

THE COLORADO CHILD PROTECTION OMBUDSMAN BOARD PUBLIC COMPLAINT PROCESS

ARTICLE I: AUTHORITY

The Office of the Child Protection Ombudsman (“CPO”) was established to improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system and to allow families, concerned citizens, mandatory reporters, employees of the state department and county departments, and other professionals who work with children and families to voice their concerns, without fear of reprisal, about the response by the child protection system to children experiencing, or at risk of experiencing, child maltreatment. § 19-3.3-101(2), C.R.S. The Child Protection Ombudsman Board (the “Board”) is required to develop a public complaint process related to the ombudsman’s performance. C.R.S. § 19-3.3-102(3)(a)(IV).

ARTICLE II: GENERAL GUIDELINES

1. This public complaint process is intended to address performance-related complaints against the Ombudsman.

“Performance-related complaints” are those matters impacting the integrity of the agency and its operations. These include but are not limited to actions that are:

- a. A violation of state, federal or municipal law, regulation or ordinance;
- b. A danger to public health or the safety of CPO employees due to an unsafe work environment;
- c. Gross mismanagement or substantial waste of funds;
- d. Clear abuse of authority involving an arbitrary and capricious act that is inconsistent with the mission of the agency as defined in § 19-3.3-101(2), C.R.S.;
- e. A gross deviation from agency policies and procedures including the CPO’s Employee Personnel Handbook, Case Practices and Operating Procedures, Ombudsman Personnel Handbook, and Fiscal Policies.¹

2. The public complaint process addressed in this policy is not intended to appeal the outcome or result of a case submitted to the Office of the Child Protection Ombudsman (the "Office"). This policy is also not intended to address human resource matters between former and current employees and the Ombudsman. These matters are addressed through the CPO’s human resources program and in the ombudsman’s annual performance evaluation conducted by the Board pursuant to § 19-3.3-102(3)(a)(III), C.R.S.

¹ Board members may find these documents in the Board Dropbox. They are available to members of the public on request.

ARTICLE III: PROCEDURES

Section 3.1 Procedure for Filing a Complaint.

Any person who has a complaint against the Ombudsman related to his or her performance as defined in Article II, and who cannot resolve the issue through discussion directly with the Ombudsman, may file a complaint with the Board. The following procedures must be followed for submission of a public complaint:

1. The complaint must be in writing, and must include the name, address and telephone number of the person submitting the complaint. While anonymous complaints cannot be entertained by the Board pursuant to this public complaint process, the Board will not tolerate any retaliation against a complainant, in conformity with Colorado law.
2. The complaint shall set forth, as precisely as reasonably possible, the nature of the complaint and the efforts, if any, to resolve the complaint. Complainants are encouraged to supply documentation and other evidence that would be helpful to the Board's review.
3. If a complainant wishes to receive communications about the complaint from the Board via email, an email address for that purpose must be included in the complaint. If no email address is provided, all communications about the complaint will be mailed to the complainant's address as reflected in the complaint.
4. The complaint must be submitted with the following designated attention to the below address:

Office of the Colorado Child Protection Ombudsman
ATTN: PUBLIC COMPLAINT CONCERNING OMBUDSMAN
Ralph L. Carr Judicial Building
1300 Broadway, Suite 430
Denver, Colorado 80203

Or to the below email address:
public.complaint@coloradocpo.org

5. Once received, the Office of the Child Protection Ombudsman Staff ("Office") shall forward the public complaint unopened to the Board Chair no later than the next working day.
6. Complaints that do not contain the information in Section 3.1, paragraphs 1-3 above and are not received as stated in paragraph 4 do not comport with the public complaint policy and will not be addressed by the Board.

Section 3.2 Procedure for Resolution of Public Complaint.

1. Upon receipt of a public complaint, the Board Chair or designee shall send the complainant acknowledgement of receipt and any request for additional information by a date certain. The Chair shall send this acknowledgment within 14 days of receiving the public complaint.
2. The Ombudsman will be directed to include the complaint on the agenda of the next regularly scheduled Board meeting provided the next meeting is at least 21 days away so that the Board has time to consider the complaint and any additional information it receives. If the next regularly scheduled Board meeting is less than 21 days away, the Ombudsman will be directed to include the complaint on the agenda of the following regularly scheduled meeting unless the Chair or designee in their discretion determines the complaint should be heard at the next regularly scheduled meeting or at a special meeting if warranted. The Chair or designee will inform the complainant of the date, time, and location of this meeting as promptly as practicable. In the discretion of the Chair or designee, these time frames can be shortened depending on the subject-matter of the complaint.
3. The public complaint will be distributed to the Board members in advance of the next regularly scheduled meeting for their review, along with any additional information received from the complainant at the Chair or designee's request.
4. At the meeting, the Board shall discuss the complaint in public, unless the contents of the complaint addresses personnel issues related to the Ombudsman or the Chair, in his or her discretion, determines that the issue may cause potential embarrassment to the individual complainant or if the complaint requires the protection of confidentiality for children's or parents' personal data pursuant the federal "Child Abuse Prevention and Treatment Act," Pub.L. 93-247, and state privacy laws, as authorized by § 19-3.3-102(4), C.R.S. in which case the complaint will be discussed in executive session as provided by § 24-6-402(3), C.R.S.
5. In order to resolve the complaint, the Board shall provide the complaint and provide any accompanying documentation to the ombudsman no later than 21 days or as soon as practicable before the meeting at which the complaint is scheduled to be addressed. The ombudsman shall have the opportunity to provide written information to the Board no later than 7 days or as soon as practicable before the meeting at which the complaint is scheduled to be addressed and to address the Board directly at the meeting about the issues contained in the complaint.
6. The Board's investigation and resolution of public complaints may have legal consequences for the ombudsman, staff, and the agency. Accordingly, the Board may request and receive legal advice from the agency's legal counsel at any time throughout the process.

7. Following the Board's discussion concerning the complaint, whether in a public meeting or in executive session, the Board shall in public session and by majority vote determine what, if any action, should be taken in response to the complaint. The Board, as delegated to the Chair, shall provide a written response to the complainant notifying the complainant and the Ombudsman of the Board's determination. This response shall be drafted with the assistance of the Board's legal counsel.

ARTICLE IV: AMENDMENTS

Section 4.1 Procedures.

This Public Complaint Process may be amended or repealed, in whole or in part, by a majority vote at any publicly noticed meeting of the Board and shall be effective upon adoption or amendment.

Section 4.2 Distribution.

The Ombudsman shall provide a copy of the latest version of this Public Complaint Process to all new Board members upon their appointment, and to any other person who requests a copy. This Public Complaint Process shall also be made available to the public via the CPO's website.