A BILL FOR AN ACT

CONCERNING THE INDEPENDENT FUNCTIONING OF THE OFFICE OF THE
CHILD PROTECTION OMBUDSMAN, AND, IN CONNECTION 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/billsummaries.)

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
board. Representatives from the judicial, executive, and legislative branches shall appoint members to the board.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, repeal and reenact, with amendments, 19-3.3-102 as follows:

19-3.3-102. Office of the child protection ombudsman - qualifications of ombudsman. (1) The office of the child protection ombudsman, referred to in this article as the "office", is created within the office of the state auditor. The office shall continue to work cooperatively with the department of human services and other child welfare organizations as appropriate to form a partnership between those entities and persons, parents, and the state for the purpose of ensuring the greatest protections for the children of Colorado.

(2) The office of the state auditor has the following responsibilities:

(a) On or before January 1, 2016, and as necessary thereafter, to appoint, and discharge for cause, a person to serve as the child protection ombudsman, referred to in this article as the "ombudsman".

(b) To fill any vacancy in the ombudsman position;

(c) To work cooperatively with the ombudsman to provide fiscal oversight of the general operating budget of the office, to assist with training, as needed, and provide any other assistance to ensure that the office and ombudsman operate in compliance with the provisions of this article and with state and national laws.
FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM; AND

(d) To assist with the memorandum of understanding between the ombudsman and the state department and appropriate county departments of human or social services. The memorandum of understanding must be completed and signed no later than November 1, 2015.

SECTION 2. In Colorado Revised Statutes, 19-3.3-103, amend (1) (a) (I) (A), (2) (b), (2) (e), and (3) as follows:

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

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

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

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

(b) To review and evaluate the effectiveness and efficiency of any existing grievance resolution mechanisms and to make recommendations to the GENERAL ASSEMBLY, executive director, and any appropriate agency or entity for the improvement of the grievance resolution mechanisms;
(e) To recommend to the **GENERAL ASSEMBLY**, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.

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

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

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

**19-3.3-108. Child protection ombudsman program - annual report.** (2) The ombudsman shall transmit the annual report to the executive director for review and comment. The executive director OMBUDSMAN shall distribute the **WRITTEN** report to the governor and to the health and human services committees of the house of representatives and of the senate, or any successor committees. The ombudsman shall present the report to the health and human services committees of the house of representatives and of the senate, or any successor committees. upon request of those committees.

(3) The state department OMBUDSMAN shall post the annual report issued by the ombudsman to the web site of the state department ON THE
SECTION 5. Appropriation - adjustments to 2015 long bill.

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

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

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

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

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