## First Regular Session Seventieth General Assembly STATE OF COLORADO

### REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction SENATE BILL 15-204

LLS NO. 15-0524.01 Jane Ritter x4342

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Senate Committees Health & Human Services Appropriations **House Committees** 

## A BILL FOR AN ACT

# 101 **CONCERNING THE INDEPENDENT FUNCTIONING OF THE OFFICE OF THE**

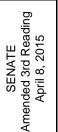
102 CHILD PROTECTION <u>OMBUDSMAN</u>, AND, IN CONNECTION

103 <u>THEREWITH, MAKING AND REDUCING APPROPRIATIONS.</u>

#### **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 <u>http://www.leg.state.co.us/billsummaries</u>.)

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.

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, 19-3.3-102 as follows: 4 19-3.3-102. Office of the child protection ombudsman -5 qualifications of ombudsman. (1) THE OFFICE OF THE CHILD 6 PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "OFFICE", 7 IS CREATED WITHIN THE OFFICE OF THE STATE AUDITOR. THE OFFICE SHALL 8 CONTINUE TO WORK COOPERATIVELY WITH THE DEPARTMENT OF HUMAN 9 SERVICES AND OTHER CHILD WELFARE ORGANIZATIONS AS APPROPRIATE 10 TO FORM A PARTNERSHIP BETWEEN THOSE ENTITIES AND PERSONS, 11 PARENTS, AND THE STATE FOR THE PURPOSE OF ENSURING THE GREATEST 12 PROTECTIONS FOR THE CHILDREN OF COLORADO. 13 14 (2) THE \_\_\_\_OFFICE OF THE STATE AUDITOR HAS THE FOLLOWING 15 **RESPONSIBILITIES:** 16 ON OR BEFORE JANUARY 1, 2016, AND AS NECESSARY (a) 17 THEREAFTER, TO APPOINT, AND DISCHARGE FOR CAUSE, A PERSON TO 18 SERVE AS THE CHILD PROTECTION OMBUDSMAN, REFERRED TO IN THIS 19 ARTICLE AS THE "OMBUDSMAN". 20 (b) TO FILL ANY VACANCY IN THE OMBUDSMAN POSITION: 21 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE 22 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE, 23 TO ASSIST WITH TRAINING, AS NEEDED, AND PROVIDE ANY OTHER 24 ASSISTANCE TO ENSURE THAT THE OFFICE AND OMBUDSMAN OPERATE IN 25 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND WITH STATE AND

1 FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM; AND

2 (d) TO ASSIST WITH THE MEMORANDUM OF UNDERSTANDING
3 BETWEEN THE OMBUDSMAN AND THE STATE DEPARTMENT AND
4 APPROPRIATE COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES.
5 THE MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND
6 SIGNED NO LATER THAN NOVEMBER 1, 2015.

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

10 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:

13 (a) (I) (A) To receive complaints concerning child protection 14 services made by or on behalf of a child relating to any action, inaction, 15 or decision of any public agency or any provider that receives public 16 moneys that may adversely affect the safety, permanency, and OR 17 well-being of the child. The ombudsman may, INDEPENDENTLY AND 18 IMPARTIALLY, investigate and seek resolution of such complaints, which 19 resolution may include, but need not be limited to, referring a complaint 20 to the state department or appropriate agency or entity and making a 21 recommendation for action relating to a complaint.

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(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 <u>GENERAL ASSEMBLY</u>, executive director, and any appropriate
agency or entity for the improvement of the grievance resolution
mechanisms;

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1 (e) To recommend to the <u>GENERAL ASSEMBLY</u>, THE executive 2 director, and any appropriate agency or entity statutory, budgetary, 3 regulatory, and administrative changes, including systemic changes, to 4 improve the safety of and promote better outcomes for children and 5 families receiving child protection services in Colorado.

6 (3) An agency or organization that is awarded the contract for the 7 operation of the program, The ombudsman, employees of the program, 8 and any persons acting on behalf of the program shall comply with all 9 state and federal confidentiality laws that govern the state department or 10 a county department with respect to the treatment of confidential 11 information or records and the disclosure of such information and 12 records.

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

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

17 **19-3.3-108.** Child protection ombudsman program - annual 18 **report.** (2) The ombudsman shall transmit the annual report to the 19 executive director for review and comment. The executive director 20 OMBUDSMAN shall distribute the WRITTEN report to the governor and to 21 the health and human services committees of the house of representatives 22 and of the senate, or any successor committees THE GENERAL ASSEMBLY. 23 The ombudsman shall present the report to the health and human services 24 committees of the house of representatives and of the senate, or any 25 successor committees. upon request of those committees.

26 (3) The state department OMBUDSMAN shall post the annual report
 27 issued by the ombudsman to the web site of the state department ON THE

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OFFICE OF THE CHILD PROTECTION OMBUDSMAN'S WEB SITE AND THE
 GENERAL ASSEMBLY'S WEB SITE.

3 **SECTION 5.** Appropriation - adjustments to 2015 long bill. 4 (1) To implement this act, the general fund appropriation made in the 5 annual general appropriation act for the 2015-16 state fiscal year to the 6 department of human services for the office of the child protection 7 ombudsman is decreased by \$512,822. 8 (2) For the 2015-16 state fiscal year, \$483,838 is appropriated to 9 the legislative department. This appropriation is from the general fund. To 10 implement this act, the department may use this appropriation as follows: 11 (a) \$463,838 for the office of the child protection ombudsman, 12 which amount is based on an assumption that the office will require 4.0 13 FTE; and 14 (b) \$20,000 for use by the legislative council. 15 SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate 16 17 preservation of the public peace, health, and safety.