

CHAPTER 416

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 21-1313

BY REPRESENTATIVE(S) Benavidez and Gonzales-Gutierrez, Amabile, Bacon, Bernett, Bird, Boesenecker, Caraveo, Cutter, Esgar, Exum, Froelich, Gray, Herod, Hooton, Jackson, Kennedy, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Sirota, Tipper, Titone, Valdez A., Weissman, Woodrow, Young, Garnett;
also SENATOR(S) Gonzales, Buckner, Danielson, Fenberg, Fields, Ginal, Hansen, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Winter, Garcia.

AN ACT

CONCERNING PERMITTING THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN TO INITIATE INVESTIGATIONS ON BEHALF OF UNACCOMPANIED IMMIGRANT CHILDREN WHO ARE HOUSED IN STATE-LICENSED RESIDENTIAL CHILD CARE FACILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 19-3.3-103, **add** (1)(a.5) as follows:

19-3.3-103. Office of the child protection ombudsman - powers and duties - access to information - confidentiality - testimony - judicial review - definitions. (1) The ombudsman has the following duties, at a minimum:

(a.5) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE OMBUDSMAN MAY SELF-INITIATE AN INDEPENDENT AND IMPARTIAL INVESTIGATION AND ONGOING REVIEW OF THE SAFETY AND WELL-BEING OF AN UNACCOMPANIED IMMIGRANT CHILD WHO LIVES IN A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-102, AND WHO IS IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE OMBUDSMAN MAY SEEK RESOLUTION OF SUCH INVESTIGATION AND ONGOING REVIEW, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED TO, REFERRING AN INVESTIGATION AND ONGOING REVIEW TO THE STATE DEPARTMENT OR APPROPRIATE AGENCY OR ENTITY AND MAKING A RECOMMENDATION FOR ACTION RELATING TO AN INVESTIGATION AND ONGOING REVIEW.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) (A) IN SELF-INITIATING AN INVESTIGATION AND ONGOING REVIEW OF THE SAFETY AND WELL-BEING OF AN UNACCOMPANIED IMMIGRANT CHILD WHO LIVES IN A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY, THE OMBUDSMAN HAS THE AUTHORITY TO REQUEST, REVIEW, AND RECEIVE COPIES OF ANY INFORMATION, RECORDS, OR DOCUMENTS, INCLUDING RECORDS OF THIRD PARTIES, THAT THE OMBUDSMAN DEEMS NECESSARY TO CONDUCT A THOROUGH AND INDEPENDENT INVESTIGATION AND ONGOING REVIEW AS DESCRIBED IN SUBSECTION (1)(a.5)(I) OF THIS SECTION, WITHOUT COST TO THE OMBUDSMAN.

(B) A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY SHALL NOTIFY THE OMBUDSMAN AND THE STATE DEPARTMENT WITHIN THREE DAYS AFTER THE ARRIVAL OF AN UNACCOMPANIED IMMIGRANT CHILD.

(C) THE OMBUDSMAN MAY CREATE AND DISTRIBUTE OUTREACH MATERIALS TO A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY AND TO INDIVIDUALS WHO MAY HAVE REGULAR CONTACT WITH AN UNACCOMPANIED IMMIGRANT CHILD.

(III) AS USED IN THIS SUBSECTION (1)(a.5), "UNACCOMPANIED IMMIGRANT CHILD" MEANS A CHILD UNDER THE AGE OF EIGHTEEN YEARS, WITHOUT LAWFUL IMMIGRATION STATUS IN THE UNITED STATES, WHO HAS BEEN DESIGNATED AN UNACCOMPANIED CHILD AND TRANSFERRED TO THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO FEDERAL LAW.

SECTION 2. In Colorado Revised Statutes, 19-3.3-108, **amend** (1) introductory portion; and **add** (1)(c) as follows:

19-3.3-108. Office of the child protection ombudsman - annual report.

(1) On or before September 1 of each year, commencing with the September 1 following the first fiscal year in which the office was established, the ombudsman shall prepare a written report that ~~shall~~ **MUST** include, but need not be limited to, information from the preceding fiscal year and any recommendations concerning the following:

(c) RESULTS OF THE OMBUDSMAN'S SELF-INITIATED INVESTIGATION AND ONGOING REVIEW OF THE SAFETY AND WELL-BEING OF AN UNACCOMPANIED IMMIGRANT CHILD WHO IS HOUSED IN A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY, AS DESCRIBED IN SECTION 19-3.3-103.

SECTION 3. In Colorado Revised Statutes, 26-6-107, **add** (5) as follows:

26-6-107. Investigations and inspections - local authority - reports - rules.

(5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE DEPARTMENT AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW RESIDENTIAL CHILD CARE FACILITIES THAT HOUSE UNACCOMPANIED IMMIGRANT CHILDREN WHO ARE IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE DEPARTMENT AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN MAY SHARE FINAL REPORTS BASED ON THEIR SITE VISITS.

SECTION 4. Appropriation. For the 2021-22 state fiscal year, \$90,600 is appropriated to the judicial department for use by the office of the child protection ombudsman. This appropriation is from the general fund and is based on an assumption that the office will require an additional 0.9 FTE. To implement this act, the office may use this appropriation for program costs.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: July 2, 2021