

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 14-1039.02 Jane Ritter x4342

SENATE BILL 14-201

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

Singer, May, Melton

Senate Committees

Health & Human Services
Legislative Council

House Committees

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.**

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.

SENATE
3rd Reading Unamended
May 1, 2014

SENATE
Amended 2nd Reading
April 30, 2014

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The advisory work group is repealed, effective July 1, 2016.

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, PRESIDENT OF THE SENATE, SPEAKER
10 OF THE HOUSE OF REPRESENTATIVES, AND CHIEF JUSTICE SHALL SELECT
11 MEMBERS TO THE WORK GROUP PURSUANT TO SUBSECTION (2) OF THIS
12 SECTION. MEMBERSHIP MUST CONSIST OF PERSONS WITH EXPERTISE IN
13 ISSUES RELATING TO THE PUBLICLY FUNDED CHILD PROTECTION SYSTEM
14 AND AN INTEREST IN ASSISTING AND ADVISING THE GENERAL ASSEMBLY
15 AND GOVERNOR WITH RESPECT TO THE DEVELOPMENT OF A PLAN FOR
16 AUTONOMY AND ACCOUNTABILITY OF THE OFFICE OF THE CHILD
17 PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "PLAN".

18 (2) (a) (I) THE PRESIDENT OF THE SENATE, IN CONSULTATION WITH
19 THE SENATE MINORITY LEADER, SHALL SELECT TWO MEMBERS OF THE

1 PUBLIC TO SERVE ON THE WORK GROUP.

2 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN
3 CONSULTATION WITH THE HOUSE MINORITY LEADER, SHALL SELECT TWO
4 MEMBERS OF THE PUBLIC TO SERVE ON THE WORK GROUP.

5 (b) THE CHIEF JUSTICE SHALL SELECT ONE MEMBER FROM THE
6 JUDICIAL DEPARTMENT TO SERVE ON THE WORK GROUP.

7 (c) THE GOVERNOR SHALL SELECT THE REMAINING MEMBERS. THE
8 WORK GROUP MUST INCLUDE REPRESENTATIVES FROM COUNTY
9 DEPARTMENTS, COUNTY ATTORNEYS, COUNTY COMMISSIONERS, _____
10 MANDATORY REPORTERS, PRIVATE SERVICE PROVIDERS, PERSONS OR
11 FAMILY MEMBERS OF PERSONS WHO HAVE HAD PRIOR INVOLVEMENT AS
12 CHILDREN WITH THE CHILD WELFARE SYSTEM, CHILD PROTECTION
13 ADVOCATES, THE OFFICE OF THE CHILD'S REPRESENTATIVE, FOSTER
14 PARENTS, AND LAW ENFORCEMENT AGENCIES. THE GOVERNOR SHALL
15 APPOINT THE ACTING CHILD PROTECTION OMBUDSMAN TO THE WORK
16 GROUP AS A NONVOTING MEMBER.

17 (d) THE TOTAL MEMBERSHIP OF THE WORK GROUP MUST NOT
18 EXCEED FIFTEEN MEMBERS, NOT INCLUDING THE CHILD PROTECTION
19 OMBUDSMAN.

20 (e) THE GOVERNOR SHALL ESTABLISH A PROCESS BY WHICH
21 PERSONS INTERESTED IN PARTICIPATING IN THE WORK GROUP MAY SUBMIT
22 LETTERS OF INTEREST TO THE GOVERNOR. POTENTIAL MEMBERS OF THE
23 WORK GROUP SHALL ADVISE THE GOVERNOR OF ANY CONFLICTS OF
24 INTEREST THAT THEY MAY HAVE WITH RESPECT TO PARTICIPATING IN THE
25 WORK GROUP.

26 (f) THE MEMBERSHIP OF THE WORK GROUP MUST, TO THE EXTENT
27 PRACTICABLE, INCLUDE PERSONS FROM THROUGHOUT THE STATE AND

1 REFLECT THE ETHNIC DIVERSITY OF THE STATE.

2 (g) MEMBERS OF THE WORK GROUP, INCLUDING LEGISLATIVE
3 MEMBERS, SHALL PARTICIPATE IN THE WORK GROUP WITHOUT
4 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

5 (3) THE WORK GROUP MUST CONVENE ON OR BEFORE AUGUST 1,
6 2014, AND MAY CONVENE WITHOUT ALL MEMBERS PRESENT AND MAY
7 ORGANIZE SUBCOMMITTEES CONSISTING OF WORK GROUP MEMBERS AND
8 ANY OTHER PERSONS INVITED TO PARTICIPATE BY THE WORK GROUP. THE
9 WORK GROUP MAY CONSULT WITH THE STATE AUDITOR OR HIS OR HER
10 DESIGNEE, THE OFFICE OF LEGISLATIVE LEGAL SERVICES, THE OFFICE OF
11 LEGISLATIVE COUNCIL, OR OTHER NONPROFIT ORGANIZATIONS AS IS
12 PERTINENT TO THE DUTIES OF THE WORK GROUP.

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

14 (a) TO RECONCILE THE RECOMMENDATIONS IN THE DETAILED PLAN
15 PREPARED BY THE ADVISORY WORK GROUP CREATED IN 2010 AND THE
16 MANNER IN WHICH THE CHILD PROTECTION OMBUDSMAN PROGRAM WAS
17 SUBSEQUENTLY STRUCTURED AND FUNCTIONED BASED ON THOSE
18 RECOMMENDATIONS AND TO MAKE NEW RECOMMENDATIONS AS
19 APPROPRIATE CONCERNING THE AUTONOMY AND ACCOUNTABILITY OF THE
20 PROGRAM;

21 (b) TO IDENTIFY CONCRETE STEPS FOR AUTONOMY AND
22 ACCOUNTABILITY OF THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN;
23 AND

24 (c) TO MAKE RECOMMENDATIONS CONCERNING THE MOST
25 EFFECTIVE UTILIZATION OF THE OFFICE OF THE CHILD PROTECTION
26 OMBUDSMAN TO FURTHER CHILD PROTECTION EFFORTS IN COLORADO.

27 (5) ON OR BEFORE DECEMBER 1, 2014, THE WORK GROUP SHALL

1 COMPLETE A WRITTEN PLAN FOR AN AUTONOMOUS AND ACCOUNTABLE
2 OFFICE OF THE CHILD PROTECTION OMBUDSMAN. UPON COMPLETION OF
3 THE PLAN, THE WORK GROUP SHALL PROVIDE A COPY OF THE PLAN TO THE
4 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE
5 PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF
6 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE GOVERNOR,
7 AND THE EXECUTIVE DIRECTOR, WHO SHALL POST THE PLAN ON THE STATE
8 DEPARTMENT'S WEB SITE.

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

10 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-102, **amend**
11 (2) (a) as follows:

12 **19-3.3-102. Child protection ombudsman program -**
13 **independence of office - administrative rules.** (2) (a) The head of the
14 child protection ombudsman program shall be known as the child
15 protection ombudsman, referred to in this article as the "ombudsman".
16 The program shall be operated by a full-time, qualified ombudsman with
17 the professional designations and qualifications determined appropriate
18 by the executive director. ~~after consultation with the work group created~~
19 ~~pursuant to section 19-3.3-105.~~

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

22 **19-3.3-103. Child protection ombudsman program - powers**
23 **and duties - access to information - confidentiality - testimony.** (1) ~~In~~
24 ~~addition to any other duties specified in the detailed plan for the program~~
25 ~~developed pursuant to section 19-3.3-105,~~ The ombudsman shall have
26 HAS the following duties, AT A MINIMUM:

27 (2) ~~In addition to any other duties specified in the detailed plan for~~

1 ~~the program developed pursuant to section 19-3.3-105~~; The ombudsman
2 ~~shall have~~ HAS the following powers, AT A MINIMUM:

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

5 **19-3.3-106. Award of contract.** (1) (a) Subject to the provisions
6 of subsection (2) of this section, ~~within thirty days after completion of the~~
7 ~~detailed plan pursuant to section 19-3.3-105~~, the executive director, in
8 accordance with the "Procurement Code", articles 101 to 112 of title 24,
9 C.R.S., shall issue the request for proposals for the administration of the
10 program. The proposal submission period, the review of submissions, and
11 the award of the contract shall be completed within sixty days after the
12 issuance of the request for proposals.

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

15 **19-3.3-109. Review by the state auditor's office.** The state
16 auditor shall conduct or cause to be conducted a performance and fiscal
17 audit of the program at the beginning of the third year of operation of the
18 program. ~~or pursuant to the time frame recommended in the detailed plan~~
19 ~~developed pursuant to section 19-3.3-105, whichever date is sooner.~~
20 Thereafter, at the discretion of the legislative audit committee, the state
21 auditor shall conduct or cause to be conducted a performance and fiscal
22 audit of the program.

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