

CHAPTER 280

CHILDREN AND DOMESTIC MATTERS

SENATE BILL 14-201

BY SENATOR(S) Newell, Aguilar, Carroll, Guzman, Kefalas, Lambert, Lundberg, Nicholson, Steadman, Todd, Crowder, Heath, Herpin, Hill, Jones, Kerr, Rivera, Schwartz, Tochtrop, Zenzinger;
also REPRESENTATIVE(S) Singer, May, Melton, Becker, Exum, Fields, Ginal, Kraft-Tharp, Labuda, Lee, McCann, Rosenthal, Ryden, Schafer, Tyler, Williams, Young.

AN ACT

CONCERNING REESTABLISHING A CHILD PROTECTION OMBUDSMAN ADVISORY WORK GROUP TO DEVELOP A PLAN FOR ACCOUNTABLE AUTONOMY FOR THE CHILD PROTECTION OMBUDSMAN PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, **repeal and reenact, with amendments**, 19-3.3-105 as follows:

19-3.3-105. Advisory work group - development of plan for autonomy and accountability - repeal. (1) WITHIN SIXTY DAYS AFTER MAY 14, 2014, THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT MEMBERS TO A VOLUNTARY ADVISORY WORK GROUP, REFERRED TO IN THIS ARTICLE AS THE "WORK GROUP". THE GOVERNOR, PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND CHIEF JUSTICE SHALL SELECT MEMBERS TO THE WORK GROUP PURSUANT TO SUBSECTION (2) OF THIS SECTION. MEMBERSHIP MUST CONSIST OF PERSONS WITH EXPERTISE IN ISSUES RELATING TO THE PUBLICLY FUNDED CHILD PROTECTION SYSTEM AND AN INTEREST IN ASSISTING AND ADVISING THE GENERAL ASSEMBLY AND GOVERNOR WITH RESPECT TO THE DEVELOPMENT OF A PLAN FOR AUTONOMY AND ACCOUNTABILITY OF THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN, REFERRED TO IN THIS ARTICLE AS THE "PLAN".

(2) (a) (I) THE PRESIDENT OF THE SENATE, IN CONSULTATION WITH THE SENATE MINORITY LEADER, SHALL SELECT TWO MEMBERS OF THE PUBLIC TO SERVE ON THE WORK GROUP.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, IN CONSULTATION WITH THE HOUSE MINORITY LEADER, SHALL SELECT TWO MEMBERS OF THE PUBLIC TO SERVE ON THE WORK GROUP.

(b) THE CHIEF JUSTICE SHALL SELECT ONE MEMBER FROM THE JUDICIAL DEPARTMENT TO SERVE ON THE WORK GROUP.

(c) THE GOVERNOR SHALL SELECT THE REMAINING MEMBERS. THE WORK GROUP MUST INCLUDE REPRESENTATIVES FROM COUNTY DEPARTMENTS, COUNTY ATTORNEYS, COUNTY COMMISSIONERS, MANDATORY REPORTERS, PRIVATE SERVICE PROVIDERS, PERSONS OR FAMILY MEMBERS OF PERSONS WHO HAVE HAD PRIOR INVOLVEMENT AS CHILDREN WITH THE CHILD WELFARE SYSTEM, CHILD PROTECTION ADVOCATES, THE OFFICE OF THE CHILD'S REPRESENTATIVE, FOSTER PARENTS, AND LAW ENFORCEMENT AGENCIES. THE GOVERNOR SHALL APPOINT THE ACTING CHILD PROTECTION OMBUDSMAN TO THE WORK GROUP AS A NONVOTING MEMBER.

(d) THE TOTAL MEMBERSHIP OF THE WORK GROUP MUST NOT EXCEED FIFTEEN MEMBERS, NOT INCLUDING THE CHILD PROTECTION OMBUDSMAN.

(e) THE GOVERNOR SHALL ESTABLISH A PROCESS BY WHICH PERSONS INTERESTED IN PARTICIPATING IN THE WORK GROUP MAY SUBMIT LETTERS OF INTEREST TO THE GOVERNOR. POTENTIAL MEMBERS OF THE WORK GROUP SHALL ADVISE THE GOVERNOR OF ANY CONFLICTS OF INTEREST THAT THEY MAY HAVE WITH RESPECT TO PARTICIPATING IN THE WORK GROUP.

(f) THE MEMBERSHIP OF THE WORK GROUP MUST, TO THE EXTENT PRACTICABLE, INCLUDE PERSONS FROM THROUGHOUT THE STATE AND REFLECT THE ETHNIC DIVERSITY OF THE STATE.

(g) MEMBERS OF THE WORK GROUP, INCLUDING LEGISLATIVE MEMBERS, SHALL PARTICIPATE IN THE WORK GROUP WITHOUT COMPENSATION OR REIMBURSEMENT OF EXPENSES.

(3) THE WORK GROUP MUST CONVENE ON OR BEFORE AUGUST 1, 2014, AND MAY CONVENE WITHOUT ALL MEMBERS PRESENT AND MAY ORGANIZE SUBCOMMITTEES CONSISTING OF WORK GROUP MEMBERS AND ANY OTHER PERSONS INVITED TO PARTICIPATE BY THE WORK GROUP. THE WORK GROUP MAY CONSULT WITH THE STATE AUDITOR OR HIS OR HER DESIGNEE, THE OFFICE OF LEGISLATIVE LEGAL SERVICES, THE OFFICE OF LEGISLATIVE COUNCIL, OR OTHER NONPROFIT ORGANIZATIONS AS IS PERTINENT TO THE DUTIES OF THE WORK GROUP.

(4) THE DUTIES OF THE WORK GROUP INCLUDE:

(a) TO RECONCILE THE RECOMMENDATIONS IN THE DETAILED PLAN PREPARED BY THE ADVISORY WORK GROUP CREATED IN 2010 AND THE MANNER IN WHICH THE CHILD PROTECTION OMBUDSMAN PROGRAM WAS SUBSEQUENTLY STRUCTURED AND FUNCTIONED BASED ON THOSE RECOMMENDATIONS AND TO MAKE NEW RECOMMENDATIONS AS APPROPRIATE CONCERNING THE AUTONOMY AND ACCOUNTABILITY OF THE PROGRAM;

(b) TO IDENTIFY CONCRETE STEPS FOR AUTONOMY AND ACCOUNTABILITY OF THE

OFFICE OF THE CHILD PROTECTION OMBUDSMAN; AND

(c) TO MAKE RECOMMENDATIONS CONCERNING THE MOST EFFECTIVE UTILIZATION OF THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN TO FURTHER CHILD PROTECTION EFFORTS IN COLORADO.

(5) ON OR BEFORE DECEMBER 1, 2014, THE WORK GROUP SHALL COMPLETE A WRITTEN PLAN FOR AN AUTONOMOUS AND ACCOUNTABLE OFFICE OF THE CHILD PROTECTION OMBUDSMAN. UPON COMPLETION OF THE PLAN, THE WORK GROUP SHALL PROVIDE A COPY OF THE PLAN TO THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE AND THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, THE GOVERNOR, AND THE EXECUTIVE DIRECTOR, WHO SHALL POST THE PLAN ON THE STATE DEPARTMENT'S WEB SITE.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

SECTION 2. In Colorado Revised Statutes, 19-3.3-102, **amend** (2) (a) as follows:

19-3.3-102. Child protection ombudsman program - independence of office - administrative rules. (2) (a) The head of the child protection ombudsman program shall be known as the child protection ombudsman, referred to in this article as the "ombudsman". The program shall be operated by a full-time, qualified ombudsman with the professional designations and qualifications determined appropriate by the executive director. ~~after consultation with the work group created pursuant to section 19-3.3-105.~~

SECTION 3. In Colorado Revised Statutes, 19-3.3-103, **amend** (1) introductory portion and (2) introductory portion as follows:

19-3.3-103. Child protection ombudsman program - powers and duties - access to information - confidentiality - testimony. (1) ~~In addition to any other duties specified in the detailed plan for the program developed pursuant to section 19-3.3-105,~~ The ombudsman ~~shall have~~ HAS the following duties, AT A MINIMUM:

(2) ~~In addition to any other duties specified in the detailed plan for the program developed pursuant to section 19-3.3-105,~~ The ombudsman ~~shall have~~ HAS the following powers, AT A MINIMUM:

SECTION 4. In Colorado Revised Statutes, 19-3.3-106, **amend** (1) (a) as follows:

19-3.3-106. Award of contract. (1) (a) Subject to the provisions of subsection (2) of this section, ~~within thirty days after completion of the detailed plan pursuant to section 19-3.3-105,~~ the executive director, in accordance with the "Procurement Code", articles 101 to 112 of title 24, C.R.S., shall issue the request for proposals for the administration of the program. The proposal submission period, the review of submissions, and the award of the contract shall be completed within sixty days after the issuance of the request for proposals.

SECTION 5. In Colorado Revised Statutes, **amend** 19-3.3-109 as follows:

19-3.3-109. Review by the state auditor's office. The state auditor shall conduct or cause to be conducted a performance and fiscal audit of the program at the beginning of the third year of operation of the program. ~~or pursuant to the time frame recommended in the detailed plan developed pursuant to section 19-3.3-105, whichever date is sooner.~~ Thereafter, at the discretion of the legislative audit committee, the state auditor shall conduct or cause to be conducted a performance and fiscal audit of the program.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 29, 2014