



CHILD PROTECTION OMBUDSMAN

**FISCAL YEAR 2023-2024
PERFORMANCE MANAGEMENT SYSTEM**

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Table of Contents

Agency Overview	3
Background	3
Mission	4
Vision	4
Major Agency Functions	4
Role of the CPO	4
Responsibilities of the CPO.....	4
Jurisdiction and Environment.....	5
Strategic Policy Initiatives	7
Performance Management System	7
Approach	8
Components.....	11
Timeline	13
Conclusion	17

Agency Overview

Background

The Office of Colorado's Child Protection Ombudsman (CPO) was established in June 2010, under Senate Bill 10-171. This legislation provided that the CPO would operate as a program through a contract with a local non-profit agency, issued and managed by the Colorado Department of Human Services (CDHS).

The program was created in response to the deaths of 12 children in Colorado who were known to child protection services. The deaths of these children in 2007 sparked an outcry by the public that there be greater oversight, accountability and transparency of Colorado's child protection system. The public demanded the state create a mechanism to examine the components of the state's child protection system, help citizens navigate the complexity of the system and provide recommendations on how to improve the system overall.

Years after its creation, legislators determined that the CPO needed independence from the agencies it was designed to review. And on June 2, 2015, Senate Bill 15-204, Concerning the Independent Functioning of the Office of the Child Protection Ombudsman, was signed into law. The new, independent CPO opened in 2016.

Senate Bill 15-204 not only transformed the original "program" into a distinct and independent state agency, but it also created the first ever Child Protection Ombudsman Board (CPO Board). Designed to ensure the accountability and transparency of the CPO, the CPO Board is required to oversee the Child Protection Ombudsman's performance and act as an advisory body.

Since its independence, the CPO has worked consistently to keep its practices aligned with national standards. The CPO is guided by standards set by organizations such as the United States Ombudsman Association and the American Bar Association. Using those standards, the CPO works to provide a clear channel between Coloradans and the agencies and providers tasked with protecting children. Specifically, the CPO independently gathers information, investigates complaints and provides recommendations to child protection agencies, providers and the state's legislature.

Further aligning the CPO with national standards, House Bill 21-1272 was signed into law on June 24, 2021. The law allows the CPO to be more responsive to citizens requesting a review of the circumstances surrounding a critical incident, such as a child fatality. Prior to its passage, the CPO was unable to complete such reviews in a timely or robust manner. Additionally, House Bill 21-1272 created additional protections for the confidential information and documents reviewed by the CPO during a case.

In June 2021 and June 2022, the CPO's duties and powers were expanded with the passage of House Bill 21-1313 and House Bill 22-1319. Intended to help unaccompanied immigrant children placed within Colorado's borders by the federal Office of Refugee Resettlement, these bills permit the CPO to initiate

reviews of the safety and well-being of such youth who are placed in state-licensed residential child care facilities, as well as monitor their care.

Also in June 2022, two task forces were established in the CPO through the passage of House Bill 22-1240 and House Bill 22-1375. Each is designed to objectively examine issues that are critical to improving the state's child protection system and are comprised of members with diverse experience and knowledge. The Mandatory Reporting Task Force, established by House Bill 22-1240, will analyze 19 directives concerning the procedures and effectiveness of Colorado's child abuse and neglect mandatory reporting system and possible improvements. The Timothy Montoya Task Force to Prevent Children From Running Away From Out-Of-Home Placement (Timothy Montoya Task Force), established by House Bill 22-1375, will analyze nine directives aimed at improving safeguards for children in out-of-home placement who have runaway behaviors.

The CPO, housed within the Colorado Judicial Branch, is located at the Ralph L. Carr Judicial Center in Denver. Colorado's current Child Protection Ombudsman is Stephanie Villafuerte. Child Protection Ombudsman Villafuerte was appointed in December 2015 by the CPO Board and took office in January 2016.

Mission

We ensure Colorado child protection systems consistently, fairly and equitably deliver services to every child, youth and family across our state.

Case Support

- Guide youth, families and community members in navigating complex systems
- Review cases to ensure the highest attainable standards of care
- Work with people and agencies to help resolve concerns and disputes at the ground level

Systems Change

- Engage communities across Colorado in addressing local and statewide problems
- Collaborate with stakeholders and lawmakers to improve services, policies and laws

Vision

Child protection systems that effectively serve every youth, family and community in Colorado.

Major Agency Functions

Role of the CPO

The CPO was created to ensure the state's complex child protection system consistently provides high-quality services to every child, family and community in Colorado. The agency:

- Listens to people about their experience with, and concerns about, the state's child protection system.

- Researches concerns reported by any individual or entity about service delivery within Colorado's child protection system.
- Resolves issues by determining the best way to assist people. This may mean bridging communication barriers or mediating conflicts based on misunderstandings.
- Identifies trends where the child protection system's funding, resources or practices are not keeping up with the needs of children, youth and families.
- Makes public recommendations for child protection system improvements. This may mean working with lawmakers, professionals and other stakeholders to advance legislation and policies that have a lasting, positive impact on children, youth and families.

Responsibilities of the CPO

The CPO is responsible for responding to citizens' complaints concerning actions or inactions by child protection agencies that may adversely impact the safety, permanency or well-being of a child. Child protection agencies are those that receive public funds to protect or care for children. This includes but is not limited to law enforcement, mental health agencies, child welfare services and the Division of Youth Services (DYS).

The CPO 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 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. As part of this responsibility, the CPO may create and distribute outreach materials to state-licensed residential child care facilities and to individuals that have regular contact with unaccompanied immigrant children.

Additionally, the CPO is responsible for informing on systemic changes to promote better outcomes for, and improve the safety and well-being of, children, youth and families receiving child protection services in Colorado. Being uniquely situated to gather and share information with state and non-state entities, the CPO may issue recommendations to enhance the state's child protection system. The CPO shares this and other information with the public by publishing reports and other content at www.coloradocpo.org.

Jurisdiction and Environment

Each year, the CPO provides free and confidential services to hundreds of citizens who have questions and concerns about the state's child protection system. These citizens include parents, grandparents, kin, youth, medical professionals, lawyers, social workers, police officers and many others.

Citizens' questions and concerns often relate to specific program areas within the state's child protection system, including child welfare, juvenile justice and behavioral health. With access to child protection records that are not otherwise available to the public, the CPO is able to independently and objectively resolve citizens' questions and concerns while concurrently identifying systemic issues

afflicting the child protection system.

The agency's enabling statutes are C.R.S. § 19-3.3-101 – 19-3.3-110. Pursuant to C.R.S. § 19-3.3-103, the CPO has the authority to:

- Receive complaints concerning child protection services.
- Request, access, and review any information, records, or documents, including records of third parties, that the ombudsman deems necessary to conduct a thorough and independent review of a complaint.
- Independently and impartially investigate complaints.
- Seek resolution of complaints.
- Recommend changes and promote best practices to improve the state's child protection services.
- Educate the public concerning strengthening families and keeping children safe.
- Self-initiate an independent and impartial investigation and ongoing review of the safety and well-being of any unaccompanied immigrant child who lives in a state-licensed residential child care facility and is in federal custody.

The CPO does not have the authority to:

- Investigate allegations of abuse and/or neglect.
- Interfere or intervene in any criminal or civil court proceeding.
- Testify in a court proceeding in which the CPO is not a party.
- Provide third-party records/documents acquired in the course of a case.
- Investigate complaints related to judges, magistrates, attorneys or guardians ad litem.
- Overturn any court order.
- Mandate the reversal of an agency/provider decision.
- Offer legal advice.

STRATEGIC POLICY INITIATIVES

For Fiscal Year (FY) 2022-2023, the CPO is advancing three performance goals, called Strategic Policy Initiatives (SPI):

SPI 1: COMMUNITY OUTREACH: Raise awareness of the CPO to ensure every youth and family across Colorado has equitable access to the agency's services.

SPI 2: SERVICES AND PROGRAMS: Continue to develop and strengthen efficient and effective CPO practices to better serve Colorado citizens.

SPI 3: SYSTEMS CHANGE: Collaborate with youth, caregivers, stakeholders and policymakers to advance improvements to child protection services, policies and laws for every community in Colorado.

For more information about the CPO's SPI, please see the agency's SMART Act Performance Plan for FY 2022-2023, which is accessible online at coloradocpo.org/performance-reports.

PERFORMANCE MANAGEMENT SYSTEM

Approach

The CPO's performance management system utilizes the principles of Lean process improvement and is developed to help the agency implement continuous improvements. The agency prides itself on using the best available information to help improve the way it operates for Coloradoans. During regularly scheduled staff meetings, the CPO trains staff on its performance management system. Additionally, staff regularly review key metrics to assess the agency's progress towards its SPI.

The agency's approach to defining, measuring, reporting, assessing and improving its performance progress is shown on the next page. Details about each of these components are provided in the next section.



Components

The CPO's performance management system is comprised of five components, including:

- **"Define"** reflects the CPO's work to identify the strategies that will help the CPO achieve each SPI.
- **"Measure"** reflects the CPO's monitoring of key metrics that indicate how well SPIs are progressing.
- **"Report"** reflects the CPO's reporting efforts, which are designed to be transparent and accessible, while ensuring accountability and compliance with state law.
- **"Assess"** reflects the CPO's evaluation of metrics to determine areas of opportunity.
- **"Improve"** reflects the CPO's work ensure it is operating effectively and efficiently.

These components are completed cyclically and as needed to ensure optimal agency performance.

Below details how the CPO is utilizing these principles for its current SPI.

	SPI 1: COMMUNITY OUTREACH: Raise awareness of the CPO to ensure every youth and family across Colorado has equitable access to the agency's services.	SPI 2: SERVICES AND PROGRAMS: Continue to develop and strengthen efficient and effective CPO practices to better serve Colorado citizens.	SPI 3: SYSTEMS CHANGE: Collaborate with youth, caregivers, stakeholders and policymakers to advance improvements to child protection services, policies and laws.
Define	<ul style="list-style-type: none"> • Target communications and engagements to strengthen the CPO's statewide presence and services. 	<ul style="list-style-type: none"> • Provide ongoing professional development opportunities for CPO staff. • Apply principles of equity, diversity and inclusion to the CPO's services. • Continue to develop the CPO's process and procedures for reviewing egregious abuse or neglect, near fatalities or fatalities of a child. 	<ul style="list-style-type: none"> • Provide consistent, timely and informative communications regarding the CPO's services, ongoing projects, ombudsman practice and findings. • Encourage citizens and stakeholders to use the CPO as a resource to improve the child protection system.
Measure	<ul style="list-style-type: none"> • Case closure data • Strategic plans for targeted outreach campaigns • Outreach materials designed • Print materials distributed • Digital impressions • Direct engagements with agencies, providers, stakeholders and rural communities • Public reports on client race, ethnicity and geography 	<ul style="list-style-type: none"> • Trainings/Education events attended • EDI trainings attended • EDI Strategic Implementation Plan • # Qualifying Cases 	<ul style="list-style-type: none"> • Reports published • Digital impressions • Media engagements • Engagements with youth, caregivers, policymakers, stakeholders • External meetings of stakeholders, task forces or working groups attended • Survey responses • Presentations
Report	Performance progress will be reported to the CPO Board, General Assembly, Executive Branch and Judicial Department, in accordance with state law.		
Assess	The CPO's leadership will assess each measure to determine areas of opportunity.		
Improve	The CPO's leadership will adjust agency operations, as needed, to ensure optimal service for every youth, family and community across Colorado.		

Timeline

The CPO's performance management system will align to the following timeline.

May/June/July 2023	<ul style="list-style-type: none">- Research and write FY 2023-2024 SMART Act Performance Plan.- Research and write FY 2023-2024 SMART Act Performance Management System.
On or before July 1, 2023	<ul style="list-style-type: none">- Submit and post FY 2023-2024 SMART Act Performance Plan.
On or before August 1, 2023	<ul style="list-style-type: none">- Submit and post FY 2023-2024 SMART Act Performance Management System.
January 2024	<ul style="list-style-type: none">- Present to legislative committees of reference.- Research, write, submit and post FY 2023-2024 SMART Act Quarter Two Performance Evaluation, which reflects Quarter One and Quarter Two updates.
June/July 2024	<ul style="list-style-type: none">- Research, write, submit and post FY 2023-2024 SMART Act Quarter Four Performance Evaluation, which reflects Quarter Three and Quarter Four updates.
October 2024	<ul style="list-style-type: none">- Research and write FY 2023-2024 SMART Act Annual Performance Evaluation.
On or before November 1, 2024	<ul style="list-style-type: none">- Submit and post FY 2023-2024 SMART Act Annual Performance Evaluation.

Conclusion

The Child Protection Ombudsman respectfully submits this report to the Joint Budget Committee and the General Assembly, as is required under C.R.S. § 2-7-204. The CPO will comply with its requirements under the statute and will submit the required reports and evaluations.