

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1039.02 Jane Ritter x4342

SENATE BILL 14-201

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SENATE SPONSORSHIP

**Newell**, Aguilar, Carroll, Guzman, Kefalas, Lambert, Lundberg, Nicholson, Steadman, Todd

HOUSE SPONSORSHIP

**Singer**, May, Melton

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**Senate Committees**  
Health & Human Services

**House Committees**

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A BILL FOR AN ACT

101      **CONCERNING REESTABLISHING A CHILD PROTECTION OMBUDSMAN**  
102            **ADVISORY WORK GROUP TO DEVELOP A PLAN FOR**  
103            **ACCOUNTABLE AUTONOMY FOR THE CHILD PROTECTION**  
104            **OMBUDSMAN PROGRAM.**

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**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/billsummaries>.)*

The bill creates a new advisory work group related to the office of the child protection ombudsman (office). The duties of the advisory work

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.*

group include reconciling the implementation of recommendations from the 2010 advisory work group with the current operations and function of the office and making additional recommendations for autonomy and accountability as appropriate. Appointments to the advisory work group must be made no later than 60 days after May 14, 2014, and the advisory work group must convene on or before August 1, 2014. The advisory work group shall provide a report to the health and human services committee of the senate and the public health care and human services committee of the house of representatives, or any successor committees, the governor, and the executive director on or before December 1, 2014.

The advisory work group is repealed, effective July 1, 2016.

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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,** 19-3.3-105 as follows:

4           **19-3.3-105. Advisory work group - development of plan for**  
5 **autonomy and accountability - repeal.** (1) WITHIN SIXTY DAYS AFTER  
6 MAY 14, 2014, THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER  
7 OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT MEMBERS TO A  
8 VOLUNTARY ADVISORY WORK GROUP, REFERRED TO IN THIS ARTICLE AS  
9 THE "WORK GROUP". THE GOVERNOR SHALL SELECT MEMBERS TO THE  
10 WORK GROUP PURSUANT TO SUBSECTION (2) OF THIS SECTION.  
11 MEMBERSHIP MUST CONSIST OF PERSONS WITH EXPERTISE IN ISSUES  
12 RELATING TO THE PUBLICLY FUNDED CHILD PROTECTION SYSTEM AND AN  
13 INTEREST IN ASSISTING AND ADVISING THE GENERAL ASSEMBLY AND  
14 GOVERNOR WITH RESPECT TO THE DEVELOPMENT OF A PLAN FOR  
15 AUTONOMY AND ACCOUNTABILITY OF THE OFFICE OF THE CHILD  
16 PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "PLAN".

17           (2) (a) THE PRESIDENT OF THE SENATE AND THE MINORITY LEADER  
18 OF THE HOUSE OF REPRESENTATIVES SHALL EACH SELECT ONE MEMBER  
19 FROM THEIR RESPECTIVE CHAMBERS TO SERVE ON THE WORK GROUP.

1 (b) THE GOVERNOR SHALL SELECT THE REMAINING MEMBERS. THE  
2 WORK GROUP MUST INCLUDE REPRESENTATIVES FROM COUNTY  
3 DEPARTMENTS, COUNTY ATTORNEYS, COUNTY COMMISSIONERS, THE  
4 JUDICIAL DEPARTMENT, MANDATORY REPORTERS, PRIVATE SERVICE  
5 PROVIDERS, PERSONS OR FAMILY MEMBERS OF PERSONS WHO HAVE HAD  
6 PRIOR INVOLVEMENT AS CHILDREN WITH THE CHILD WELFARE SYSTEM,  
7 CHILD PROTECTION ADVOCATES, THE OFFICE OF THE CHILD'S  
8 REPRESENTATIVE, FOSTER PARENTS, AND LAW ENFORCEMENT AGENCIES.  
9 THE GOVERNOR SHALL APPOINT THE ACTING CHILD PROTECTION  
10 OMBUDSMAN TO THE WORK GROUP AS A NONVOTING MEMBER.

11 (c) THE TOTAL MEMBERSHIP OF THE WORK GROUP MUST NOT  
12 EXCEED FIFTEEN MEMBERS, NOT INCLUDING THE CHILD PROTECTION  
13 OMBUDSMAN.

14 (d) THE GOVERNOR SHALL ESTABLISH A PROCESS BY WHICH  
15 PERSONS INTERESTED IN PARTICIPATING IN THE WORK GROUP MAY SUBMIT  
16 LETTERS OF INTEREST TO THE GOVERNOR. POTENTIAL MEMBERS OF THE  
17 WORK GROUP SHALL ADVISE THE GOVERNOR OF ANY CONFLICTS OF  
18 INTEREST THAT THEY MAY HAVE WITH RESPECT TO PARTICIPATING IN THE  
19 WORK GROUP.

20 (e) THE MEMBERSHIP OF THE WORK GROUP MUST, TO THE EXTENT  
21 PRACTICABLE, INCLUDE PERSONS FROM THROUGHOUT THE STATE AND  
22 REFLECT THE ETHNIC DIVERSITY OF THE STATE.

23 (f) MEMBERS OF THE WORK GROUP, INCLUDING LEGISLATIVE  
24 MEMBERS, SHALL PARTICIPATE IN THE WORK GROUP WITHOUT  
25 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

26 (3) THE WORK GROUP MUST CONVENE ON OR BEFORE AUGUST 1,  
27 2014, AND MAY CONVENE WITHOUT ALL MEMBERS PRESENT AND MAY

1 ORGANIZE SUBCOMMITTEES CONSISTING OF WORK GROUP MEMBERS AND  
2 ANY OTHER PERSONS INVITED TO PARTICIPATE BY THE WORK GROUP.

3 (4) THE DUTIES OF THE WORK GROUP INCLUDE:

4 (a) TO RECONCILE THE RECOMMENDATIONS IN THE DETAILED PLAN  
5 PREPARED BY THE ADVISORY WORK GROUP CREATED IN 2010 AND THE  
6 MANNER IN WHICH THE CHILD PROTECTION OMBUDSMAN PROGRAM WAS  
7 SUBSEQUENTLY STRUCTURED AND FUNCTIONED BASED ON THOSE  
8 RECOMMENDATIONS AND TO MAKE NEW RECOMMENDATIONS AS  
9 APPROPRIATE CONCERNING THE AUTONOMY AND ACCOUNTABILITY OF THE  
10 PROGRAM;

11 (b) TO IDENTIFY CONCRETE STEPS FOR AUTONOMY AND  
12 ACCOUNTABILITY OF THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;  
13 AND

14 (c) TO MAKE RECOMMENDATIONS CONCERNING THE MOST  
15 EFFECTIVE UTILIZATION OF THE OFFICE OF THE CHILD PROTECTION  
16 OMBUDSMAN TO FURTHER CHILD PROTECTION EFFORTS IN COLORADO.

17 (5) ON OR BEFORE DECEMBER 1, 2014, THE WORK GROUP SHALL  
18 COMPLETE A WRITTEN PLAN FOR AN AUTONOMOUS AND ACCOUNTABLE  
19 OFFICE OF THE CHILD PROTECTION OMBUDSMAN. UPON COMPLETION OF  
20 THE PLAN, THE WORK GROUP SHALL PROVIDE A COPY OF THE PLAN TO THE  
21 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE  
22 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF  
23 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE GOVERNOR,  
24 AND THE EXECUTIVE DIRECTOR, WHO SHALL POST THE PLAN ON THE STATE  
25 DEPARTMENT'S WEB SITE.

26 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

27 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-102, **amend**

1 (2) (a) as follows:

2 **19-3.3-102. Child protection ombudsman program -**  
3 **independence of office - administrative rules.** (2) (a) The head of the  
4 child protection ombudsman program shall be known as the child  
5 protection ombudsman, referred to in this article as the "ombudsman".  
6 The program shall be operated by a full-time, qualified ombudsman with  
7 the professional designations and qualifications determined appropriate  
8 by the executive director. ~~after consultation with the work group created~~  
9 ~~pursuant to section 19-3.3-105.~~

10 **SECTION 3.** In Colorado Revised Statutes, 19-3.3-103, **amend**  
11 (1) introductory portion and (2) introductory portion as follows:

12 **19-3.3-103. Child protection ombudsman program - powers**  
13 **and duties - access to information - confidentiality - testimony.** (1) ~~In~~  
14 ~~addition to any other duties specified in the detailed plan for the program~~  
15 ~~developed pursuant to section 19-3.3-105,~~ The ombudsman shall have  
16 HAS the following duties, AT A MINIMUM:

17 (2) ~~In addition to any other duties specified in the detailed plan for~~  
18 ~~the program developed pursuant to section 19-3.3-105,~~ The ombudsman  
19 ~~shall have~~ HAS the following powers, AT A MINIMUM:

20 **SECTION 4.** In Colorado Revised Statutes, 19-3.3-106, **amend**  
21 (1) (a) as follows:

22 **19-3.3-106. Award of contract.** (1) (a) Subject to the provisions  
23 of subsection (2) of this section, ~~within thirty days after completion of the~~  
24 ~~detailed plan pursuant to section 19-3.3-105,~~ the executive director, in  
25 accordance with the "Procurement Code", articles 101 to 112 of title 24,  
26 C.R.S., shall issue the request for proposals for the administration of the  
27 program. The proposal submission period, the review of submissions, and

1 the award of the contract shall be completed within sixty days after the  
2 issuance of the request for proposals.

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 19-3.3-109  
4 as follows:

5 **19-3.3-109. Review by the state auditor's office.** The state  
6 auditor shall conduct or cause to be conducted a performance and fiscal  
7 audit of the program at the beginning of the third year of operation of the  
8 program. ~~or pursuant to the time frame recommended in the detailed plan~~  
9 ~~developed pursuant to section 19-3.3-105, whichever date is sooner.~~  
10 Thereafter, at the discretion of the legislative audit committee, the state  
11 auditor shall conduct or cause to be conducted a performance and fiscal  
12 audit of the program.

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