

## Judicial Branch FY 2016-17 Comeback Requests

Department:	Office of Colorado's Child Protection Ombudsman
Title:	Supplemental Budget Amendment for FY 2016-17

	FY 2015-16 Appropriation	FY 2016-17 Request	JBC Action	Comeback Request	Difference Between Action and Comeback Request
<b>Total</b>	<b>\$207,274</b>	<b>\$102,129</b>	<b>\$0</b>	<b>\$55,000</b>	<b>\$55,000</b>
FTE	4.0	1.0	0.0	0.5	0.5
GF	\$207,274	\$102,129	\$0	\$55,000	\$55,000
CF	\$0	\$0	\$0	\$0	\$0
RF	\$0	\$0	\$0	\$0	\$0
FF	\$0	\$0	\$0	\$0	\$0

### Summary of Initial Request:

*Request for Communications/PIO (FTE 1) to Come into Compliance with Statutory Obligations*

The Ombudsman Office has two distinct sets of responsibilities which are mandated under statute. The first being that the Ombudsman Office must promote the services of the Office statewide. The Ombudsman is required to have a well-publicized, easily accessible, and transparent grievance process for voicing concerns about the child protection system as well as being responsible for responding to those concerns in a timely and appropriate manner – section 19-3.3-101 (1) (e), C.R.S. (2015).

Secondly, the Ombudsman Office is charged with: (i) educating the public on child maltreatment and the role of the community in strengthening families and keeping children safe; (ii) promoting best practices and effective programs relating to publicly funded child protection systems; and (iii) working collaboratively with county departments, when appropriate, regarding improvement of processes – section 19-3.3-103 (III) (2) (c) (d), C.R.S. (2015).

All full-time staff are dedicated solely to answering phone calls and written complaints from the public. The staff help the public navigate systems designed to protect children. They also open up cases, record and investigate complaints, and often times make recommendations to various human service departments for improvement in their practice. There are currently no other staff available to complete the statutory mandates outlined in the paragraph above.

The Ombudsman Office will require additional resources in order to continue the quality of the work of the Office and *proactively* improve the child protection system as it is statutorily required to do. This includes statewide outreach to citizens and stakeholders and a strategy to proactively explore recommendations for improvements that may be needed for foster families and children, adoptive families, and children at the Department of Youth Corrections. *These are all areas that the Office has been unable to sufficiently address in the past.*

## Public Information Officer/Communications Director

The current Ombudsman has conducted an assessment of the Ombudsman's Office outreach efforts to date. The results indicate that the office is not currently satisfying its statutory mandates to educate or make community outreach on child abuse and neglect matters. A review of the first *four years* of internal data reveals: (i) that the Ombudsman Office has visited only 14 of the 64 county of human service departments in the past four years; (ii) that the Ombudsman Office is failing to reach stakeholder groups responsible for child safety including doctors, educators, GAL's, and law enforcement; and (iii) the office reached only 929 child protection stakeholders in the past year. These numbers are extraordinarily small given the numbers of children and families impacted each year by the child protection system. For example, in FY 14-15 the Colorado Department of Human Services reported that 86,565 people called to report child abuse and neglect. Of these reports, 32,042 cases were assigned for investigation of child abuse/neglect. When looking at the totality of citizens impacted by the child protection system, it is clear that the Ombudsman Office is not making effective progress in serving Colorado's citizens.

A high level communications position is required to address the office's statutory duty to educate and conduct statewide outreach to stakeholder groups. In addition, because the office is now an "independent agency", it is critical that the office develop communications practices in order to be transparent to the public about its actions. The 2015 legislation also requires that the office be subject to the Colorado Open Records Laws (CORA), a requirement that was not previously in place.

An in-house PIO/Communications Director position is needed to:

- Respond to CORA requests;
- Respond proactively and reactively to media outlets on high profile child abuse cases and investigations;
- Establish and promote open, direct communication channels with customers of the child welfare system including parents, youth, foster parents, kinship caregivers, and non-relative kinship caregivers to receive feedback free from the inherent pressures that accompany any communication through organizational channels;
- Organize and facilitate community forums, in collaboration with human services, public health, law enforcement, and preventative services, after a child fatality to develop preventative strategies;
- Establish communication strategies that incorporate new media texting and social media, online advertising, and engagement with all youth Counsels throughout the state to receive feedback from former foster youth;
- Develop a communications plan that promotes two-way communications with primary, secondary, and tertiary stakeholders of the child welfare system to receive suggested systemic improvements and communicate recommended changes across government systems; and
- Compose legislative reports.

For comparison, the salary range for a similar position within the State Court Administrator's Office<sup>1</sup> is outlined below:

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<sup>1</sup> Duties of a Public Information Manager as outlined in the judicial job description that would be similar to this position include, but are not limited to: responds to media inquiries, principally responsible for developing and implementing the internal and external communications plan for the office, provides strategies for dealing with difficult issues publicly and for garnering positive press attention, and assists in the development and implementation of detailed statewide public education project initiatives.

	Low	Mid-Range	High
Public Information Manager (SCAO)	\$83,664	\$97,854	\$112,044

**Total request: \$102,129**

**Committee Action:**

On March 16, 2016, the JBC received the budget amendment for FY 2016-17 as prepared by JBC Staff. The following action was recommended by the analyst as it related to the OCPO request for additional positions:

“Staff recommends denying this request. Primarily, staff is not comfortable recommending an expansion of this office when it was just established in January and it is not yet fully staffed. In addition, from a process perspective, staff is not comfortable expanding the OCPO staff by half, when the Fiscal Note for the bill that established the office reflected a simple continuation of existing operations. In addition, due to the timing, the Committee has not had an opportunity to learn about and discuss this proposal through the normal briefing and hearing process. Please note that staff’s recommendation above is designed to make sure that the OCPO has sufficient funding to hire one full-time, experienced investigator (i.e, to actually staff the office as anticipated in the Fiscal Note). While the other two requests would likely improve the office’s outreach efforts and efficiency, staff believes that these requests are premature and could be considered in the future.”

**Judicial Comeback:**

The OCPO opened its doors in 2011 after the Child Welfare Action Committee recommended to the Legislature the creation of the Office as a direct result of a series of child deaths across Colorado, with known involvement with child protective services. Since that time, children are dying at a higher rate and more families are becoming involved with child protection in Colorado. The state continues to experience child fatalities related to abuse and/or neglect within families that have had prior contact with a county department (average 55 per year<sup>2</sup>), serious bodily injury cases and an influx of child abuse and neglect reports (90,682 from January-December 2015). Of further concern, data reflects a small percentage of child abuse and neglect reports are being assigned for investigation (33,514 or 37%).<sup>3</sup> The Ombudsman Office was established to address just such issues and was charged with not only learning *why* these children are being missed by our child protection system, but *how* to improve the system so that children in Colorado are protected and safe.

Upon appointment, the Ombudsman completed a comprehensive assessment of the OCPO functions, accomplishments and shortfalls over the first four years of direct service delivery. This assessment looked closely at the mandates of the Office as outlined in the original legislation, as well as the mandates of accountability and transparency as outlined in SB 15-204. The results of this assessment are summarized below.

As previously stated in the original proposed amendment, the Ombudsman Office has two distinct sets of responsibilities which are mandated under statute. The first being that the Ombudsman Office must promote the services of the Office statewide. The Ombudsman is required to have a well-publicized, easily accessible, and transparent grievance process for voicing concerns about the child protection system as well as being responsible for responding to those concerns in a timely and appropriate manner – section 19-3.3-101 (1) (e), C.R.S. (2015).

<sup>2</sup> Data pulled from CDHS Annual Child Fatality Report. These numbers reflect child deaths that met criteria for state review; however, does not encompass all child deaths in Colorado as a result of child abuse and/or neglect.

<sup>3</sup> Data pulled from CDHS Community Performance Center referring to January-December 2015

Secondly, the Ombudsman Office is charged with: (i) educating the public on child maltreatment and the role of the community in strengthening families and keeping children safe; (ii) promoting best practices and effective programs relating to publicly funded child protection systems; and (iii) working collaboratively with county departments, when appropriate, regarding improvement of processes – section 19-3.3-103 (III) (2) (c) (d), C.R.S. (2015).

The Ombudsman Office continues to experience an increase in contacts, cases, and workload demands for time and resources.

The office contacts from citizens increased 27% in FY 2014-15. This has been a consistent trend as seen in the chart below. The Ombudsman Office has not received any additional FTE since the original bill passed in 2010.

<b>Contacts for FY 2011/12 through FY 2014/15</b>					
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Percentage Change from Year 1</b>
<b>CONTACTS</b>	<b>135</b>	<b>297</b>	<b>401</b>	<b>514</b>	<b>280%</b>

At this point, the increases in demand are taking away from outreach opportunities and impacting the office’s ability to pursue other Ombudsman mandates.

As outlined in statute, the Ombudsman Office is mandated to provide outreach and education throughout the State of Colorado. This outreach includes county human service departments as well as child protection stakeholder groups. Communication is vital to the improvement of the system. When speaking of child safety, communication is critical in *real-time* as child safety cannot be addressed on a delayed basis. As the OCPO identifies critical information about policy and statutory violations, it is imperative that it is shared immediately, rather than at the end of a year in an annual report. This information is imperative in directing the CDHS in necessary changes or clarifications to rule that governs caseworker practice. It is critical in informing the Legislature on needed statutory changes to ensure that children are safe. It is essential for county departments to learn from one another on an ongoing basis.

SB15-204 was developed not only to establish the Ombudsman Office as an Independent Agency, it specifically mandates the Office to be fully transparent and accountable for the work performed by the Office. To become compliant with the mandates of the SB 15-204, a Communications Specialist will:

1. Publish all rule and statutory findings publicly on a real-time ongoing basis
2. Publish all systemic practice concerns identified in a real-time manner
3. Advise the public and professional stakeholders regarding policy and legislative recommendations made by the OCPO

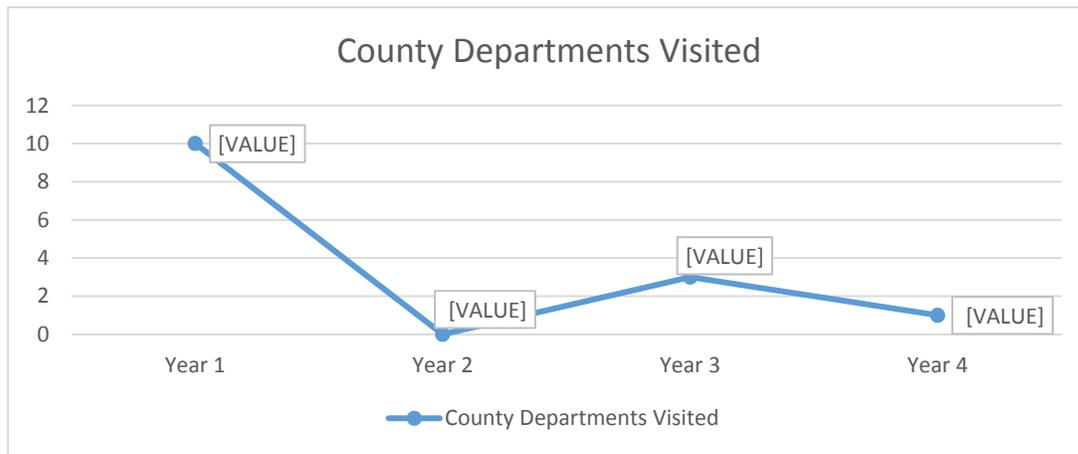
The OCPO finds this to be of utmost importance in its efforts to:

1. Systemically change the child protection system
2. Hold the County and State Departments accountable for their failures to comply with State policy and child welfare statutes.
3. Recommend policy and legislative actions related to the improvements of public child welfare.

In 2011, the Ombudsman Office, with the paid services of a public relations firm, created a strategic Outreach Plan for Year 1. In Years 2-4, budgetary needs shifted and the utilization of a media/public relations firm

ceased. In doing so, there was no further implementation of the existing outreach plan, or creation of a new outreach plan.

The following table depicts outreach efforts to the 64 county departments of human services over Years 1-4.



These outreach efforts were specific to educating administration and staff on the functions and processes of the office and were not site visits for investigative or review purposes. The counties visited are but a fraction of the total counties in the state.

In assessing the Office’s statutory outreach to the larger child protection stakeholder community, the Ombudsman analyzed data collected from Year 1-4 about *who* is contacting the Ombudsman Office. The assessment of this data demonstrates that the Ombudsman Office is failing to reach many stakeholder groups that are directly responsible for the protection of children.

Stakeholder groups include (but are not limited to) parents, relatives, substitute care providers, and all mandated reporters to include (but not limited to) law enforcement, educators, medical professionals, therapists and other community treatment and service professionals, attorneys, clergy and advocates.

The analysis of the Office data over the first four years showed that the primary complainants to the Office include parents, grandparents and relatives. Of concern in the analysis of the data is that very few calls have been received over the first four years from mandated reporters, foster and adoptive families, or children directly involved in the child protection system. (Appendix 1)

Additionally, the Ombudsman reviewed the approximate number of stakeholders that have received information from Ombudsman staff on the function and mission of the office. The following table depicts the approximate number of stakeholders contacted during each fiscal year. It shows a direct correlation between having a strategic marketing and outreach plan and the number of stakeholders who are actually reached. The table reflects a dramatic drop in stakeholders reached after budget restrictions in Years 2-4 did not allow for the continuation of the Year 1 Outreach Plan.



In order to increase communication and outreach efforts, resources will have to dramatically increase.

The data collected from years 1-4 demonstrates a clear need to develop and implement a strategic outreach plan. In order for the Ombudsman Office to effectively and directly impact the child protection system and protect the children of Colorado, the services of the Office, as well as how to contact the Office, must be known to the public. In an effort to bring the office into compliance with that which is required under statute, the Ombudsman Office must re-establish a strategic outreach and education plan, employ staff to carry out this plan and enlist funds to enable the plan to be effective.

The Ombudsman Office respectfully requests that the JBC reconsider the request, in part, for a Communication's Director. In analyzing this position, the Ombudsman Office received two separate proposals from marketing and outreach firms prior to this request. If the JBC does not award the FTE, the OCPO would be requesting the funding to allow for the Office to contract with an outside strategic marketing specialist.

Communication's Director (.5 FTE or Contract): \$55,000

**Total Request: \$55,000**

## Appendix 1

### Stakeholder Contacts with OCPO

The following tables outline data collected Years 1-4 demonstrating *who* is contacting the office for services.

Stakeholder Contacts with OCPO				
	YEAR 1	YEAR 2	YEAR 3	YEAR 4
Parent	54%	33%	36%	44%
Grandparent	1%	16%	18%	12%
Other Relative	28%	14%	12%	10.3%
Foster & Adoptive Family	4%	4%	4%	3%
Friend/Neighbor	2%	3%	3%	4%
DHS Employee	2%	3%	1%	2%
Community Professional	2%	0%	7%	8%
Legislator	1%	0%	1%	<1%
Attorney	0%	3%	1%	1%
Advocate	0%	2%	2%	2%
Medical Professional	0%	2%	1%	<1%
Law Enforcement	0%	2%	1%	<1%
Child	0%	0%	.5%	<.5%
Judge	0%	0%	.5%	0%
Daycare Provider	0%	0%	.5%	<.5%
Educator	0%	0%	0%	<.5%