

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.*

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) THE INDEPENDENT OFFICE OF THE CHILD
7 PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "OFFICE",
8 IS ESTABLISHED IN THE JUDICIAL DEPARTMENT AS AN INDEPENDENT
9 AGENCY FOR THE PURPOSE OF ENSURING THE GREATEST PROTECTIONS FOR
10 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 NOVEMBER 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 BOARD MAY ALSO DISCHARGE AN ACTING
13 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE IS REQUIRED TO
14 HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL ASSEMBLY SHALL
15 SET THE OMBUDSMAN'S COMPENSATION AND SUCH COMPENSATION MAY
16 NOT BE REDUCED DURING THE TERM OF THE OMBUDSMAN'S APPOINTMENT.

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

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

23 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE
24 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE,
25 TO ASSIST WITH TRAINING, AS NEEDED, AND PROVIDE ANY OTHER
26 ASSISTANCE TO ENSURE THAT THE OFFICE AND OMBUDSMAN OPERATE IN
27 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND WITH STATE AND

1 FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM; [REDACTED]

2 (d) TO ASSIST WITH THE MEMORANDUM OF UNDERSTANDING
3 BETWEEN THE OFFICE AND THE STATE DEPARTMENT. [REDACTED] THE
4 MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND SIGNED NO
5 LATER THAN NOVEMBER 1, 2015;

6 (e) TO COLLABORATE WITH THE JUDICIAL DEPARTMENT AND THE
7 OFFICE ON THE CREATION OF AN ADMINISTRATIVE MEMORANDUM OF
8 UNDERSTANDING BETWEEN THE OFFICE AND THE JUDICIAL DEPARTMENT.
9 THE MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND
10 SIGNED NO LATER THAN NOVEMBER 1, 2015, AND MUST CONTAIN, AT A
11 MINIMUM:

12 (I) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL
13 RULES;

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

16 (III) A REQUIREMENT THAT THE OFFICE MUST FOLLOW JUDICIAL
17 FISCAL RULES;

18 (IV) A REQUIREMENT THAT THE OFFICE OF THE STATE COURT
19 ADMINISTRATOR SHALL OFFER THE OFFICE OF THE CHILD PROTECTION
20 OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

21 (A) PERSONNEL MATTERS;

22 (B) RECRUITMENT;

23 (C) PAYROLL;

24 (D) BENEFITS;

25 (E) BUDGET SUBMISSION, AS NEEDED;

26 (F) ACCOUNTING; AND

27 (G) OFFICE SPACE, FACILITIES, AND TECHNICAL SUPPORT LIMITED

1 TO THE BUILDING THAT HOUSES THE OFFICE OF THE STATE COURT
2 ADMINISTRATOR;

3 (V) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE
4 SUPPORT THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE;

5 (f) TO ASSIST WITH TRAINING FOR THE OMBUDSMAN, OFFICE, OR AS
6 OTHERWISE NEEDED; AND

7 (g) TO ASSIST WITH REPORTING REQUIREMENTS TO THE GENERAL
8 ASSEMBLY.

9 (4) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF
10 SECTION 24-6-402, C.R.S., EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS
11 OR MEETINGS REQUIRING THE PROTECTION OF CONFIDENTIALITY FOR
12 CHILDREN'S OR PARENTS' PERSONAL DATA PURSUANT TO THE FEDERAL
13 "CHILD ABUSE PREVENTION AND TREATMENT ACT", PUB.L. 93-247, AND
14 STATE PRIVACY LAWS.

15 (5) THE RECORDS OF THE BOARD AND THE OFFICE ARE SUBJECT TO
16 THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

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18 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-103, **amend**
19 (1) (a) (I) (A), (2) (b), (2) (e), (3), and (5); and **add** (6) as follows:

20 **19-3.3-103. Office of the child protection ombudsman - powers**
21 **and duties - access to information - confidentiality - testimony -**
22 **judicial review.** (1) The ombudsman has the following duties, at a
23 minimum:

24 (a) (I) (A) To receive complaints concerning child protection
25 services made by or on behalf of a child relating to any action, inaction,
26 or decision of any public agency or any provider that receives public
27 moneys that may adversely affect the safety, permanency, and OR

1 well-being of the child. The ombudsman may, INDEPENDENTLY AND
2 IMPARTIALLY, investigate and seek resolution of such complaints, which
3 resolution may include, but need not be limited to, referring a complaint
4 to the state department or appropriate agency or entity and making a
5 recommendation for action relating to a complaint.

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

7 (b) To review and evaluate the effectiveness and efficiency of any
8 existing grievance resolution mechanisms and to make recommendations
9 to the GENERAL ASSEMBLY, executive director, and any appropriate
10 agency or entity for the improvement of the grievance resolution
11 mechanisms;

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

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

24 (5) IN THE PERFORMANCE OF HIS OR HER DUTIES, the ombudsman
25 shall act independently of the divisions within the state department that
26 are responsible for child welfare, youth corrections, or child care, and of
27 the county departments in the performance of his or her duties OF HUMAN

1 OR SOCIAL SERVICES, AND OF ALL JUDICIAL AGENCIES, INCLUDING, BUT
2 NOT LIMITED TO, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE
3 OF THE RESPONDENT PARENTS' COUNSEL, THE OFFICE OF STATE PUBLIC
4 DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE
5 OF ATTORNEY REGULATION COUNSEL. Any recommendations made by the
6 ombudsman or positions taken by the ombudsman do not necessarily
7 reflect those of the state department, JUDICIAL DEPARTMENT, or of the
8 county departments OF HUMAN OR SOCIAL SERVICES.

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

11 **SECTION 3.** In Colorado Revised Statutes, **repeal** 19-3.3-106
12 and 19-3.3-107.

13 **SECTION 4.** In Colorado Revised Statutes, 19-3.3-108, **amend**
14 (2) and (3) as follows:

15 **19-3.3-108. Child protection ombudsman office - annual**
16 **report.** (2) The ombudsman shall transmit the annual report to the
17 executive director for review and comment. The ~~executive director~~
18 OMBUDSMAN shall distribute the WRITTEN report to the governor, THE
19 CHIEF JUSTICE, and to the ~~health and human services committees of the~~
20 ~~house of representatives and of the senate, or any successor committees~~
21 THE GENERAL ASSEMBLY. The ombudsman shall present the report to the
22 health and human services committees of the house of representatives and
23 of the senate, or any successor committees. ~~upon request of those~~
24 ~~committees.~~

25 (3) The ~~state department~~ OMBUDSMAN shall post the annual report
26 ~~issued by the ombudsman to the web site of the state department~~ ON THE
27 OFFICE OF THE CHILD PROTECTION OMBUDSMAN'S WEB SITE AND THE

1 GENERAL ASSEMBLY'S WEB SITE.

2 **SECTION 5.** In Colorado Revised Statutes, **add** 19-3.3-110 as
3 follows:

4 **19-3.3-110. Funding recommendations.** THE OMBUDSMAN
5 SHALL MAKE FUNDING RECOMMENDATIONS TO THE JOINT BUDGET
6 COMMITTEE OF THE GENERAL ASSEMBLY FOR THE OPERATION OF THE
7 OFFICE OF THE CHILD PROTECTION OMBUDSMAN. THE GENERAL ASSEMBLY
8 SHALL MAKE ANNUAL APPROPRIATIONS, IN SUCH AMOUNT AND FORM AS
9 THE GENERAL ASSEMBLY DETERMINES APPROPRIATE, FOR THE OPERATION
10 OF THE OFFICE.

11 **SECTION 6.** In Colorado Revised Statutes, 19-3.3-108, **amend**
12 (1) introductory portion and (1) (a) as follows:

13 **19-3.3-108. Child protection ombudsman program - annual**
14 **report.** (1) On or before September 1 of each year, commencing with the
15 September 1 following the first fiscal year in which the ~~program is~~
16 ~~implemented~~ OFFICE WAS ESTABLISHED, the ombudsman shall prepare a
17 written report that shall include, but need not be limited to, information
18 from the preceding fiscal year and any recommendations concerning the
19 following:

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

22 **SECTION 7.** In Colorado Revised Statutes, **amend** 19-3.3-109
23 as follows:

24 **19-3.3-109. Review by the state auditor's office.** The state
25 auditor shall conduct or cause to be conducted a performance and fiscal
26 audit of the ~~program~~ OFFICE at the beginning of the third year of operation
27 of the ~~program~~ OFFICE. Thereafter, at the discretion of the legislative audit

1 committee, the state auditor shall conduct or cause to be conducted a
2 performance and fiscal audit of the **program OFFICE**.

3 **SECTION 8.** In Colorado Revised Statutes, 24-37-302, **amend**
4 (3) (b) as follows:

5 **24-37-302. Responsibilities of the office of state planning and**
6 **budgeting.** (3) (b) The department of state, the department of the
7 treasury, the department of law, the judicial department, the office of state
8 public defender, the office of alternate defense counsel, the independent
9 ethics commission, **and** the office of the child's representative, **AND THE**
10 **OFFICE OF THE CHILD PROTECTION OMBUDSMAN** shall use the state agency
11 budget submissions described in paragraph (a) of this subsection (3) as a
12 guideline for the submission of their budgets to the joint budget
13 committee.

14 **SECTION 9.** In Colorado Revised Statutes, 24-37.5-105, **amend**
15 (11) (b) (I), (11) (b) (II), (11) (b) (IV), (11) (b) (VI), and (11) (c) (II) as
16 follows:

17 **24-37.5-105. Office - responsibilities - rules.** (11) (b) The
18 electronic budgeting system should, at minimum:

19 (I) Allow access by the principal departments of the executive
20 branch of state government, as specified in section 24-1-110, the
21 legislative branch agencies, the judicial department, the office of state
22 public defender created in section 21-1-101, C.R.S., the office of alternate
23 defense counsel created in section 21-2-101, C.R.S., the independent
24 ethics commission established in section 24-18.5-101 (2) (a), the office
25 of the child's representative created in section 13-91-104, C.R.S., **THE**
26 **OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION**
27 **19-3.3-102, C.R.S.,** the office of state planning and budgeting, and the

1 joint budget committee staff;

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

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

20 (VI) Allow the joint budget committee staff to view the final
21 version of the governor's annual budget requests and the budget requests
22 of the legislative branch agencies, the judicial department, the office of
23 state public defender created in section 21-1-101, C.R.S., the office of
24 alternate defense counsel created in section 21-2-101, C.R.S., the
25 independent ethics commission established in section 24-18.5-101 (2) (a),
26 and the office of the child's representative created in section 13-91-104,
27 C.R.S., AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED

1 IN SECTION 19-3.3-102, C.R.S.;

2 (c) The feasibility and requirements study should also assess the
3 cost and feasibility to implement the following potential system
4 components:

5 (II) A web-based interface that will allow the legislative branch
6 agencies, the judicial department, the office of state public defender
7 created in section 21-1-101, C.R.S., the office of alternate defense
8 counsel created in section 21-2-101, C.R.S., the independent ethics
9 commission established in section 24-18.5-101 (2) (a), and the office of
10 the child's representative created in section 13-91-104, C.R.S., AND THE
11 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
12 19-3.3-102, C.R.S., to upload and submit budget documents and requests
13 to the joint budget committee staff;

14 **SECTION 10.** In Colorado Revised Statutes, 2-7-202, **amend** (5)
15 (a); and **add** (13.5) as follows:

16 **2-7-202. Definitions.** As used in this part 2, unless the context
17 otherwise requires:

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

26 (13.5) "OFFICE OF THE CHILD PROTECTION OMBUDSMAN" MEANS
27 THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION

1 19-3.3-102, C.R.S.

2 **SECTION 11.** In Colorado Revised Statutes, 2-7-204, **amend** (1)
3 (c) and (3) (b) as follows:

4 **2-7-204. Performance management systems.** (1) (c) No later
5 than August 1, 2013, and no later than August 1 of each year thereafter,
6 the department of state, the department of the treasury, the department of
7 law, the office of state public defender, the office of alternate defense
8 counsel, the Colorado energy office, the office of economic development,
9 ~~and~~ the office of the child's representative, AND THE OFFICE OF THE CHILD
10 PROTECTION OMBUDSMAN shall each publish their components of the
11 performance management systems for their respective department, office,
12 or commission. These instructions must be posted on the official web
13 sites administered by the respective departments, offices, and
14 commissions.

15 (3) (b) Each department's performance plan shall be posted on the
16 official web sites of the department and the office of state planning and
17 budgeting. The state treasurer, the attorney general, the secretary of state,
18 the state court administrator for the judicial department, the office of state
19 public defender, the office of alternate defense counsel, the public
20 employees' retirement association, the Colorado energy office, the office
21 of economic development, ~~and~~ the office of the child's representative,
22 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN shall ensure the
23 office of state planning and budgeting receives the information required
24 to be posted on the office of state planning and budgeting's web site
25 pursuant to this paragraph (b). The office of state planning and budgeting
26 shall not have access to edit any information provided by the state
27 treasurer, the attorney general, the secretary of state, the state court

1 administrator for the judicial department, the office of state public
2 defender, the office of alternate defense counsel, the public employees'
3 retirement association, the Colorado energy office, the office of economic
4 development, ~~or~~ the office of the child's representative, ~~OR THE OFFICE OF~~
5 ~~THE CHILD PROTECTION OMBUDSMAN.~~

6 **SECTION 12.** In Colorado Revised Statutes, 2-7-205, **amend** (1)
7 as follows:

8 **2-7-205. Annual performance report.** (1) (a) (I) Except as
9 provided in subparagraph (II) of this paragraph (a), no later than
10 November 1, 2014, and no later than November 1 of each year thereafter,
11 the office of state planning and budgeting shall publish an annual
12 performance report for each department except the department of state,
13 the department of the treasury, the department of law, the judicial
14 department, the office of state public defender, the office of alternate
15 defense counsel, the Colorado energy office, the office of economic
16 development, ~~and~~ the office of the child's representative, ~~AND THE OFFICE~~
17 ~~OF THE CHILD PROTECTION OMBUDSMAN.~~ The annual performance report
18 must include a summary of each department's performance plan and most
19 recent performance evaluation. The annual performance report must be
20 clearly written and easily understood and must be limited to a maximum
21 of four pages per department.

22 (II) The office of state planning and budgeting shall prepare the
23 section of the annual performance report for the department of higher
24 education by reviewing the institutions of higher education's progress
25 towards the goals set forth in the institution of higher education's
26 performance contract described in section 23-5-129, C.R.S., and the
27 outcomes of the recommended performance funding plan required in

1 section 23-1-108 (1.9) (b), C.R.S.

2 (b) No later than November 1, 2014, and no later than November
3 1 of each year thereafter, the department of state, the department of the
4 treasury, the department of law, the judicial department, the office of state
5 public defender, the office of alternate defense counsel, the Colorado
6 energy office, the office of economic development, ~~and~~ the office of the
7 child's representative, AND THE OFFICE OF THE CHILD PROTECTION
8 OMBUDSMAN shall each publish an annual performance report including
9 a summary of its performance plan and most recent performance
10 evaluation. The annual performance reports must be clearly written and
11 easily understood and must each be limited to a maximum of four pages.

12 **SECTION 13.** In Colorado Revised Statutes, 19-3.3-101, **amend**
13 (2) introductory portion as follows:

14 **19-3.3-101. Legislative declaration.** (2) The general assembly
15 further finds and declares that the establishment of the OFFICE OF THE
16 child protection ombudsman ~~program~~ will:

17 **SECTION 14.** In Colorado Revised Statutes, 19-3.3-103, **amend**
18 (1) (a) (I) (B) and (1) (c) as follows:

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

23 (a) (I) (B) The ombudsman shall treat all complaints received
24 pursuant to sub-subparagraph (A) of this subparagraph (I) as confidential,
25 including the identities of complainants and individuals from whom
26 information is acquired; except that disclosures may be permitted if the
27 ombudsman deems it necessary to enable the ombudsman to perform his

1 or her duties and to support any recommendations resulting from an
2 investigation. Records relating to complaints received by the program
3 OFFICE and the investigation of complaints are exempt from public
4 disclosure pursuant to article 72 of title 24, C.R.S.

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

8 **SECTION 15.** In Colorado Revised Statutes, **amend** 19-3.3-104
9 as follows:

10 **19-3.3-104. Qualified immunity.** The ombudsman and employees
11 or persons acting on behalf of the program shall be OFFICE ARE immune
12 from suit and liability, either personally or in their official capacities, for
13 any claim for damage to or loss of property, or for personal injury or other
14 civil liability caused by or arising out of any actual or alleged act, error,
15 or omission that occurred within the scope of employment, duties, or
16 responsibilities pertaining to the program OFFICE, including but not
17 limited to issuing reports or recommendations; except that nothing in this
18 section shall be construed to protect such persons from suit or liability for
19 damage, loss, injury, or liability caused by the intentional or willful and
20 wanton misconduct of any such THAT person.

21 **SECTION 16. Appropriation - adjustments to 2015 long bill.**

22 (1) To implement this act, the general fund appropriation made in the
23 annual general appropriation act for the 2015-16 state fiscal year to the
24 department of human services for the office of the child protection
25 ombudsman is decreased by \$512,822.

26 (2) For the 2015-16 state fiscal year, \$483,838 is appropriated to
27 the legislative department. This appropriation is from the general fund. To

1 implement this act, the department may use this appropriation as follows:

2 (a) \$463,838 for the office of the child protection ombudsman,

3 which amount is based on an assumption that the office will require 4.0

4 FTE; and

5 (b) \$20,000 for use by the legislative council.

6 **SECTION 17. Safety clause.** The general assembly hereby finds,

7 determines, and declares that this act is necessary for the immediate

8 preservation of the public peace, health, and safety.