



OFFICE OF COLORADO'S CHILD PROTECTION OMBUDSMAN

FY 2022 Budget Amendment, March 15th, 2021

FY 2021-22 Comeback Request

Department:	Office of Colorado's Child Protection Ombudsman
Title:	BA1 – FTE Request Comeback

	FY 2020-21 Appropriation	FY 2021-22 Request	JBC Action	Comeback Request	Difference Between Action and Department Request
Total	\$961,637	\$1,063,869	\$975,514	\$88,354	\$88,354
FTE	8.0	9.0	8.0	1.0	1.0
GF	\$961,637	\$1,063,869	\$975,514	\$88,354	\$88,354
CF	\$0	\$0	\$0	\$0	\$0
RF	\$0	\$0	\$0	\$0	\$0
FF	\$0	\$0	\$0	\$0	\$0

Summary of Initial Request:

Since the onset of the COVID-19 pandemic, the Office of Colorado's Child Protection Ombudsman (OCPO) has experienced an overwhelming increase in its caseloads. Specifically, between March 2020 and February 2021, the CPO saw a 40 percent increase in cases compared to the same time period the previous year. The OCPO does not anticipate that caseloads will decrease to rates experienced during previous fiscal years. This is largely because, after a thorough review of the OCPO's case data, an overwhelming amount of the incoming cases involve complex child protection and juvenile justice issues. This increase is attributed to both the OCPO's ongoing outreach and education campaigns and the long-lasting, tangential effects of the pandemic. These effects include service delays and challenges for those most dependent on the vital services offered by the child protection system. For example, visitations between parents and children removed from their care will continue to be delayed, as well as court hearings that are necessary to determine a child's permanency. These impacts will be long-lasting and the OCPO does not anticipate a decrease in these cases involving such issues for several years.

In a Budget Amendment filed on January 15, 2021, the OCPO requested \$88,354 General Fund for an additional FTE. The requested funds would allow the OCPO to hire 1.0 FTE to assist with the caseload increase that is becoming unsustainable at the current staffing level.

As a result of the sustained increase, the OCPO's current case analysts are carrying caseloads nearly double their average – caseloads for each analyst currently exceed 40 cases. The increased

caseloads are also creating additional workloads for the OCPO's other employees, including staff whose duties include assisting analysts with entering new cases into the agency's internal database and staff who identify and address associated systemwide policy and practice implications of the analysts' casework. The OCPO has identified the hiring of an additional analyst to be the most cost-effective method of absorbing the increased caseload, despite the need for additional support staff.

The OCPO provided the following consequences if the additional FTE is not funded:

(1) The OCPO's current analysts will continue to carry unsustainable caseloads. This will result in delayed responses to citizens and potentially impact the safety, permanency and/or well-being of Colorado's children and youth. Currently, OCPO analysts connect with all citizens who contact the office within two business days of receiving their concern. Without an additional FTE, it is likely the OCPO will have to increase its response time to three to four business days. This is particularly problematic as many of the citizens who contact the OCPO are doing so in crisis – often after being turned away by several other agencies.

(2) The average amount of time it takes analysts to complete a thorough review of citizens' concerns and close a case will be elongated. Currently, the majority of OCPO cases are closed within 30 calendar days of being opened. Without additional staff to help absorb the increased caseload, this timeframe may grow to 60 to 90 days. Closing cases in a timely manner is essential to helping Colorado children and families access services in a timely and efficient manner. It is also crucial in supporting the OCPO's systems work that aims to make child protection improvement recommendations.

Committee Action:

On March 10, 2021, Joint Budget Committee (JBC) Staff released its recommendation for this request. JBC Staff recommended the JBC deny the OCPO's request for an additional FTE. JBC Staff provided the JBC with the following analysis:

“Reasons staff is inclined to approve the request for additional FTE:

- *Staff is sensitive to the impact of increased workload and caseload on the staff of the office and the people they serve.*
- *The caseload seems to be growing in part because the Office has done a good job increasing outreach and awareness of their services, and strives to provide timely response to citizens reporting concerns.*

Reasons staff is inclined to deny the request:

- *While staff is sympathetic to the sensitivity of the work the OCPO does and the need for responsiveness for individuals who may have been negatively impacted by other state agencies, staff does not believe that the potential increase in turnaround times that could result from the denial of the request are severe.*
- *While staff is hesitant to penalize an agency for doing their job well, the increase in caseload seems to be driven by increased outreach and awareness by the Office, rather than, for instance, the impacts of COVID-19.*

- *Staff is focusing recommendations for new FTE on addressing impacts of the pandemic and/or restoring reductions made in a prior year.*
- *Given the uncertainty around the budget in FY 2022-23, staff is cautious to recommend increases for ongoing costs, particularly for FTE.*

Staff recommends denying the request for an additional FTE”¹

On March 11, 2021, the JBC accepted the recommendation on a vote of 6 to 0.

OCPO Comeback:

The OCPO is requesting \$88,354 General Fund and 1.0 FTE for a Child Protection Systems Analyst to perform a diverse set of duties, including:

- Receive complaints from citizens about their experiences with Colorado’s child protection system.
- Open cases to research and investigate issues and determine the best way to resolve citizens’ complaints and questions.
- Complete an independent review of all relevant case documentation and applicable regulations and laws.
- Communicate and work with relevant agencies to effectively address and understand citizens’ complaints and seek resolutions.
- Write reports to document identified concerns in individual cases.
- Work with child protection agencies as part of individual cases to improve practice and the delivery of services to children and families who work with the CPO.
- Analyze trends which impact the safety, well-being and permanency of children within the child protection system.

Reason for OCPO Comeback:

The OCPO appreciates the thoughtful analysis provided by JBC Staff. The detailed analysis provides the OCPO with an opportunity to present additional information that may clarify the role of the OCPO and demonstrate the significant impacts to Colorado citizens if the OCPO’s request for an additional FTE is not approved.

The OCPO will only address the first two points provided by JBC Staff as reason to deny the OCPO’s request. The remaining points are neither under the OCPO’s control nor purview.

Impacts of Delayed Response to Citizens

Currently, the OCPO responds to each citizen who contacts the agency no later than 48 hours of receiving their complaint. The OCPO does an individual assessment of each complaint that comes in and, in many cases – as detailed below – we respond to a citizen immediately or within 24 hours. This contact is always made via a phone call, during which analysts spend anywhere from 30 minutes to an hour talking with a citizen to learn more about their concerns, questions and experiences with the child protection system. A citizen’s complaint may involve child welfare services, the Division of Youth Services (DYS), access to behavioral health

¹ See [Joint Budget Committee, Staff Figure Setting, Fiscal Year 2021-22: Judicial Brand](#) (page 128)

services or any other facet of Colorado's diverse child protection system. The majority of citizens who call the OCPO are in crisis – escalated in fear and frustration after previous attempts to resolve their concerns were unsuccessful. Often citizens who call the OCPO have already contacted one or more of these agencies, many of which were not able to resolve the citizen's concern or even connect with them directly. In fact, the OCPO is one of few opportunities available to citizens to file a complaint about the child protection system and connect with a live person before their complaint is resolved, if at all.

The OCPO's current caseloads are unsustainable. It is now clear that – without an additional FTE – the OCPO will be required to increase both the amount of time it takes to connect with a citizen and how long it takes to resolve their complaints. Extension of these two timelines is the only way to ensure analysts are able to complete thorough and accurate reviews.

However, increasing the time it takes to respond to citizens who call the OCPO may have severe consequences for children and families in crisis. A delay of even a day has the potential to have drastic impacts on the safety and well-being of OCPO clients. Most notably, this includes parents seeking vital information about their children, youth who contact the OCPO with questions and concerns about their own safety/well-being and cases in which the immediate safety of a child must be addressed. While the OCPO works to triage calls based on the minimal information available in the original complaint, it is not until the analyst completes a phone conversation with the citizen that their true needs are revealed. In short, the OCPO does not know the severity of any safety concerns or immediate needs until the analyst speaks with the citizen.

Below are examples of OCPO cases in which the agency's timely response was crucial in ensuring the well-being or safety of a child or youth and/or resolving a citizen's complaint.

- A medical professional at Children's Hospital Colorado called the OCPO 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 OCPO 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 OCPO contacted the relevant county human services department. Ultimately, the OCPO was able to confirm that the county department had developed a safety plan for the family prior to the infant's discharge.
- A youth residing in a DYS youth center contacted the OCPO because he was concerned that youth center staff were not providing him with necessary medical treatments and assessments. The OCPO 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 OCPO that no one at the youth center could tell him if he would receive such treatments. The OCPO was able to confirm that the youth center was scheduling the youth's appointments and shared this information with the youth, alleviating his concerns.
- The OCPO received a complaint from a youth who had run away from home and was fearful that her father would physically harm her. The OCPO contacted the youth

within an hour of receiving her complaint. During that intake conversation, the OCPO learned that the youth had attempted to contact her caseworker but was unsuccessful. Immediately after speaking with the youth, the OCPO contacted the relevant county child welfare department and ensured the caseworker connected with the youth to learn her location and confirm her well-being.

- A medical professional at a local hospital contacted the OCPO about a youth who was under the custody and care of a county child welfare department and had been “residing” in the hospital’s emergency room for almost three days. The medical professional told the OCPO there was currently no plan to ensure the child was moved out of the emergency room and to an appropriate placement. The OCPO contacted the county child welfare department immediately and the child was moved to a more appropriate placement that day.
- The OCPO 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 OCPO because the previous agencies she contacted did not respond to her calls. The OCPO responded to the mother within one hour. The OCPO 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 OCPO was able to share all this information with the mother to alleviate her concerns.

As the complexity of the cases brought to the OCPO continue to intensify, so will the delays in resolving them. This is not beneficial to Coloradans that are calling in times of crisis. Prior to the increase in cases, OCPO analysts were able to resolve the majority of citizens’ complaints and close cases within 60 business days. OCPO cases take considerable time to research and resolve for citizens for the following reasons:

- As the OCPO continues to receive complex cases, analysts are required to hold additional meetings with relevant agencies – often multiple agencies – to fully understand the decisions made in that case. In some instances, a case may require an analyst to schedule and hold half a dozen meetings.
- The OCPO continues to receive more cases involving complaints about the treatment of youth in DYS youth service centers – often involving the use of restraint and seclusion. To properly review these cases, OCPO analyst must spend hours reviewing surveillance videos, interview relevant DYS staff members and review incident reports.
- As analysts identify practice concerns, they are required to produce detailed written reports. These reports are designed to educate child protection agencies on how to improve their practices. These reports take, at minimum, six hours to produce per case.
- The OCPO’s jurisdiction is incredibly broad and includes any entity in Colorado that receives public funds for the safety, well-being and permanency of children. As the OCPO receive more cases with complaints that involve multiple systems, analysts are required to research and become competent about multiple complex services. This includes Medicaid, behavioral health services and early education.

Given the complexity of current caseloads and the fact that OCPO cases have nearly doubled, it is likely that the time to resolve such cases will also double – from approximately two months to four months. A fact that will likely compromise the well-being and safety of children and families.

COVID-19 Impacts on OCPO Caseloads

Since the onset of the pandemic, the OCPO has not received a high volume of cases in which citizens are concerned about exposure to the virus or being diagnosed with COVID-19. This is not, however, the single indicator of how the pandemic impacts the OCPO's caseload.

The impacts of the pandemic will be long lasting. Children and families struggled to navigate the child protection system prior to the pandemic. This navigation has become more difficult as the impacts of COVID-19 permeates all facets of the child protection system. As child protection agencies work to adjust to the long-term impacts of the pandemic, the need for the independent, objective and timely services provided by the OCPO will only grow. No other state agency is positioned to address the concerns of individual citizens whose services and lives have been impacted by, as well as monitor large systemic impacts of, the pandemic on the child protection system.

During the past year, the OCPO has reviewed and resolved cases in which:

- Parents are unable to have visits with their children due to COVID-19 restrictions.
- Postponed court proceedings have resulted in delays in permanency for children awaiting adoption or children awaiting to be reunited with their parents.
- Citizens are worried that child protection workers are not checking on children in their homes to ensure there is no abuse.

Without an additional FTE, the OCPO will be unable to provide timely review or resolution of these complaints and others like them – both for individual citizens and across systems. In addition to the increased number of cases, OCPO staff are also required to dedicate a significant amount of time participating in meetings and calls that address how child protection agencies are adjusting their services in response to the pandemic. To effectively stay up-to-date regarding the ongoing practice and policy changes being implemented by child protection agencies, each OCPO staff must participate in 10 to 25 hours of stakeholder calls each month. Without an additional FTE, the OCPO will be unable to provide timely, independent review of services and systems that have an immediate impact on the lives of Colorado's children and families.