

Passed Senate 33-2

## Support SB 15-204

### Autonomy of the Child Protection Ombudsman

Senators Linda Newell / Kevin Lundberg / Representative Jonathan Singer

#### Background:

- The Colorado Child Protection Ombudsman was created legislatively in 2010 after a **unanimous vote on SB 10-171**.
- The **Ombudsman Office role and duties:**
  - An **independent oversight** on the closed child welfare system
  - **Receives and investigates** (when appropriate) complaints, concerns, and compliments about the child welfare system. (Could be from family members, doctors, teachers, system employees, system contractors, foster care youth, or just citizens.)
  - The Ombudsman highlights discrepancies, if any, between policy and practice, then **recommends any changes to the child protection system**.
  - Reports annually any system **recommendations to the Legislature**.
- Currently, the Office of the Child Protection Ombudsman is housed within the Colorado Department of Human Services, via a contract to the Executive Director. This has created an **inherent awkwardness** for the **Ombudsman reporting to the department it monitors** and for **CDHS monitoring the contract of the entity investigating complaints** about the state and county departments.
- In 2014, we passed **SB 14-201 that created the interim Child Protection Ombudsman Advisory Workgroup**. Led by an independent facilitator, the group contemplated a myriad of governance models and studied research from across the country. Based on that research, **this bill reflects the opinion of the majority of the work group**. (Those opposed were the entities monitored by the Ombudsman.)

#### Changes with SB-204 – Independence, Accountability, and Transparency

- **Establishes true independence of the Ombudsman by moving it from the Colorado Department of Human Services and into the legislative branch.** The Ombudsman Office serves as an **oversight function**, similar to the State Auditor, with continuing authority, **so best belongs in the oversight branch**.
- **Increases public confidence** in the Ombudsman Office due to separation from the system it monitors.

- Allows Ombudsman to employ professional best practices.
- **Avoids any potential political influence, by creating an independent 15-member board** serving in an advisory role to the Ombudsman.
- The judicial, executive, and legislative branches make board appointments.
- The hiring/firing of the Ombudsman will be conducted by the board with a 2/3-majority vote (similar to the Office of Child's Representative board).
- The Ombudsman will be able to go directly to the JBC for funding.

**Status Quo Respected by SB-204**

- Counties' ability to serve their constituents
- State's authority to oversee county-administered programs.
- Mandated confidentiality for the protection of children.
- Current positive relationships between the Ombudsman and the counties or state.

**SB-204 Does NOT:**

- Create a legislative oversight committee
- Increase the Ombudsman's powers or functions.
- Increase any FTE to the Office (just moves them to Judicial branch).

**Supporters**

United States Ombudsman Association  
 Colorado Office of the Child's Representative  
 Rocky Mountain Children's Law Center  
 Colorado CASA Chapters  
 Arapahoe County Court Appointed Special Advocates (CASA)  
 CASA of Jefferson and Gilpin Counties  
 Lynn Price, Camp to Belong  
 Detective Christopher Langley, Lakewood Police Department  
 League of Women Voters  
 Colorado State Foster Parent Association  
 Victoria Black, former foster youth, Ombudsman Advisory Work Group member  
 Colorado Coalition of Adoptive Families  
 Integrated Family Services  
 Colorado Developmental Disabilities Council  
 United States Ombudsman Association  
 Children's Hospital Colorado