attorney General

PRESENT FROM THE PUBLIC

Victoria Shuler

INTRODUCTIONS

Pursuant to guidance handed down by the Colorado Department of Public Health and Environment regarding the spread of COVID-19, Chair Roan and Ombudsman Stephanie Villafuerte 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.

At 8:01 a.m. Judge Amanda Hopkins joined the meeting.

REVIEW AND APPROVAL OF MINUTES

July 14, 2022, Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on July 14, 2022. Jerene Petersen made a motion to approve the final minutes of July 14, 2022, April Lane seconded the motion. The motion passed unanimously, minus Brian Bernhard who later joined the meeting.

July 14, 2022, Youth Voice Subcommittee Meeting Minutes

Chair Roan entertained a motion to approve the final minutes of the meeting held on July 14, 2022. Ms. Petersen made a motion to approve the final minutes of July 14, 2022, Dr. Coral Steffey seconded the motion. The motion passed unanimously.

At 8:03 a.m. Victoria Shuler joined the meeting.

PUBLIC COMMENT

No public comment.

WELCOME AND FAREWELLS

Farewell to Former CPO Board Member, Victoria Shuler

Chair Roan and Ombudsman Villafuerte thanked outgoing member Victoria Shuler for her commitment and contributions to the Board and her invaluable work to incorporate youth voice and youth in foster care in Colorado. Ombudsman Villafuerte stated Ms. Shuler was a part of the legislation that helped create the office and was one of the original board members. She thanked her for her involvement and contributions to the growth of the agency.

Ms. Shuler expressed her appreciation for the opportunity to partner and serve on the Board. She stated that she looks forward to seeing the agency and Board's continued growth in the future and collaborating in different ways.

Welcome to new CPO Board Member, Commissioner Charles Tedesco

Chair Roan welcomed Comm. Charles Tedesco to the Board. In August 2022, Senate President Steve Fenberg appointed Adams County Comm. Tedesco to the CPO Board. Comm. Tedesco will fill the "current or former foster youth" position previously held by Victoria Shuler.

Comm. Tedesco thanked Chair Roan, Ombudsman Villafuerte and the Board for welcoming him. He reported that he is a United States Navy veteran, member of the United Steelworkers Union and is a native of Adams County, Colorado. Comm. Tedesco stated that he has focused his career on protecting and improving youth in the foster care system because of his own childhood experiences.

Additionally, he reported that he championed Homes for Hope, an innovative program for emergency foster care for children in Adams County, Colorado. Comm. Tedesco also serves as vice-chair of the Former Foster Care Youth Steering Committee for the State of Colorado, where he shared process and program improvements to the benefit of all counties. He stated that he is grateful for the opportunity to serve and contribute to the CPO Board.

BOARD BUSINESS

Chair Roan stated that Assistant Attorney General Janna Fischer will be delivering the updates regarding Ombudsman Villafuerte's annual evaluation and upcoming board member training.

Update on Child Protection Ombudsman Annual Evaluation

AAG Fischer introduced herself and stated that she is an AAG with the Department of Law and is general counsel for the CPO. She reported that board members should have received Ombudsman Villafuerte's self-evaluation and board members' individual evaluations. She would like to have them back to her on September 15, 2022.

The evaluation subcommittee is meeting on September 22, 2022, to compile and finalize the comprehensive evaluation for approval.

October Special Meeting

AAG Fischer stated that there will be a special Board meeting in October 2022, to approve Ombudsman Villafuerte's evaluation. She reported that the majority of the meeting will be held in executive session. She reminded board members to complete the Doodle Poll that Deputy Ombudsman Steffen sent out in an email to finalize that date.

Board Meeting Training

AAG Fischer reported that the Office of the Colorado's Attorney General has the duty to provide board members with information regarding the Board's legal and ethical obligations and duties. She reported that the training is a statutory requirement and must be conducted annually. The training will be held during the board meeting on November 10, 2022.

CPO STAFF WELCOME AND FAREWELLS

Welcome New Staff Members

Ombudsman Villafuerte stated that the CPO is happy to announce that the agency has hired four new staff members which includes a part-time communications coordinator, two client services analysts and an additional full-time, contract client services analyst. The new staff include:

- Michael Teague - Michael stated that he joined the CPO on August 22, 2022. He has served in similar roles for the Colorado District Attorney's Counsel, the First Judicial District Attorney's Office and Violence Free Colorado.
- Brittany Cornelius – Brittany reported that she comes to the CPO with a decade of child welfare experience. Most recently, Brittany served as a family engagement permanency roundtable facilitator and as an ongoing caseworker with the Teller County Department of Human Services.

- Tiffany Lewis – Tiffany stated that she joins the CPO with more than a decade of child welfare experience. Most recently, Tiffany served as an intake caseworker with the Weld County Department of Human Services.
- Abbey Koch – Abbey reported that she has experience in both the behavioral health system and probation services. Most recently, Abbey served as a probation office with the 13th Judicial District.

Ombudsman Villafuerte reported that she is excited about the diversity that the new client services analysts bring to the agency from Weld, Fort Morgan and Teller counties.

Outgoing Staff Farewells

Ombudsman Villafuerte reported that Tiffany Madrid, Director of Legislative Affairs and Policy, has resigned. The CPO will be posting the position shortly.

EXECUTIVE DIRECTOR REPORT

Financial Report and Budget

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

FY 2022-23 Budget –Ombudsman Villafuerte reported that the new fiscal year began on July 1, 2022. She stated that the CPO budget this year has increased to about \$1.5 million and has approximately \$1,200,000 remaining. She stated that the bulk of the CPO’s funds are for employee salaries.

Legal Services Report – Ombudsman Villafuerte provided the Board with the CPO’s final Fiscal Year 2021-22 legal services report. She reported that the CPO has a legal services budget of \$13,600 and that the agency exhausted all legal services funds and went over by approximately \$600.

Ombudsman Villafuerte reported that 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 will continue to advise the CPO regarding the issues.

FY 2023-24 Budget - The CPO has been working with the SCAO budget analyst to complete the agency’s Fiscal Year 2023-24 budget request. Ombudsman Villafuerte stated that the request will be submitted on November 1, 2022. She reported that the new budget request includes converting the agency’s part-time communications coordinator, contract employee support services manager and contract client services analyst to full-time positions. In addition to those positions, the budget request will also include salary increases to retain and recruit staff.

At 8:40 a.m. Judge Hopkins left the meeting.

AGENCY OPERATIONS UPDATE

Client Services

Client Services Director, Amanda Pennington, reported that during Fiscal Year 2021-22, the CPO opened a record-breaking 982 cases. This represents a 15% increase in cases, compared to the previous fiscal year and that the Client Services Team has 235 open cases.

She reported that due to a lack of available staffing and a steady increase in cases, client services analysts are currently carrying caseloads two to three times the normal amount. Director Pennington stated that during the past three months, two client services positions became vacant, and a third client services analyst has been out

on leave for the majority of the summer. As a result, all cases were divided between three analysts for the majority of August 2022. She shared that in order to accommodate these high caseloads – and ensure the agency is able to maintain its customer service and review standards – the CPO has extended its call back window from two-business days to three-business days. She reported that all clients are also being advised that case reviews are currently taking about eight weeks to be completed. The CPO has placed an advisement about the extended timeframes on its online complaint form and clients are being advised of these timelines during intake conversations with analysts.

There was a discussion around, case review time frames, available staffing and the steady increase in cases that have resulted in heavy caseloads for our client services analysts. Ombudsman Villafuerte stated that the average caseload is around 22-25 caseloads, but caseloads vary depending on the complexity of the cases. Deputy Ombudsman Jordan Steffen reported that they will be asking for a seventh permanent client services analyst in FY 2023-24 Budget.

At 8:49 a.m. Judge Hopkins re-joined meeting.

Ombudsman Villafuerte thanked the client services team for their positive attitude and the quality of services that they continue to provide under the circumstances.

Human Resources/Staff Development

Ombudsman Villafuerte shared that as the CPO continues to adjust to the changing work environment while still providing effective service delivery to the public. She stated she hopes that the new human resource position will assist in the development and implementation of a strong program that looks at recruitment, employee support, employee engagement, retention and performance management.

Legislative Updates

Ombudsman Villafuerte reported that she continues to work with other ombudsman offices nationally and that she is in the process of drafting a bill that will require that the CPO information be posted in all out-of-home placements which includes group homes, foster homes and residential child care facilities. She stated that it is important that the agency continue its outreach to youth and to make sure these efforts are memorialized in the CPO statute.

She reported that the CPO continues to collaborate with the Division of Youth Services (DYS) monthly to address cases, systemic issues and policy related questions. The CPO has increased the number of youth the agency has served but that the CPO can do better and it is important that all these facilities have and post the agency's information.

At 9:11 a.m. Brian Bernhard joined the meeting.

Ombudsman Villafuerte will keep the Board posted after the bill has been drafted.

Outreach

There was a separate conversation around having youth make a video about the CPO that other children are required to watch with their guardian ad litem and working with the Colorado Office of the Child's Representative to give more children in the state the opportunity to reach out to the agency and that potential legislation would incorporate including children in the schools and rural placements to access these resources.

At 9:20 a.m. Comm. Buxton-Andrade left the meeting.

The Board took a break at 9:27 a.m. The meeting resumed at 9:40 a.m.

Public Policy

Deputy Ombudsman Steffen directed the Board to the CPO operations report and handouts.

SMART Act Reporting Updates

The CPO's SMART Act Performance Management System for fiscal year 2022-23 was published on July 29, 2022. The report details the agency's approach to performance management and delineates the agency's SMART Act reporting timeline.

The CPO is required to present this SMART Act to the Joint Judicial Committee once the legislative session starts. The Act details how the CPO monitors our initiatives, goals, key metrics and how the agency is working to complete those goals. She reminded the board members that there will be two more reports coming out this fiscal year that include Quarter Two and Quarter Four Performance Evaluations. These reports will provide updates on how the CPO is meeting these metrics in the previous performance plan.

CPO FY 2021-22 Annual Report

Deputy Ombudsman Steffen reported that the CPO published its statutorily required annual report on September 1, 2022. This report highlights the agency's key activities and achievements from fiscal year 2021-2022, including details about the agency's record-breaking caseloads, Public Policy Advancement Center (PPAC), program for unaccompanied immigrant children, critical incident reviews and community outreach efforts.

She reported that the CPO is doing a media release on the FY 2021-22 Annual Report today.

COMMUNICATIONS

CPO Public Policy Advancement Center Branding

Deputy Ombudsman Steffen reported that she and Communications Coordinator Teague have been working with Peak Creative to create a unique branding for the CPO's PPAC that is distinct from our casework on the Client Services Team.

Ombudsman Villafuerte reported that the PPAC developed as a result of big system issues that are brought to the CPO every day. The idea is to employ the Ombudsman principles of objectively, neutrality and facilitation to systemic policy issues. Board members stated that they liked the collaborative opportunity for stakeholders to bring up different issues and look forward to seeing how the program grows.

CPO Public Policy Advancement Center Updates

Deputy Ombudsman Steffen stated that throughout the summer, the CPO has been preparing to convene two task forces within its PPAC. These task forces include the Timothy Montoya Task Force to Prevent Children From Running Away From Out-of-home Placement (Timothy Montoya Task Force) established by House Bill 22-1375 and the Mandatory Reporting Task Force established by House Bill 22-1240.

She thanked all the board members for being instrumental in assisting the CPO in filling some of the task force vacancies. Deputy Ombudsman Steffen reported that she worked with AAG Fischer and that it was best not to appoint sitting board members to any of the task forces but that all board members are encouraged to participate. She shared that all the task force meetings will be virtual, and all the information and meetings will be posted on the CPO's website.

To date, the CPO has made appointments to these task forces after reviewing dozens of applications from qualified professionals, community members and other stakeholders. Additionally, the CPO has finalized the procurement of facilitation services. The CPO has been engaging with state and national experts in the fields of child protection to identify resources that can help guide the important policy discussions that will take place in each task force.

Deputy Ombudsman Steffen reported that our enabling statute requires that the CPO to adopt Judicial Fiscal Rules and that she has been working with the Judicial Procurement Department to solidify our agency policies and have an understanding on the process of acquiring services from an external source through this Bid Net process.

The Timothy Montoya Task Force is scheduled to convene on September 28, 2022, and the Mandatory Reporting Task Force is scheduled to convene on December 7, 2022. As these dates approach, additional information about each task force will be posted on the CPO's website.

Ombudsman Villafuerte reported that the Mandatory Reporting Task Force is a national project. It is the single most important issue that is discussed in the child protection arena today because it is the front door by which all children and families enter the child welfare system. The new task force is designed to address racial disproportionality and the heavy impact that child protection has on communities of color and underserved communities.

Deputy Ombudsman Steffen reported that this is a national discussion and that we want public participation at the meetings including the media.

CPO Website Updates

Deputy Ombudsman Steffen reported that the CPO is constantly listening to feedback about our website and are making changes to the usability of the website which will include:

- Where the public will find our reports
- Elevating the CPO Advisory Board page
- Updating the CPO staff page
- Cleaning up the online complaint form
- Elevating our youth services page and make those changes that we talked about in the youth voice subcommittee.

The agency will start making these changes in November – December 2022, with a roll out in early 2023. She reported that the CPO is in the process of revamping the Policy Page where the PPAC program will be housed including the CPO's new task forces.

Fiscal Year 2021-2022 CPO Case Data

Director Pennington redirected the Board back to the Client Services updates to present some data. She reported that the CPO has data broken down in the following categories:

1. How did they hear about the CPO? – She reported that the top responses include: (1) Previous contact with the CPO; (2) CPO website or internet search engine; and (3) Referral from family, friends, county department of human services staff and attorneys.
2. How far is the CPO's reach? – Director Pennington stated that the CPO works to identify the county in which the client lives and the county or jurisdiction that the case is concerning. During Fiscal Year 2021-22, the top five counties with CPO cases were El Paso, Denver, Arapahoe, Jefferson and Weld counties. Most of the clients who contacted the CPO – 70 percent – were from El Paso, Jefferson, Weld, Denver, Arapahoe, Mesa, Adams, Larimer, Boulder, Pueblo and Douglas counties.

3. Who is the CPO hearing from? – The CPO also looks at who are we hearing from. She reported that the majority, 68 percent, of the questions and concerns the CPO received were from family members, including mothers, fathers, grandparents and other relatives. During the past year, the CPO set a new record for the number of cases filed by youth. In total, 53 cases were initiated by youth.

Forty-one of these cases were initiated by youth living in DYS youth centers. It's important to highlight that Fiscal Year 2021-22 was the first full year during which the CPO's toll-free line was readily available to youth living in DYS youth services centers.

Director Pennington reported that the CPO works diligently to connect with these youth by reverse searching the phone numbers in databases and contacting youth centers and administrative staff where the youth may be located. The CPO also requests video surveillance around the day and time of the call to identify the caller. The CPO continues to conduct intakes through video technology for all youth-initiated cases that involve DYS youth centers.

Division of Youth Services

Director Pennington stated that she additionally compiles a comprehensive report on cases involving the DYS . She reported that the CPO will be completing that report in the next quarter and will provide an education session at one of the future Board meeting.

The CPO continues to collaborate with the DYS monthly to address cases, systemic issues and policy-related questions.

Unaccompanied Immigrant Children

Director Pennington reported that during the past fiscal year, the CPO worked diligently to fulfill the requirements of House Bill 21-1313, which requires the agency to review and monitor the care of unaccompanied immigrant children who are residing in state-licensed facilities but who remain in the custody of the federal Office of Refugee Resettlement (ORR). She reported that the CPO continues to establish relationships with professionals and agencies who support and serve unaccompanied immigrant children, including the ORR, the Colorado Department of Human Services, legal representatives, advocates and medical professionals.

CPO staff conducted two scheduled site visits to the state-licensed facility that serves this population. Director Pennington stated that during these visits, staff had the opportunity to learn about the facility and the residential services that are provided to this population. However, the CPO's attempts to access the youth and programing during unscheduled visits have been denied.

Director Pennington stated that unfortunately, the CPO has encountered administrative and bureaucratic challenges in effectively accessing the facility that currently houses this population. As a result, the CPO has not been able to fully execute the duties outlined in state law. She reported that the agency remains committed to serving this population and is actively working with the AAG Fischer to resolve these barriers.

Despite these issues, CPO staff have worked to ensure that the youth have access to CPO services. The CPO asked the facility to program the CPO's hotline number into phones at the facility, which youth have access to on a regular basis. This helps ensure the youth can call the agency confidentially at any time. Posters describing the agency's services were also distribute to the facility. These posters were translated and printed in four different languages – English, Spanish, Keq'chi, and K'iche' – which are the most utilized languages in the programs. Because the CPO has not been provided full access to the facility, we cannot confirm facility staff have hung the posters or programed the CPO's hotline number into the phones.

Ombudsman Villafuerte reported that she has made the legislative sponsors aware of the circumstances because the CPO cannot comply with the law.

There was some discussion by board members about who is the problem and how is the CPO elevating this issue. Deputy Ombudsman Steffen reported that the agency did include this information in our annual report and included the sponsors of the enabling legislation on the letter to Devereaux.

Ombudsman Villafuerte reported that she believes that it is Devereux, not the ORR, that is resistant to the CPO's presence. AAG Fischer will reach out to the CPO following the meeting.

CLOSING REMARKS

Chair Roan shared that she is glad to have Commissioner Tedesco join the Board and to have four new CPO staff members. She thanked board members and CPO staff for all their work with children and families.

ADJOURN

Chair Roan entertained a motion to adjourn. Vice Chair Judith Martinez made a motion to adjourn, and Judge Hopkins seconded the motion. The motion passed unanimously minus Comm. Buxton-Andrade who had leave the meeting.

The Board formally adjourned the meeting at 10:31 a.m.

ATTESTATION

As Board Chair and Board Vice-Chair, I attest that these minutes of the open public meeting held on September 8, 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 M. Roan

Board Chair

Nov. 10, 2022

Date

Judith Martinez

Board Vice-Chair

Nov. 17, 2022

Date

