



June 19, 2015

Dianne E. Ray, CPA
State Auditor
Colorado Office of the State Auditor
1525 Sherman Street, 7th Floor
Denver, CO 80203

Dear Ms. Ray:

The Colorado Department of Human Services (CDHS) received your letter dated June 4, 2015 requesting an update on the steps planned to transition the Child Protection Ombudsman Program to the Judicial Branch in accordance with Senate Bill (S.B.) 15-204. At this time, the CDHS does not anticipate any obstacles associated with implementation of S.B. 15-204 and has been working with the Office of the Child Protection Ombudsman Program to facilitate a smooth transition.

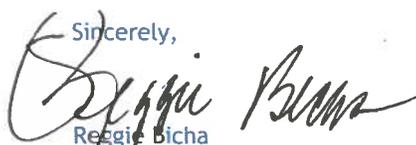
The Legislative Audit Committee requested a time line of transition activities associated with the implementation of S.B. 15-204, as well as a discussion of any obstacles anticipated. The time line for all activities associated with S.B. 15-204 and the transition of the Child Protection Ombudsman Program, from the CDHS to the Judicial Branch by January 1, 2016, is reflected below. Each activity includes a statement of whether the item is "In Progress" or has been "Completed."

Time Line of Activities per S.B. 15-204		
Implementation Date (on or before)	Transition Activity	Completion Status
July 1, 2015	Contract extension or request for proposals (RFP) executed by the CDHS through December 31, 2015	Contract extension completed
August 1, 2015	Recommend three members for appointment to the 12-member Ombudsman Board. CDHS will recommend possible appointees to the Governor's Office before July 1, 2015 for appointment to the Ombudsman Board	In Progress
September 1, 2015	Ombudsman annual report finalized	In Progress
November 1, 2015	Memorandum of Understanding (MOU) established between the CDHS and the Ombudsman	In Progress
November 1, 2015	Administrative MOU established between the Ombudsman and the Judicial Branch, with an effective date of no later than January 1, 2016	In Progress



Time Line of Activities per S.B. 15-204		
Implementation Date (on or before)	Transition Activity	Completion Status
November 1, 2015	CDHS/Ombudsman rules will be incorporated into the MOU between the CDHS and the Ombudsman	In Progress
December 1, 2015	Ombudsman Board to appoint the Ombudsman	No action required by the CDHS or the Judicial Branch
December 31, 2015	CDHS to repeal existing rules for the Ombudsman Program through the State Human Services Board	In Progress
January 1, 2016	All remaining funds in the Child Protection Ombudsman Program Fund revert to the General Fund	No action required by the CDHS or the Judicial Branch
January 1, 2016	Establishment of the Ombudsman Office in the Judicial Branch	Effective Date of Legislation
N/A	Ombudsman to participate in standard budget/performance processes governed by the Office of State Planning and Budgeting (OSPB)	No action required by the CDHS or the Judicial Branch
N/A	Utilize State agency budget submission process to submit budgets to the Joint Budget Committee	No action required by the CDHS or the Judicial Branch
N/A	Utilize OSPB's electronic budgeting system	No action required by the CDHS or the Judicial Branch
N/A	Utilize the State's Performance Management System	No action required by the CDHS or the Judicial Branch
N/A	Develop and issue an Annual Performance Report per Section 2-7-205(II)(b), C.R.S.	No action required by the CDHS or the Judicial Branch

If you have any questions about the transition, please do not hesitate to contact Joscelyn Gay at (303) 866-2806 or Joscelyn.Gay@state.co.us.

Sincerely,

 Reggie Bicha
 Executive Director

- cc: Julie Krow, Deputy Executive Director of Community Partnerships
 Melissa Wavelet, Director, Office of Performance & Strategic Outcomes
 Joscelyn Gay, Senior Policy Advisor
 Mette Boes, Director, Audit Division
 Andrea Goldstein, Auditor, Audit Division
 Jennifer Corrigan, Legislative Liaison



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Dear Ms. Ray:

This letter outlines my response to your requests for information regarding the transition of the Office of the Child Protection Ombudsman (OCPO). As you know, SB15-204 moves the OCPO to the Judicial Branch. The primary goal of the legislation is to create independence for the office. The Judicial Branch does not anticipate any obstacles associated with the transition.

The statute says the OCPO shall have “full independence” and “complete autonomy, control and authority over operations, budget and personnel decisions.” Our office fully supports those goals. As such, the State Court Administrator’s Office (SCAO) will limit its involvement in the operation of the OCPO to providing administrative support as outlined in the statute. Additionally, SCAO will cooperate with, and support, the OCPO board in all aspects of the transition of the OCPO to the Judicial Branch.

Specifically, SB15-204 calls for the Judicial Branch to perform two critical transition functions in the coming months.

First, no later than August 1, 2015 the Chief Justice of the Colorado Supreme Court must appoint four members to the new OCPO board. SCAO staff and the Chief Justice have developed a plan for making the appointments within the guidelines outlined in statute and have begun soliciting applications. Those appointments should be made by the August 1 deadline.

Second, no later than November 1, 2015, SCAO shall enter into a Memorandum of Understanding with the new OCPO board. That MOU shall, in accordance with the new law, become operational January 1, 2016. The MOU with my office will require:

- SCAO to provide administrative support for personnel matters, recruitment, payroll, benefits, accounting and the submission of a budget request to the Joint Budget Committee;
- The OCPO to comply with the judicial fiscal rules;

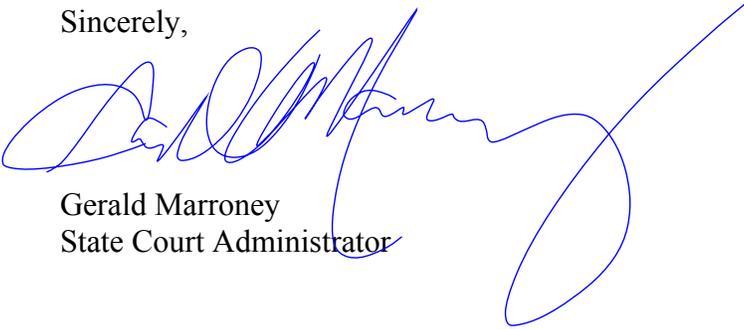
- The OCPO to develop its own personnel rules;
- That the ombudsman has independent hiring and termination authority over its employees; and
- SCAO to make available office space and IT support in the Ralph Carr Judicial Building.

Given that the OCPO board does not yet exist, there is no progress to report on yet regarding the drafting of an MOU between SCAO and the OCPO board. However, SCAO staff anticipates meeting the deadlines outlined in statute. Once the Ombudsman Board is in place it will begin a search for an Ombudsman to appoint. In accordance with statutes, the Ombudsman will be appointed on or before December 1, 2015. There may be an overlap with the appointed Ombudsman and the existing contracted Ombudsman through December 31, 2015 to allow for the transition

The Judicial Branch will coordinate and oversee the construction and furnishing of office space in the Ralph L Carr Judicial Building. The appropriations clause in SB15-204 appropriates \$133,812 to SCAO for building a sufficient space for OCPO. Suitable office space will be ready for OCPO by January 1, 2016.

The Judicial Branch looks forward to working with the Department of Human Services and the Office of Child Protection Ombudsman.

Sincerely,



Gerald Marroney
State Court Administrator