OFFICE *of* COLORADO'S

CHILD PROTECTION OMBUDSMAN

ANNUAL REPORT

FISCAL YEAR 2020–2021

LISTEN INVESTIGATE RESOLVE IDENTIFY TRENDS LASTING CHANGE

LETTER FROM THE OMBUDSMAN

During Fiscal Year 2020-21, the Office of Colorado's Child Protection Ombudsman (CPO) has broken records, marked several successes and discovered new challenges. More than ever, the citizens of Colorado have demonstrated the value of the objective, thorough and timely services offered by this agency.

We received a record-breaking number of calls from Colorado citizens this year. We were contacted by 852 citizens – parents, family members, professionals and youth – who needed assistance navigating complex systems, had questions about services they received and who had concerns about children and youth in Colorado. Our team was able to continuously adapt to this increase, while also analyzing and working to find ways to continue expanding our expertise and services. In just a matter of months, we have positioned this agency to launch two new programs, more than doubled our contacts with youth, increased our communications with the public and continued to push for needed improvements within the child protection system. Some of these advancements are more than a decade in the making.

The CPO opened its phone lines to Colorado citizens in 2011. Today, a decade after receiving our first call from a citizen, the CPO has connected with more than 5,000 citizens, stakeholders and legislators with concerns or questions about Colorado's child protection system. During the past 10 years, we have undergone significant change, including the agency's operating structure, physical location and even our logo. But the mission of the agency has remained constant: To ensure the state's complex child protection system consistently provides high-quality services to every child, family and community in Colorado.

Our team has also worked during the past decade to keep pace with the growing number and complexity of child protection issues throughout Colorado. We hired more staff, forged more partnerships and issued recommendations to ensure a brighter future for Colorado's children, youth and families. What began as a three-person agency contracted under the Colorado Department of Human Services, has grown into a 10-person independent agency. During any given week, we connect with up to 10 child serving agencies – including law enforcement, child welfare departments, educators and medical professionals – to ask questions and resolve citizen concerns, while also noting areas of practice and policy that may benefit from improvements.

While the CPO has made significant strides during its first 10 years, there is still more to be done. We will continue listening to Colorado's children, youth and families and working to improve the systems and programs that serve them.

This report is not only intended to showcase the work of the past year, but to capture how after a decade of service, we have positioned this agency as a unique and vital part of Colorado's child protection system.

Sincerely,

Stephanie Villafuerte

Stephanie Villafuerte
Colorado Child Protection Ombudsman

RECORD SETTING YEAR

CPO TOTAL CASE ACTIVITY IN FY 2020-2021

CPO CASE HISTORY	TOTAL # OF CASES
Fiscal Year 2020-21	852
Fiscal Year 2019-20	725
Fiscal Year 2018-19	575
Fiscal Year 2017-18	611
Fiscal Year 2016-17	577

Fiscal Year 2020-21 was a record-breaking year as we received an unprecedented number of calls from Colorado citizens. In total, we opened 852 cases. This was 127 more than our previous record of 725 cases and a 17 percent increase from the previous fiscal year. This increase is attributed to our ongoing outreach and education. During the past year, the CPO has seen a significant increase in the number of cases and concerns involving youth residing in the Division of Youth Services (DYS) and state-licensed residential childcare facilities. Most of our cases involved concerns regarding child welfare services, mental health treatment and issues impacting the juvenile justice system. We continue to receive the majority of complaints from parents and family members of children, however, we also received a record number of calls from youth and an increased number of calls from providers and professionals within the child protection system.

To help absorb this increase in cases, we requested and were granted by the Joint Budget Committee an additional client services analyst position. The addition of this position will help ensure that we continue to provide citizens timely, thorough and effective services.

Case Highlights

CASE #1 A medical professional at Children's Hospital Colorado called the CPO with concerns about an infant who was being released that day to the care of her parents. The infant was admitted with 29 bone fractures and neither parent had provided medical staff with an explanation for the injuries. The caller was concerned that the county child welfare department was releasing the child without ensuring the infant's safety. The CPO responded to the medical team within 24 hours and were able to gather enough information to understand the complexity of the child's injuries. Next, the CPO contacted the relevant county human services department. Ultimately, the CPO was able to confirm that the county department had developed a safety plan for the family prior to the infant's discharge.

CASE #2 The CPO received a complaint from a youth who had run away from home and was fearful that her father would physically harm her. The CPO contacted the youth within an hour of receiving her complaint. During the intake conversation, the CPO learned that the youth had attempted to contact her caseworker but was unsuccessful. Immediately after speaking with the youth, the CPO contacted the relevant county child welfare department and ensured the caseworker connected with the youth to learn her location and confirm her well-being.

CASE #3 A youth residing in a DYS youth center contacted the CPO because he was concerned that youth center staff were not providing him with necessary medical treatments and assessments. The CPO contacted the youth the same day he filed a complaint and learned that the youth had medical needs as a result of his mother's drug use while she was pregnant. The youth expressed significant fear that, without treatment by staff, his condition would worsen. The youth told the CPO that no one at the youth center could tell him if he would receive such treatments. The CPO was able to confirm that the youth center was scheduling the youth's appointments and shared this information with the youth, alleviating his concerns.

CASE #4 The CPO was contacted by a mother whose child had been removed and placed into foster care. This mother was worried that her child was being beaten and intentionally burned by their foster parents. The parental rights of this mother remained intact, and she was entitled to certain information about the safety and well-being of her child. Yet, she called the CPO because the previous agencies she contacted did not respond to her calls. The CPO responded to the mother within one hour. The CPO also spoke directly with the county child welfare department charged with her child's care and learned the department was investigating the foster parents and had confirmed the child's safety. Ultimately, the CPO was able to share all this information with the mother to alleviate her concerns.

FISCAL YEAR HIGHLIGHTS

Expanding engagement within DYS youth centers

During the past fiscal year, we continued our efforts to improve and expand our contact with youth residing in DYS youth centers. A key piece of this effort was to complete outreach within the youth centers themselves to help inform youth about the CPO and the services we offer them. To help do this, we distributed posters to all 12 DYS youth centers and met with directors at each facility. We also worked with DYS leadership to include information about the CPO in the DYS youth handbook and to ensure that every youth residing in DYS youth centers is provided a copy of the handbook. Youth may now contact us directly and toll-free by utilizing "blue phones," which are located in each youth center.

These efforts were effective, as the number of calls we received from youth increased more than five times. During Fiscal Year 2020-21, we received a total of 22 youth-initiated cases, compared to the four cases received during the previous year. To quickly respond to the youth contacting us, we scheduled video calls with all 22 youth within days of receiving their call. Youth-initiated cases, however, represent just a subset of the overall increase we experienced in cases involving the DYS. In total, we received 62 cases involving the DYS this fiscal year – more than double the 26 received during the previous year.

Continued work to improve residential child care facilities

Following the 2019 release of our report regarding the closure of the El Pueblo Boys & Girls Ranch, we have continued to monitor how state-licensed residential childcare facilities are monitored and regulated in Colorado. In that report, we issued a series of recommendations to the Colorado Department of Human Services (CDHS) regarding the regulatory structure for such facilities and needed transparency regarding incidents that happen inside facilities. By the summer of 2020, those recommendations had not been implemented by the CDHS. In June 2020, we opened a case regarding Timothy Montoya-Kloepfel, a 12-year-old boy who was hit and killed by a car shortly after he ran away from a facility in Denver. That case reiterated the need for reforms first identified by this agency in 2019, as well as the urgency of addressing the needs of children and youth who run away from such facilities. These issues and our review of this case were the subject of intense media coverage during the spring of 2021. We are currently working to find legislative solutions to some of these issues and this work will be a priority for the agency during Fiscal Year 2021-22.

Increased access to child fatality records and stronger confidentiality

During the 2021 legislative session, we partnered with legislators to improve the agency's access to critical information regarding child fatalities in Colorado, while simultaneously strengthening confidentiality protections for those who call our office. Despite being created in response to a series of child fatalities, state law prohibited us from accessing child fatality, near fatality and egregious incident information. However, with the passage of House Bill 21-1272, we are now able to access such information from multiple agencies while investigating a complaint. More specifically, we may now access records from coroner's offices, law enforcement agencies, hospitals, the CDHS' Child Fatality Review Team and the Colorado Department of Public Health and Environment's (CDPHE) Child Fatality Prevention Review Team. The legislation also exempts CPO employees from testifying in civil or criminal proceedings in which the CPO is not a legal party and prohibits information, documents and reports requested and reviewed by the agency from being subpoenaed, subject to discovery or introduced into evidence in a civil or criminal proceeding in which the CPO is not a party.

Ensuring the safety and well-being of unaccompanied immigrant children in Colorado

The Colorado General Assembly also passed House Bill 21-1313 that requires the CPO to initiate impartial and independent investigations and ongoing reviews of the safety and well-being of unaccompanied immigrant children who are placed in state-licensed residential childcare facilities and who are in the custody of the federal Office of the Refugee Resettlement. The legislation allows us to request, review and receive all needed information and requires all facilities to notify us when an unaccompanied immigrant child is placed in its care. We anticipate this program will increase our caseload by as many as 40 cases annually. The legislation provided us with an additional FTE to help us absorb the additional caseload.

Strengthening Colorado's foster youth protection laws

On May 27, 2021, we published a brief detailing our review of the laws and regulations that dictate how foster youth in Colorado are advised of the protections available to them. While well intended, Colorado's current law falls short of protecting foster youth. More specifically, we found that the law does not create comprehensive mandated protections for foster youth. This omission also resulted in a disjointed system that provides foster youth inconsistent – and sometimes inaccurate – information. Without complete and accurate information, foster youth are not as equipped to advocate for their care. For Colorado's law to fully inform foster youth about the standard of care to which they are entitled, the law must be amended. The brief outlines the current omissions in Colorado's law, as well as the confusion caused by those omissions. It also provides a list of key components necessary to ensure that Colorado's law may provide proper protections and information to foster youth.

Connecting with the Community

During the past fiscal year, we continued our efforts to connect with Colorado citizens to share what we are learning about the child protection system and how we are working to improve our own practices. Below are highlights from several of our efforts.

Youth outreach

During the past year, we have prioritized connecting with and learning from our youth partners. While the ongoing pandemic has limited some of these opportunities, we were able to participate in two youth outreach meetings with representatives from the Rocky Mountain Children's Law Center's project Foster Power and CDPHE's Youth Partnership for Health. These conversations allowed us to engage with youth and gather valuable insight about their concerns and how we may better connect with them. Some key takeaways that were shared include concerns that youth in foster care do not have the same access to technology as their peers who live at home and ensuring youth are educated about their rights while they reside in foster care.

Youth voice

We continue working to develop ways to elevate youth voice. One effort that was initiated during the past fiscal year was the launch of our youth voice series. This series highlights first-person accounts of children, youth and adults' experiences with the child protection system. These powerful stories help educate everyone about how children, youth and families experience the systems we are charged with studying. The first installment captured the experience of a youth residing in a DYS youth center.

COVID-19 year in review

On March 13, 2020, the CPO team – like many agencies – shifted its operations to remote status. To mark the one-year anniversary of this transition, the CPO published a series of short issue spotters detailing how COVID-19 impacted various facets of the child protection system. The series covered how delayed court proceedings impacted permanency for some children, changes in how child protection workers responded to reports of abuse and neglect, impacts on visits between children who were removed from their homes and their parents and how the DYS worked to monitor the spread of COVID-19 inside youth centers.

Learning to listen

Our Client Services Team and the Child Protection Ombudsman completed the Colorado Bar Association's 40-hour mediation training. During the training, the team learned how to actively listen, identify structural hurdles to problem solving and how to reframe issues and facilitate conversations that are forward focused, rather than looking backward at past grievances. Child Protection Ombudsman Villafuerte published a blog discussing how such training strengthens ombuds practice and the services we offer citizens.

Sharing new perspectives with the community

We partnered with the Colorado Evaluation and Action Lab and the University of Denver to highlight a 2019 report – "The Impact of a Multidisciplinary Team Response to Child Abuse and Neglect Investigations" – that may help inform the way Colorado conducts child abuse and neglect investigations. In a short video, our team facilitated a conversation about the report's key takeaways for Colorado's child protection community.

ABOUT

OUR MISSION

Ensuring that the state's child protection system consistently provides high-quality services to every child, family and community in Colorado.

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Victoria Shuler

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