

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 15-0524.01 Jane Ritter x4342

SENATE BILL 15-204

SENATE SPONSORSHIP

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Senate Committees

Health & Human Services
Appropriations

House Committees

Public Health Care & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE INDEPENDENT FUNCTIONING OF THE OFFICE OF THE**
102 **CHILD PROTECTION OMBUDSMAN, AND, IN CONNECTION**
103 **THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Currently, the office of the child protection ombudsman (office) operates within the department of human services (department), with the administration of the program and office awarded by the department through a contract. The bill removes the office from the department and into the legislative branch, with oversight by an independent 15-member

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
May 1, 2015

SENATE
Amended 3rd Reading
April 8, 2015

SENATE
Amended 2nd Reading
April 7, 2015

board. Representatives from the judicial, executive, and legislative branches shall appoint members to the board.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 19-3.3-102 as follows:

4 **19-3.3-102. Office of the child protection ombudsman**
5 **established - child protection ombudsman board - qualifications of**
6 **ombudsman - duties.** (1) (a) ON OR BEFORE JANUARY 1, 2016, THE
7 INDEPENDENT OFFICE OF THE CHILD PROTECTION OMBUDSMAN, REFERRED
8 TO IN THIS ARTICLE AS THE "OFFICE", IS ESTABLISHED IN THE JUDICIAL
9 DEPARTMENT AS AN INDEPENDENT AGENCY FOR THE PURPOSE OF
10 ENSURING THE GREATEST PROTECTIONS FOR THE CHILDREN OF COLORADO.

11 (b) THE OFFICE AND THE RELATED CHILD PROTECTION
12 OMBUDSMAN BOARD, ESTABLISHED IN SUBSECTION (2) OF THIS SECTION,
13 SHALL OPERATE WITH FULL INDEPENDENCE. THE BOARD AND OFFICE HAVE
14 COMPLETE AUTONOMY, CONTROL, AND AUTHORITY OVER OPERATIONS,
15 BUDGET, AND PERSONNEL DECISIONS RELATED TO THE OFFICE, BOARD,
16 AND OMBUDSMAN.

17 (c) THE OFFICE SHALL WORK COOPERATIVELY WITH THE CHILD
18 PROTECTION OMBUDSMAN BOARD ESTABLISHED IN SUBSECTION (2) OF THIS
19 SECTION, THE DEPARTMENT OF HUMAN SERVICES AND OTHER CHILD
20 WELFARE ORGANIZATIONS, AS APPROPRIATE, TO FORM A PARTNERSHIP
21 BETWEEN THOSE ENTITIES AND PERSONS, PARENTS, AND THE STATE FOR
22 THE PURPOSE OF ENSURING THE GREATEST PROTECTIONS FOR THE
23 CHILDREN OF COLORADO.

24 (2) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN
25 CHILD PROTECTION OMBUDSMAN BOARD, REFERRED TO IN THIS ARTICLE AS

1 THE "BOARD". THE MEMBERSHIP OF THE BOARD MUST NOT EXCEED
2 TWELVE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST INCLUDE
3 PERSONS FROM THROUGHOUT THE STATE AND PERSONS WITH DISABILITIES
4 AND MUST REFLECT THE ETHNIC DIVERSITY OF THE STATE. ALL MEMBERS
5 MUST HAVE CHILD WELFARE POLICY OR SYSTEM EXPERTISE OR
6 EXPERIENCE.

7 (b) THE BOARD MEMBERS MUST BE APPOINTED ON OR BEFORE
8 AUGUST 1, 2015, AS FOLLOWS:

9 (I) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
10 APPOINT:

11 (A) AN INDIVIDUAL WITH EXPERIENCE AS A RESPONDENT PARENTS'
12 COUNSEL;

13 (B) AN INDIVIDUAL WITH EXPERIENCE DEFENDING JUVENILES IN
14 COURT PROCEEDINGS;

15 (C) AN INDIVIDUAL WITH LEGAL EXPERIENCE IN DEPENDENCY AND
16 NEGLECT CASES; AND

17 (D) AN INDIVIDUAL WITH EXPERIENCE IN CRIMINAL JUSTICE
18 INVOLVING CHILDREN AND YOUTH.

19 (II) THE GOVERNOR SHALL APPOINT:

20 (A) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE
21 WITH A RURAL COUNTY HUMAN OR SOCIAL SERVICES AGENCY OR A RURAL
22 PRIVATE CHILD WELFARE ADVOCACY AGENCY;

23 (B) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE
24 WITH THE DEPARTMENT OF HUMAN SERVICES;

25 (C) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE
26 WITH AN URBAN HUMAN OR SOCIAL SERVICES AGENCY OR AN URBAN
27 PRIVATE CHILD WELFARE AGENCY; AND

1 (D) AN INDIVIDUAL WITH EXPERIENCE IN PRIMARY OR SECONDARY
2 EDUCATION.

3 (III) THE PRESIDENT AND MINORITY LEADER OF THE SENATE SHALL
4 APPOINT:

5 (A) AN INDIVIDUAL WHO WAS FORMERLY A CHILD IN THE FOSTER
6 CARE SYSTEM; AND

7 (B) AN INDIVIDUAL WITH PROFESSIONAL EXPERIENCE AS A COUNTY
8 AND COMMUNITY CHILD PROTECTION ADVOCATE; AND

9 (IV) THE SPEAKER AND THE MINORITY LEADER OF THE HOUSE OF
10 REPRESENTATIVES SHALL APPOINT:

11 (A) A CURRENT OR FORMER FOSTER PARENT; AND

12 (B) A HEALTH CARE PROFESSIONAL WITH PREVIOUS EXPERIENCE
13 WITH CHILD ABUSE AND NEGLECT CASES.

14 (c) BOARD MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS;
15 EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, TWO MEMBERS
16 APPOINTED PURSUANT TO SUBPARAGRAPHS (I), (II), AND (III) OF
17 PARAGRAPH (b) OF THIS SUBSECTION (2) AND ONE MEMBER APPOINTED
18 PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS
19 SUBSECTION (2), AS DESIGNATED BY THE APPOINTING OFFICIALS, SHALL
20 SERVE INITIAL TERMS OF TWO YEARS. THE APPOINTING OFFICIALS SHALL
21 FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER OF ANY
22 UNEXPIRED TERM.

23 (d) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR
24 AND ADDITIONALLY AS NEEDED. AT LEAST ONE MEETING PER YEAR MUST
25 BE HELD OUTSIDE OF THE DENVER METROPOLITAN AREA.

26 (e) BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT
27 MAY BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED

1 IN THE PERFORMANCE OF THEIR DUTIES.

2 (f) EXPENSES INCURRED FOR THE BOARD MUST BE PAID FROM THE
3 GENERAL OPERATING BUDGET OF THE OFFICE OF THE CHILD PROTECTION
4 OMBUDSMAN.

5 (3) THE BOARD HAS THE FOLLOWING DUTIES AND
6 RESPONSIBILITIES:

7 (a) TO OVERSEE PERSONNEL DECISIONS RELATED TO THE
8 OMBUDSMAN, INCLUDING, BUT NOT LIMITED TO:

9 (I) ON OR BEFORE DECEMBER 1, 2015, AND AS NECESSARY
10 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE CHILD PROTECTION
11 OMBUDSMAN AND DIRECTOR OF THE OFFICE, REFERRED TO IN THIS ARTICLE
12 AS THE "OMBUDSMAN". THE OMBUDSMAN APPOINTED BY THE BOARD ON
13 OR BEFORE DECEMBER 1, 2015, SHALL ASSUME HIS OR HER POSITION ON
14 THE EFFECTIVE DATE OF THE MEMORANDUM OF UNDERSTANDING BETWEEN
15 THE JUDICIAL DEPARTMENT AND THE OFFICE, DEVELOPED PURSUANT TO
16 SECTION 19-3.3-102 (3) (e). THE BOARD MAY ALSO DISCHARGE AN ACTING
17 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE IS REQUIRED TO
18 HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL ASSEMBLY SHALL
19 SET THE OMBUDSMAN'S COMPENSATION AND SUCH COMPENSATION MAY
20 NOT BE REDUCED DURING THE TERM OF THE OMBUDSMAN'S APPOINTMENT.

21 (II) FILLING ANY VACANCY IN THE OMBUDSMAN POSITION;

22 (b) TO ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE
23 OPERATING POLICIES AND PROCEDURES, INCLUDING REASONABLE RULES
24 TO ADMINISTER THE PROVISIONS OF THIS ARTICLE AND ANY OTHER
25 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED
26 BY LAW;

27 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE

1 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE,
2 TO ASSIST WITH TRAINING, AS NEEDED, AND PROVIDE ANY OTHER
3 ASSISTANCE TO ENSURE THAT THE OFFICE AND OMBUDSMAN OPERATE IN
4 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND WITH STATE AND
5 FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM;

6 (d) TO ASSIST WITH THE MEMORANDUM OF UNDERSTANDING
7 BETWEEN THE OFFICE AND THE STATE DEPARTMENT. THE
8 MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND SIGNED NO
9 LATER THAN NOVEMBER 1, 2015;

10 (e) TO COLLABORATE WITH THE JUDICIAL DEPARTMENT AND THE
11 OFFICE ON THE CREATION OF AN ADMINISTRATIVE MEMORANDUM OF
12 UNDERSTANDING BETWEEN THE OFFICE AND THE JUDICIAL DEPARTMENT.
13 THE MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND
14 SIGNED NO LATER THAN NOVEMBER 1, 2015, AND HAVE AN EFFECTIVE
15 DATE OF NO LATER THAN JANUARY 1, 2016. THE MEMORANDUM OF
16 UNDERSTANDING MUST CONTAIN, AT A MINIMUM:

17 (I) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL
18 RULES;

19 (II) A REQUIREMENT THAT THE OMBUDSMAN HAS INDEPENDENT
20 HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES;

21 (III) A REQUIREMENT THAT THE OFFICE MUST FOLLOW JUDICIAL
22 FISCAL RULES;

23 (IV) A REQUIREMENT THAT THE OFFICE OF THE STATE COURT
24 ADMINISTRATOR SHALL OFFER THE OFFICE OF THE CHILD PROTECTION
25 OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

26 (A) PERSONNEL MATTERS;

27 (B) RECRUITMENT;

- 1 (C) PAYROLL;
- 2 (D) BENEFITS;
- 3 (E) BUDGET SUBMISSION, AS NEEDED;
- 4 (F) ACCOUNTING; AND
- 5 (G) OFFICE SPACE, FACILITIES, AND TECHNICAL SUPPORT LIMITED
- 6 TO THE BUILDING THAT HOUSES THE OFFICE OF THE STATE COURT
- 7 ADMINISTRATOR;
- 8 (V) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE
- 9 SUPPORT THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE;
- 10 (f) TO ASSIST WITH TRAINING FOR THE OMBUDSMAN, OFFICE, OR AS
- 11 OTHERWISE NEEDED; AND
- 12 (g) TO ASSIST WITH REPORTING REQUIREMENTS TO THE GENERAL
- 13 ASSEMBLY.
- 14 (4) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF
- 15 SECTION 24-6-402, C.R.S., EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS
- 16 OR MEETINGS REQUIRING THE PROTECTION OF CONFIDENTIALITY FOR
- 17 CHILDREN'S OR PARENTS' PERSONAL DATA PURSUANT TO THE FEDERAL
- 18 "CHILD ABUSE PREVENTION AND TREATMENT ACT", PUB.L. 93-247, AND
- 19 STATE PRIVACY LAWS.
- 20 (5) THE RECORDS OF THE BOARD AND THE OFFICE ARE SUBJECT TO
- 21 THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

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23 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-103, **amend**
24 (1) (a) (I) (A), (2) (b), (2) (e), (3), and (5); and **add** (6) as follows:
25 **19-3.3-103. Office of the child protection ombudsman - powers**
26 **and duties - access to information - confidentiality - testimony -**
27 **judicial review.** (1) The ombudsman has the following duties, at a

1 minimum:

2 (a) (I) (A) To receive complaints concerning child protection
3 services made by or on behalf of a child relating to any action, inaction,
4 or decision of any public agency or any provider that receives public
5 moneys that may adversely affect the safety, permanency, ~~and~~ OR
6 well-being of the child. The ombudsman may, INDEPENDENTLY AND
7 IMPARTIALLY, investigate and seek resolution of such complaints, which
8 resolution may include, but need not be limited to, referring a complaint
9 to the state department or appropriate agency or entity and making a
10 recommendation for action relating to a complaint.

11 (2) The ombudsman has the following powers, at a minimum:

12 (b) To review and evaluate the effectiveness and efficiency of any
13 existing grievance resolution mechanisms and to make recommendations
14 to the GENERAL ASSEMBLY, executive director, and any appropriate
15 agency or entity for the improvement of the grievance resolution
16 mechanisms;

17 (e) To recommend to the GENERAL ASSEMBLY, THE executive
18 director, and any appropriate agency or entity statutory, budgetary,
19 regulatory, and administrative changes, including systemic changes, to
20 improve the safety of and promote better outcomes for children and
21 families receiving child protection services in Colorado.

22 (3) ~~An agency or organization that is awarded the contract for the~~
23 ~~operation of the program~~, The ombudsman, employees of the program
24 OFFICE, and any persons acting on behalf of the program OFFICE shall
25 comply with all state and federal confidentiality laws that govern the state
26 department or a county department with respect to the treatment of
27 confidential information or records and the disclosure of such information

1 and records.

2 (5) IN THE PERFORMANCE OF HIS OR HER DUTIES, the ombudsman
3 shall act independently of the divisions within the state department that
4 are responsible for child welfare, youth corrections, or child care, and of
5 the county departments in the performance of his or her duties OF HUMAN
6 OR SOCIAL SERVICES, AND OF ALL JUDICIAL AGENCIES, INCLUDING, BUT
7 NOT LIMITED TO, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE
8 OF THE RESPONDENT PARENTS' COUNSEL, THE OFFICE OF STATE PUBLIC
9 DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE
10 OF ATTORNEY REGULATION COUNSEL. Any recommendations made by the
11 ombudsman or positions taken by the ombudsman do not necessarily
12 reflect those of the state department, JUDICIAL DEPARTMENT, or of the
13 county departments OF HUMAN OR SOCIAL SERVICES.

14 (6) A FINAL ACTION AGAINST THE OFFICE IS SUBJECT TO JUDICIAL
15 REVIEW BY THE DISTRICT COURT FOR THE CITY AND COUNTY OF DENVER.

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 19-3.3-106
17 as follows:

18 **19-3.3-106. Award of contract - extension - repeal.**

19 (1) (a) Subject to the provisions of subsection (2) of this section, the
20 executive director, in accordance with the "Procurement Code", articles
21 101 to 112 of title 24, C.R.S., shall issue the request for proposals for the
22 administration of the ~~program~~ OFFICE. The proposal submission period,
23 the review of submissions, and the award of the contract shall be
24 completed within sixty days after the issuance of the request for
25 proposals.

26 (b) The request for proposals shall include language prohibiting
27 the award of the contract to a contractor who will continue to be involved

1 in providing child protection services or involved in the legal
2 representation of children after the award of the contract or who has any
3 other conflict of interest or who is unable to independently and
4 impartially perform the duties of the program OFFICE.

5 (2) Notwithstanding any provisions of this article to the contrary,
6 the executive director shall not award a contract for the operation of the
7 program OFFICE until such time as the executive director determines that
8 sufficient moneys are available or have been committed for the operation
9 of the program OFFICE.

10 (3) THE EXECUTIVE DIRECTOR MAY EXTEND A CONTRACT
11 AWARDED PURSUANT TO THIS SECTION UNTIL DECEMBER 31, 2015. THE
12 CONTRACT EXTENSION MAY BE REVOKED UPON THE AGREEMENT OF ALL
13 PARTIES, BUT NO SOONER THAN THE EFFECTIVE DATE OF THE
14 MEMORANDUM OF UNDERSTANDING BETWEEN THE JUDICIAL DEPARTMENT
15 AND THE OFFICE, DEVELOPED PURSUANT TO SECTION 19-3.3-102 (3) (e).

16 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

17 **SECTION 4.** In Colorado Revised Statutes, 19-3.3-107, **amend**
18 (4); and **add** (5) as follows:

19 **19-3.3-107. Child protection ombudsman program fund -**
20 **created - repeal.** (4) Any moneys in the fund not expended for the
21 purposes of this article may be invested by the state treasurer as provided
22 by law. All interest and income derived from the investment and deposit
23 of moneys in the fund shall be credited to the fund. Any unexpended and
24 unencumbered moneys remaining in the fund at the end of a fiscal year
25 shall remain in the fund and AS OF JANUARY 1, 2016, shall not revert or be
26 credited or BE transferred to the general fund. or to another fund.

27 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

1 **SECTION 5.** In Colorado Revised Statutes, 19-3.3-108, **amend**
2 (2) and (3) as follows:

3 **19-3.3-108. Office of the child protection ombudsman - annual**
4 **report.** (2) The ombudsman shall transmit the annual report to the
5 executive director for review and comment. The ~~executive director~~
6 OMBUDSMAN shall distribute the WRITTEN report to the ~~governor, THE~~
7 ~~CHIEF JUSTICE,~~ and ~~to the health and human services committees of the~~
8 ~~house of representatives and of the senate, or any successor committees~~
9 THE GENERAL ASSEMBLY. The ombudsman shall present the report to the
10 health and human services committees of the house of representatives and
11 of the senate, or any successor committees. ~~upon request of those~~
12 ~~committees.~~

13 (3) The ~~state department~~ OMBUDSMAN shall post the annual report
14 ~~issued by the ombudsman to the web site of the state department~~ ON THE
15 OFFICE OF THE CHILD PROTECTION OMBUDSMAN'S WEB SITE AND THE
16 GENERAL ASSEMBLY'S WEB SITE.

17 **SECTION 6.** In Colorado Revised Statutes, **add** 19-3.3-110 as
18 follows:

19 **19-3.3-110. Funding recommendations.** THE OMBUDSMAN
20 SHALL MAKE FUNDING RECOMMENDATIONS TO THE JOINT BUDGET
21 COMMITTEE OF THE GENERAL ASSEMBLY FOR THE OPERATION OF THE
22 OFFICE OF THE CHILD PROTECTION OMBUDSMAN. THE GENERAL ASSEMBLY
23 SHALL MAKE ANNUAL APPROPRIATIONS, IN SUCH AMOUNT AND FORM AS
24 THE GENERAL ASSEMBLY DETERMINES APPROPRIATE, FOR THE OPERATION
25 OF THE OFFICE.

26 **SECTION 7.** In Colorado Revised Statutes, 19-3.3-108, **amend**
27 (1) introductory portion and (1) (a) as follows:

1 **19-3.3-108. Office of the child protection ombudsman - annual**
2 **report.** (1) On or before September 1 of each year, commencing with the
3 September 1 following the first fiscal year in which the ~~program is~~
4 ~~implemented~~ OFFICE WAS ESTABLISHED, the ombudsman shall prepare a
5 written report that shall include, but need not be limited to, information
6 from the preceding fiscal year and any recommendations concerning the
7 following:

8 (a) Actions taken by the ombudsman relating to the duties of the
9 ~~program~~ OFFICE set forth in section 19-3.3-103;

10 **SECTION 8.** In Colorado Revised Statutes, **amend** 19-3.3-109
11 as follows:

12 **19-3.3-109. Review by the state auditor's office.** The state
13 auditor shall conduct or cause to be conducted a performance and fiscal
14 audit of the ~~program~~ OFFICE at the beginning of the third year of operation
15 of the ~~program~~ OFFICE. Thereafter, at the discretion of the legislative audit
16 committee, the state auditor shall conduct or cause to be conducted a
17 performance and fiscal audit of the ~~program~~ OFFICE.

18 **SECTION 9.** In Colorado Revised Statutes, 24-37-302, **amend**
19 (3) (b) as follows:

20 **24-37-302. Responsibilities of the office of state planning and**
21 **budgeting.** (3) (b) The department of state, the department of the
22 treasury, the department of law, the judicial department, the office of state
23 public defender, the office of alternate defense counsel, the independent
24 ethics commission, ~~and~~ the office of the child's representative, AND THE
25 OFFICE OF THE CHILD PROTECTION OMBUDSMAN shall use the state agency
26 budget submissions described in paragraph (a) of this subsection (3) as a
27 guideline for the submission of their budgets to the joint budget

1 committee.

2 **SECTION 10.** In Colorado Revised Statutes, 24-37.5-105,
3 **amend** (11) (b) (I), (11) (b) (II), (11) (b) (IV), (11) (b) (VI), and (11) (c)
4 (II) as follows:

5 **24-37.5-105. Office - responsibilities - rules.** (11) (b) The
6 electronic budgeting system should, at minimum:

7 (I) Allow access by the principal departments of the executive
8 branch of state government, as specified in section 24-1-110, the
9 legislative branch agencies, the judicial department, the office of state
10 public defender created in section 21-1-101, C.R.S., the office of alternate
11 defense counsel created in section 21-2-101, C.R.S., the independent
12 ethics commission established in section 24-18.5-101 (2) (a), the office
13 of the child's representative created in section 13-91-104, C.R.S., THE
14 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
15 19-3.3-102, C.R.S., the office of state planning and budgeting, and the
16 joint budget committee staff;

17 (II) Allow for the confidential development of the governor's
18 annual budget request and the annual budget requests of the legislative
19 branch agencies, the judicial department, the office of state public
20 defender created in section 21-1-101, C.R.S., the office of alternate
21 defense counsel created in section 21-2-101, C.R.S., the independent
22 ethics commission established in section 24-18.5-101 (2) (a), ~~and~~ the
23 office of the child's representative created in section 13-91-104, C.R.S.,
24 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN
25 SECTION 19-3.3-102, C.R.S.;

26 (IV) Allow for the electronic communication of the governor's
27 annual budget request and the annual budget requests of the legislative

1 branch agencies, the judicial department, the office of state public
2 defender created in section 21-1-101, C.R.S., the office of alternate
3 defense counsel created in section 21-2-101, C.R.S., the independent
4 ethics commission established in section 24-18.5-101 (2) (a), and the
5 office of the child's representative created in section 13-91-104, C.R.S.,
6 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN
7 SECTION 19-3.3-102, C.R.S., to the joint budget committee staff;

8 (VI) Allow the joint budget committee staff to view the final
9 version of the governor's annual budget requests and the budget requests
10 of the legislative branch agencies, the judicial department, the office of
11 state public defender created in section 21-1-101, C.R.S., the office of
12 alternate defense counsel created in section 21-2-101, C.R.S., the
13 independent ethics commission established in section 24-18.5-101 (2) (a),
14 and the office of the child's representative created in section 13-91-104,
15 C.R.S., AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED
16 IN SECTION 19-3.3-102, C.R.S.;

17 (c) The feasibility and requirements study should also assess the
18 cost and feasibility to implement the following potential system
19 components:

20 (II) A web-based interface that will allow the legislative branch
21 agencies, the judicial department, the office of state public defender
22 created in section 21-1-101, C.R.S., the office of alternate defense
23 counsel created in section 21-2-101, C.R.S., the independent ethics
24 commission established in section 24-18.5-101 (2) (a), and the office of
25 the child's representative created in section 13-91-104, C.R.S., AND THE
26 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
27 19-3.3-102, C.R.S., to upload and submit budget documents and requests

1 to the joint budget committee staff;

2 **SECTION 11.** In Colorado Revised Statutes, 2-7-202, **amend** (5)
3 (a); and **add** (13.5) as follows:

4 **2-7-202. Definitions.** As used in this part 2, unless the context
5 otherwise requires:

6 (5) (a) "Department" means the judicial department, the office of
7 state public defender, the office of alternate defense counsel, the office
8 of the child's representative, THE OFFICE OF THE CHILD PROTECTION
9 OMBUDSMAN, the public employees' retirement association, the Colorado
10 energy office, the office of economic development, and the principal
11 departments of the executive branch of state government as specified in
12 section 24-1-110, C.R.S., including any division, office, agency, or other
13 unit created within a principal department.

14 (13.5) "OFFICE OF THE CHILD PROTECTION OMBUDSMAN" MEANS
15 THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
16 19-3.3-102, C.R.S.

17 **SECTION 12.** In Colorado Revised Statutes, 2-7-204, **amend** (1)
18 (c) and (3) (b) as follows:

19 **2-7-204. Performance management systems.** (1) (c) No later
20 than August 1, 2013, and no later than August 1 of each year thereafter,
21 the department of state, the department of the treasury, the department of
22 law, the office of state public defender, the office of alternate defense
23 counsel, the Colorado energy office, the office of economic development,
24 **and** the office of the child's representative, AND THE OFFICE OF THE CHILD
25 PROTECTION OMBUDSMAN shall each publish their components of the
26 performance management systems for their respective department, office,
27 or commission. These instructions must be posted on the official web

1 sites administered by the respective departments, offices, and
2 commissions.

3 (3) (b) Each department's performance plan shall be posted on the
4 official web sites of the department and the office of state planning and
5 budgeting. The state treasurer, the attorney general, the secretary of state,
6 the state court administrator for the judicial department, the office of state
7 public defender, the office of alternate defense counsel, the public
8 employees' retirement association, the Colorado energy office, the office
9 of economic development, ~~and~~ the office of the child's representative,
10 ~~AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN~~ shall ensure the
11 office of state planning and budgeting receives the information required
12 to be posted on the office of state planning and budgeting's web site
13 pursuant to this paragraph (b). The office of state planning and budgeting
14 shall not have access to edit any information provided by the state
15 treasurer, the attorney general, the secretary of state, the state court
16 administrator for the judicial department, the office of state public
17 defender, the office of alternate defense counsel, the public employees'
18 retirement association, the Colorado energy office, the office of economic
19 development, ~~or~~ the office of the child's representative, ~~OR THE OFFICE OF~~
20 ~~THE CHILD PROTECTION OMBUDSMAN.~~

21 **SECTION 13.** In Colorado Revised Statutes, 2-7-205, **amend** (1)
22 as follows:

23 **2-7-205. Annual performance report.** (1) (a) (I) Except as
24 provided in subparagraph (II) of this paragraph (a), no later than
25 November 1, 2014, and no later than November 1 of each year thereafter,
26 the office of state planning and budgeting shall publish an annual
27 performance report for each department except the department of state,

1 the department of the treasury, the department of law, the judicial
2 department, the office of state public defender, the office of alternate
3 defense counsel, the Colorado energy office, the office of economic
4 development, and the office of the child's representative, AND THE OFFICE
5 OF THE CHILD PROTECTION OMBUDSMAN. The annual performance report
6 must include a summary of each department's performance plan and most
7 recent performance evaluation. The annual performance report must be
8 clearly written and easily understood and must be limited to a maximum
9 of four pages per department.

10 (II) The office of state planning and budgeting shall prepare the
11 section of the annual performance report for the department of higher
12 education by reviewing the institutions of higher education's progress
13 towards the goals set forth in the institution of higher education's
14 performance contract described in section 23-5-129, C.R.S., and the
15 outcomes of the recommended performance funding plan required in
16 section 23-1-108 (1.9) (b), C.R.S.

17 (b) No later than November 1, 2014, and no later than November
18 1 of each year thereafter, the department of state, the department of the
19 treasury, the department of law, the judicial department, the office of state
20 public defender, the office of alternate defense counsel, the Colorado
21 energy office, the office of economic development, and the office of the
22 child's representative, AND THE OFFICE OF THE CHILD PROTECTION
23 OMBUDSMAN shall each publish an annual performance report including
24 a summary of its performance plan and most recent performance
25 evaluation. The annual performance reports must be clearly written and
26 easily understood and must each be limited to a maximum of four pages.

27 **SECTION 14.** In Colorado Revised Statutes, 19-3.3-101, **amend**

1 (2) introductory portion as follows:

2 **19-3.3-101. Legislative declaration.** (2) The general assembly
3 further finds and declares that the establishment of the OFFICE OF THE
4 child protection ombudsman program will:

5 **SECTION 15.** In Colorado Revised Statutes, 19-3.3-103, amend
6 (1) (a) (I) (B) and (1) (c) as follows:

7 **19-3.3-103. Office of the child protection ombudsman - powers**
8 **and duties - access to information - confidentiality - testimony -**
9 **judicial review.** (1) The ombudsman has the following duties, at a
10 minimum:

11 (a) (I) (B) The ombudsman shall treat all complaints received
12 pursuant to sub-subparagraph (A) of this subparagraph (I) as confidential,
13 including the identities of complainants and individuals from whom
14 information is acquired; except that disclosures may be permitted if the
15 ombudsman deems it necessary to enable the ombudsman to perform his
16 or her duties and to support any recommendations resulting from an
17 investigation. Records relating to complaints received by the program
18 OFFICE and the investigation of complaints are exempt from public
19 disclosure pursuant to article 72 of title 24, C.R.S.

20 (c) To report at least annually, pursuant to section 19-3.3-108,
21 concerning the actions taken by the ombudsman with respect to the goals
22 and duties of the program OFFICE.

23 **SECTION 16.** In Colorado Revised Statutes, amend 19-3.3-104
24 as follows:

25 **19-3.3-104. Qualified immunity.** The ombudsman and employees
26 or persons acting on behalf of the program shall be OFFICE ARE immune
27 from suit and liability, either personally or in their official capacities, for

1 any claim for damage to or loss of property, or for personal injury or other
2 civil liability caused by or arising out of any actual or alleged act, error,
3 or omission that occurred within the scope of employment, duties, or
4 responsibilities pertaining to the ~~program~~ OFFICE, including but not
5 limited to issuing reports or recommendations; except that nothing in this
6 section shall be construed to protect such persons from suit or liability for
7 damage, loss, injury, or liability caused by the intentional or willful and
8 wanton misconduct of ~~any such~~ THAT person.

9 **SECTION 17. Appropriation - adjustments to 2015 long bill.**

10 (1) To implement this act, the general fund appropriation made in the
11 annual general appropriation act for the 2015-16 state fiscal year to the
12 department of human services for the child protection ombudsman is
13 decreased by \$270,372.

14 (2) For the 2015-16 state fiscal year, \$351,086 is appropriated to
15 the judicial department. This appropriation is from the general fund and
16 is based on an assumption that the department will require an additional
17 2.2 FTE. To implement this act, the department may use this
18 appropriation as follows:

19 (a) \$10,000 for general courts administration, which amount is
20 based on an assumption that the department will require an additional 0.2
21 FTE;

22 (b) \$133,812 for courthouse capital and infrastructure
23 maintenance; and

24 (c) \$207,274 for the office of the child protection ombudsman,
25 which amount is based on an assumption that the office will require an
26 additional 2.0 FTE.

27 **SECTION 18. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.