

SB204 L.014

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Public Health Care & Human Services.

SB15-204 be amended as follows:

1 Amend reengrossed bill, page 2, strike lines 4 through 20 and substitute:

2 **"19-3.3-102. Office of the child protection ombudsman**
 3 **established - child protection ombudsman board - qualifications of**
 4 **ombudsman - duties.** (1) (a) THE INDEPENDENT OFFICE OF THE CHILD
 5 PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "OFFICE",
 6 IS ESTABLISHED IN THE JUDICIAL DEPARTMENT AS AN INDEPENDENT
 7 AGENCY FOR THE PURPOSE OF ENSURING THE GREATEST PROTECTIONS FOR
 8 THE CHILDREN OF COLORADO.

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

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

22 (2) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN
 23 CHILD PROTECTION OMBUDSMAN BOARD, REFERRED TO IN THIS ARTICLE AS
 24 THE "BOARD". THE MEMBERSHIP OF THE BOARD MUST NOT EXCEED
 25 TWELVE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST INCLUDE
 26 PERSONS FROM THROUGHOUT THE STATE AND PERSONS WITH DISABILITIES
 27 AND MUST REFLECT THE ETHNIC DIVERSITY OF THE STATE. ALL MEMBERS
 28 MUST HAVE CHILD WELFARE POLICY OR SYSTEM EXPERTISE.

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

31 (I) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL
 32 APPOINT:

33 (A) AN INDIVIDUAL WITH EXPERIENCE AS A RESPONDENT PARENTS'
 34 COUNSEL;

35 (B) AN INDIVIDUAL WITH EXPERIENCE DEFENDING JUVENILES IN
 36 COURT PROCEEDINGS;

37 (C) AN INDIVIDUAL WITH LEGAL EXPERIENCE IN DEPENDENCY AND



1 NEGLECT CASES; AND
2 (D) AN INDIVIDUAL WITH EXPERIENCE IN CRIMINAL JUSTICE
3 RELATED TO CHILDREN AND YOUTH.
4 (II) THE GOVERNOR SHALL APPOINT:
5 (A) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE
6 WITH A RURAL COUNTY HUMAN OR SOCIAL SERVICES AGENCY OR A RURAL
7 PRIVATE CHILD WELFARE ADVOCACY AGENCY;
8 (B) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE
9 WITH THE DEPARTMENT OF HUMAN SERVICES;
10 (C) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE
11 WITH AN URBAN HUMAN OR SOCIAL SERVICES AGENCY OR AN URBAN
12 PRIVATE CHILD WELFARE AGENCY; AND
13 (D) AN INDIVIDUAL WITH EXPERIENCE IN PRIMARY OR SECONDARY
14 EDUCATION.
15 (III) THE PRESIDENT AND MINORITY LEADER OF THE SENATE SHALL
16 APPOINT:
17 (A) AN INDIVIDUAL WHO WAS FORMERLY A CHILD IN THE FOSTER
18 CARE SYSTEM; AND
19 (B) AN INDIVIDUAL WITH PROFESSIONAL EXPERIENCE AS A COUNTY
20 AND COMMUNITY CHILD PROTECTION ADVOCATE; AND
21 (IV) THE SPEAKER AND THE MINORITY LEADER OF THE HOUSE OF
22 REPRESENTATIVES SHALL APPOINT:
23 (A) A CURRENT OR FORMER FOSTER PARENT; AND
24 (B) A HEALTH CARE PROFESSIONAL WITH PREVIOUS EXPERIENCE
25 WITH CHILD ABUSE AND NEGLECT CASES.
26 (c) BOARD MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS;
27 EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, TWO MEMBERS
28 APPOINTED PURSUANT TO SUBPARAGRAPHS (I), (II), AND (III) OF
29 PARAGRAPH (b) OF THIS SUBSECTION (2) AND ONE MEMBER APPOINTED
30 PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS
31 SUBSECTION (2), AS DESIGNATED BY THE APPOINTING OFFICIALS, SHALL
32 SERVE INITIAL TERMS OF TWO YEARS. THE APPOINTING OFFICIALS SHALL
33 FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER OF ANY
34 UNEXPIRED TERM.
35 (d) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR
36 AND ADDITIONALLY AS NEEDED. AT LEAST ONE MEETING PER YEAR MUST
37 BE HELD OUTSIDE OF THE DENVER METROPOLITAN AREA.
38 (e) BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT
39 MAY BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED
40 IN THE PERFORMANCE OF THEIR DUTIES.
41 (f) EXPENSES INCURRED FOR THE BOARD MUST BE PAID FROM THE

1 GENERAL OPERATING BUDGET OF THE OFFICE OF THE CHILD PROTECTION
2 OMBUDSMAN.

3 (3) THE BOARD HAS THE FOLLOWING DUTIES AND
4 RESPONSIBILITIES:

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

7 (I) ON OR BEFORE NOVEMBER 1, 2015, AND AS NECESSARY
8 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE CHILD PROTECTION
9 OMBUDSMAN AND DIRECTOR OF THE OFFICE, REFERRED TO IN THIS ARTICLE
10 AS THE "OMBUDSMAN". THE BOARD MAY ALSO DISCHARGE AN ACTING
11 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE IS REQUIRED TO
12 HIRE OR DISCHARGE THE OMBUDSMAN.

13 (II) AUTHORIZING OR PERFORMING PERFORMANCE EVALUATIONS
14 OF THE OMBUDSMAN; AND

15 (III) FILLING ANY VACANCY IN THE OMBUDSMAN POSITION;

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

21 Page 3, line 1, strike "AND".

22 Page 3, line 6, strike "2015." and substitute "2015;

23 (e) TO COLLABORATE WITH THE JUDICIAL DEPARTMENT AND THE
24 OFFICE ON THE CREATION OF AN ADMINISTRATIVE MEMORANDUM OF
25 UNDERSTANDING BETWEEN THE OFFICE AND THE JUDICIAL DEPARTMENT.
26 THE MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND
27 SIGNED NO LATER THAN NOVEMBER 1, 2015, AND MUST CONTAIN, AT A
28 MINIMUM:

29 (I) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL
30 RULES;

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

33 (III) A REQUIREMENT THAT THE OFFICE MUST FOLLOW JUDICIAL
34 FISCAL RULES;

35 (IV) A REQUIREMENT THAT THE OFFICE OF THE STATE COURT
36 ADMINISTRATOR SHALL OFFER THE OFFICE OF THE CHILD PROTECTION
37 OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

38 (A) PERSONNEL MATTERS;

39 (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."

22 Page 3, line 9, strike "and (3)" and substitute "(3), and (5); and **add (6)**".

23 Page 3, line 11, strike "**testimony.**" and substitute "**testimony - judicial**
24 **review.**".

25 Page 4, after line 12 add:

26 "(5) IN THE PERFORMANCE OF HIS OR HER DUTIES, the ombudsman
27 shall act independently of the divisions within the state department that
28 are responsible for child welfare, youth corrections, or child care, ~~and~~ of
29 the county departments ~~in the performance of his or her duties~~ OF HUMAN
30 OR SOCIAL SERVICES, AND OF ALL JUDICIAL AGENCIES, INCLUDING, BUT
31 NOT LIMITED TO, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE
32 OF THE RESPONDENT PARENTS' COUNSEL, THE OFFICE OF STATE PUBLIC
33 DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE
34 OF ATTORNEY REGULATION COUNSEL. Any recommendations made by the
35 ombudsman or positions taken by the ombudsman do not necessarily
36 reflect those of the state department, JUDICIAL DEPARTMENT, or of the
37 county departments OF HUMAN OR SOCIAL SERVICES.



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

3 Page 5, after line 2 insert:

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

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

13 **SECTION 6.** In Colorado Revised Statutes, 24-37-302, **amend**
14 (3) (b) as follows:

15 **24-37-302. Responsibilities of the office of state planning and**
16 **budgeting.** (3) (b) The department of state, the department of the
17 treasury, the department of law, the judicial department, the office of state
18 public defender, the office of alternate defense counsel, the independent
19 ethics commission, ~~and~~ the office of the child's representative, AND THE
20 OFFICE OF THE CHILD PROTECTION OMBUDSMAN shall use the state agency
21 budget submissions described in paragraph (a) of this subsection (3) as a
22 guideline for the submission of their budgets to the joint budget
23 committee.

24 **SECTION 7.** In Colorado Revised Statutes, 24-37.5-105, **amend**
25 (11) (b) (I), (11) (b) (II), (11) (b) (IV), (11) (b) (VI), and (11) (c) (II) as
26 follows:

27 **24-37.5-105. Office - responsibilities - rules.** (11) (b) The
28 electronic budgeting system should, at minimum:

29 (I) Allow access by the principal departments of the executive
30 branch of state government, as specified in section 24-1-110, the
31 legislative branch agencies, the judicial department, the office of state
32 public defender created in section 21-1-101, C.R.S., the office of alternate
33 defense counsel created in section 21-2-101, C.R.S., the independent
34 ethics commission established in section 24-18.5-101 (2) (a), the office
35 of the child's representative created in section 13-91-104, C.R.S., THE
36 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
37 19-3.3-102, C.R.S., the office of state planning and budgeting, and the
38 joint budget committee staff;

39 (II) Allow for the confidential development of the governor's

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

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

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

27 (c) The feasibility and requirements study should also assess the
28 cost and feasibility to implement the following potential system
29 components:

30 (II) A web-based interface that will allow the legislative branch
31 agencies, the judicial department, the office of state public defender
32 created in section 21-1-101, C.R.S., the office of alternate defense
33 counsel created in section 21-2-101, C.R.S., the independent ethics
34 commission established in section 24-18.5-101 (2) (a), and the office of
35 the child's representative created in section 13-91-104, C.R.S., AND THE
36 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
37 19-3.3-102, C.R.S., to upload and submit budget documents and requests
38 to the joint budget committee staff;

39 **SECTION 8.** In Colorado Revised Statutes, 2-7-202, **amend** (5)
40 (a); and **add** (13.5) as follows:

41 **2-7-202. Definitions.** As used in this part 2, unless the context



1 otherwise requires:

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

10 (13.5) "OFFICE OF THE CHILD PROTECTION OMBUDSMAN" MEANS
11 THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION
12 19-3.3-102, C.R.S.

13 **SECTION 9.** In Colorado Revised Statutes, 2-7-204, **amend** (1)
14 (c) and (3) (b) as follows:

15 **2-7-204. Performance management systems.** (1) (c) No later
16 than August 1, 2013, and no later than August 1 of each year thereafter,
17 the department of state, the department of the treasury, the department of
18 law, the office of state public defender, the office of alternate defense
19 counsel, the Colorado energy office, the office of economic development,
20 **and** the office of the child's representative, **AND** THE OFFICE OF THE CHILD
21 PROTECTION OMBUDSMAN shall each publish their components of the
22 performance management systems for their respective department, office,
23 or commission. These instructions must be posted on the official web
24 sites administered by the respective departments, offices, and
25 commissions.

26 (3) (b) Each department's performance plan shall be posted on the
27 official web sites of the department and the office of state planning and
28 budgeting. The state treasurer, the attorney general, the secretary of state,
29 the state court administrator for the judicial department, the office of state
30 public defender, the office of alternate defense counsel, the public
31 employees' retirement association, the Colorado energy office, the office
32 of economic development, **and** the office of the child's representative,
33 **AND** THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN shall ensure the
34 office of state planning and budgeting receives the information required
35 to be posted on the office of state planning and budgeting's web site
36 pursuant to this paragraph (b). The office of state planning and budgeting
37 shall not have access to edit any information provided by the state
38 treasurer, the attorney general, the secretary of state, the state court
39 administrator for the judicial department, the office of state public
40 defender, the office of alternate defense counsel, the public employees'
41 retirement association, the Colorado energy office, the office of economic

1 development, or the office of the child's representative, OR THE OFFICE OF
2 THE CHILD PROTECTION OMBUDSMAN.

3 **SECTION 10.** In Colorado Revised Statutes, 2-7-205, **amend** (1)
4 as follows:

5 **2-7-205. Annual performance report.** (1) (a) (I) Except as
6 provided in subparagraph (II) of this paragraph (a), no later than
7 November 1, 2014, and no later than November 1 of each year thereafter,
8 the office of state planning and budgeting shall publish an annual
9 performance report for each department except the department of state,
10 the department of the treasury, the department of law, the judicial
11 department, the office of state public defender, the office of alternate
12 defense counsel, the Colorado energy office, the office of economic
13 development, and the office of the child's representative, AND THE OFFICE
14 OF THE CHILD PROTECTION OMBUDSMAN. The annual performance report
15 must include a summary of each department's performance plan and most
16 recent performance evaluation. The annual performance report must be
17 clearly written and easily understood and must be limited to a maximum
18 of four pages per department.

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

26 (b) No later than November 1, 2014, and no later than November
27 1 of each year thereafter, the department of state, the department of the
28 treasury, the department of law, the judicial department, the office of state
29 public defender, the office of alternate defense counsel, the Colorado
30 energy office, the office of economic development, and the office of the
31 child's representative, AND THE OFFICE OF THE CHILD PROTECTION
32 OMBUDSMAN shall each publish an annual performance report including
33 a summary of its performance plan and most recent performance
34 evaluation. The annual performance reports must be clearly written and
35 easily understood and must each be limited to a maximum of four pages.".

36 Renumber succeeding sections accordingly.

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