

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 15-0524.01 Jane Ritter x4342

SENATE BILL 15-204

SENATE SPONSORSHIP

Newell and Lundberg, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Grantham, Guzman, Hodge, Holbert, Johnston, Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Scott, Steadman, Todd, Ulibarri, Woods

HOUSE SPONSORSHIP

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Senate Committees

Health & Human Services
Appropriations

House Committees

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 **qualifications of ombudsman.** (1) THE OFFICE OF THE CHILD
6 PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "OFFICE",
7 IS CREATED WITHIN THE OFFICE OF THE STATE AUDITOR. THE OFFICE SHALL
8 CONTINUE TO WORK COOPERATIVELY WITH THE DEPARTMENT OF HUMAN
9 SERVICES AND OTHER CHILD WELFARE ORGANIZATIONS AS APPROPRIATE
10 TO FORM A PARTNERSHIP BETWEEN THOSE ENTITIES AND PERSONS,
11 PARENTS, AND THE STATE FOR THE PURPOSE OF ENSURING THE GREATEST
12 PROTECTIONS FOR THE CHILDREN OF COLORADO.

13
14 (2) THE OFFICE OF THE STATE AUDITOR HAS THE FOLLOWING
15 RESPONSIBILITIES:

16 (a) ON OR BEFORE JANUARY 1, 2016, AND AS NECESSARY
17 THEREAFTER, TO APPOINT, AND DISCHARGE FOR CAUSE, A PERSON TO
18 SERVE AS THE CHILD PROTECTION OMBUDSMAN, REFERRED TO IN THIS
19 ARTICLE AS THE "OMBUDSMAN".

20 (b) TO FILL ANY VACANCY IN THE OMBUDSMAN POSITION;

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

1 FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM; AND

2 (d) TO ASSIST WITH THE MEMORANDUM OF UNDERSTANDING
3 BETWEEN THE OMBUDSMAN AND THE STATE DEPARTMENT AND
4 APPROPRIATE COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES.
5 THE MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND
6 SIGNED NO LATER THAN NOVEMBER 1, 2015.

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8 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-103, **amend**

9 (1) (a) (I) (A), (2) (b), (2) (e), and (3) as follows:

10 **19-3.3-103. Office of the child protection ombudsman - powers**
11 **and duties - access to information - confidentiality - testimony.**

12 (1) The ombudsman has the following duties, at a minimum:

13 (a) (I) (A) To receive complaints concerning child protection
14 services made by or on behalf of a child relating to any action, inaction,
15 or decision of any public agency or any provider that receives public
16 moneys that may adversely affect the safety, permanency, ~~and~~ OR
17 well-being of the child. The ombudsman may, INDEPENDENTLY AND
18 IMPARTIALLY, investigate and seek resolution of such complaints, which
19 resolution may include, but need not be limited to, referring a complaint
20 to the state department or appropriate agency or entity and making a
21 recommendation for action relating to a complaint.

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

23 (b) To review and evaluate the effectiveness and efficiency of any
24 existing grievance resolution mechanisms and to make recommendations
25 to the GENERAL ASSEMBLY, executive director, and any appropriate
26 agency or entity for the improvement of the grievance resolution
27 mechanisms;

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

6 (3) ~~An agency or organization that is awarded the contract for the~~
7 ~~operation of the program,~~ The ombudsman, employees of the program,
8 and any persons acting on behalf of the program shall comply with all
9 state and federal confidentiality laws that govern the state department or
10 a county department with respect to the treatment of confidential
11 information or records and the disclosure of such information and
12 records.

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

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

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

26 (3) The ~~state department~~ OMBUDSMAN shall post the annual report
27 ~~issued by the ombudsman to the web site of the state department~~ ON THE

1 OFFICE OF THE CHILD PROTECTION OMBUDSMAN'S WEB SITE AND THE
2 GENERAL ASSEMBLY'S WEB SITE.

3 **SECTION 5. Appropriation - adjustments to 2015 long bill.**

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

8 (2) For the 2015-16 state fiscal year, \$483,838 is appropriated to
9 the legislative department. This appropriation is from the general fund. To
10 implement this act, the department may use this appropriation as follows:

11 (a) \$463,838 for the office of the child protection ombudsman,
12 which amount is based on an assumption that the office will require 4.0
13 FTE; and

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

15 **SECTION 6. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.