

# Understanding and Utilizing Colorado's Child Protection Ombudsman Office

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Stephanie Villafuerte, Ombudsman

# Who Are We?

- **Stephanie Villafuerte, Child Protection Ombudsman**
- **Sabrina Burbidge, Deputy Ombudsman**
- **Melissa Vigil, Child Protection Systems Analyst**
- **Karen Nielsen, Manager of Intake and Administration**
- **Jordan Steffen, Communication and Public Policy Director**

# Why an Ombudsman?

- Increased size of government has led to decreased access for citizens.
- The Ombudsman humanizes the bureaucracy and gives an individual a sense of relationship with its government.
- Existing mechanisms for adjusting grievances are inadequate:
  - Legislature – no staff/expertise to address all constituent complaints
  - Executive and administrative agencies – viewed as lacking impartiality
  - Judiciary – costly, adversarial, time consuming

# Why an Ombudsman?

- Provides citizens with expert and impartial agent without delay, without costs or requirement of representation.
- Ombudsman supplements and does not replace existing institutions.

# The Ombudsman's Role

- An independent and impartial investigator who serves as a trusted intermediary between the public and child protection agencies.
- Help citizens address and resolve concerns about the child protection system.
- Makes recommendations to improve services that protect children.

*Source: American Bar Association Standards; Model Ombudsman Act--United States Ombudsman Association*

# The Ombudsman's Role

- Historically, the Ombudsman role is designed to drive reform through impartial collaboration, data driven analysis and public awareness – not mandatory compliance.
- Ombudsman exist in many countries and serve several sectors including and not limited to government, higher education, long term care, media and others.
- The Ombudsman concept dates back hundreds of years with roots in Scandinavia.

# Creation of the Colorado Child Protection Ombudsman Office

- 2007 state review of 12 child fatalities—all children had contact with a child welfare agency 5 years preceding their death
- Establishment of the Child Welfare Action Committee (EO B 006 08)
- Committee met for two years, submitted 35 recommendations for system improvement--Child Protection Ombudsman (recommendation #15)
- Senate Bill 10-171 passed creating a *Child Protection Ombudsman Program in the Colorado Department of Human Services*



# Evolution of the Colorado Child Protection Ombudsman Office

- Child Protection Ombudsman *Program* created in 2010
- Subsequent legislation
  - Senate Bill 14-201-Est Advisory Work Group to Develop Autonomous CPO
  - Senate Bill 15-204-Creation of an Independent Child Protection Ombudsman Office
  - Senate Bill 16-013-Clean up bill regarding duties of the board/Ombudsman



## ***Senate Bill 10-171***

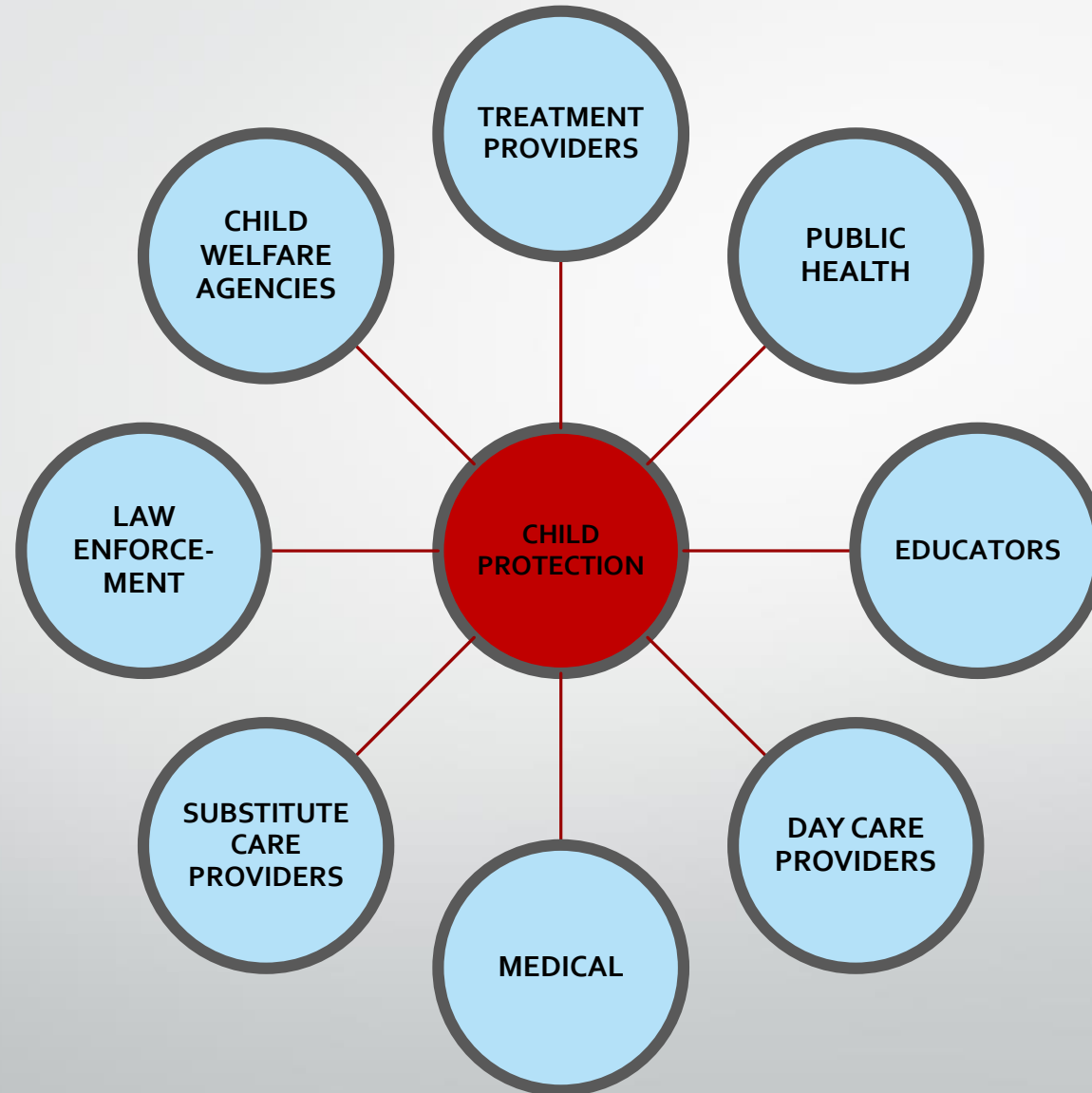
*"The Office of the Child Protection Ombudsman has the power and duty to facilitate a process of independent, impartial review of family and community concerns; request independent, accurate information and to conduct case reviews to help resolve child protection issues and overall systemic issues."*

# Ombudsman Jurisdiction

The Ombudsman is charged with:

- Receiving the public's complaints concerning child protective services by or on behalf of a child regarding action, inaction, or decision of *any public agency or any provider* that receives *public moneys* that adversely affect the safety, permanency, or well-being of a child.
- The Ombudsman is not authorized, nor can it be directed, to intervene in any criminal or civil judicial proceedings or to interfere in a criminal investigation. C.R.S. 19-3.3-103(4)
- Independent of executive, legislative and judicial branches of government

# The Child Protection System





# Our Statutory Charge

- *Well-publicized, easily accessible, transparent grievance process*
- *Review/investigate public complaints*
- *Improve accountability and transparency in the child protection system by making system recommendations*

# Unique Services

The Ombudsman Office offers services that are not otherwise provided by any other state or private agency:

1. Confidential Complaint Process
2. Impartial/Independent Review
3. Child Protection Focus

# Who calls the Ombudsman?

- Children, birth to age 18, including 21 if in the custody or control of court/county
- Family members
- Concerned citizens
- Mandated reporters
- Employees of CDHS/county human services
- Employees of public entities that serve children



# Why do people call the Ombudsman?

- Failure to report child abuse by mandated reporters
- Lack of medical care for children in DYC
- Failure to provide treatment services to children and families in the child welfare system
- Inaction by human service workers which may result in harm to a child



# Our Process

## **Phase 1: Inquiries**

Help the public navigate child protection systems/provide resource referrals

## **Phase 2: Review**

A complaint that alleges law and policy violations – with variable outcomes

## **Phase 3: Investigation**



# Phase 1: Inquiries

- Respond to questions or requests for information
- Resource referral to appropriate child protection agencies and regulatory agencies
- Inquiries relating to the Judicial Department, judicial proceedings or attorneys are referred to the appropriate entity within the Judicial Department (Example: OCR, ORPC, Attorney Regulation) C.R.S. 19-3.3-103(1)(a)(III)

## Phase 2: Review Complaints

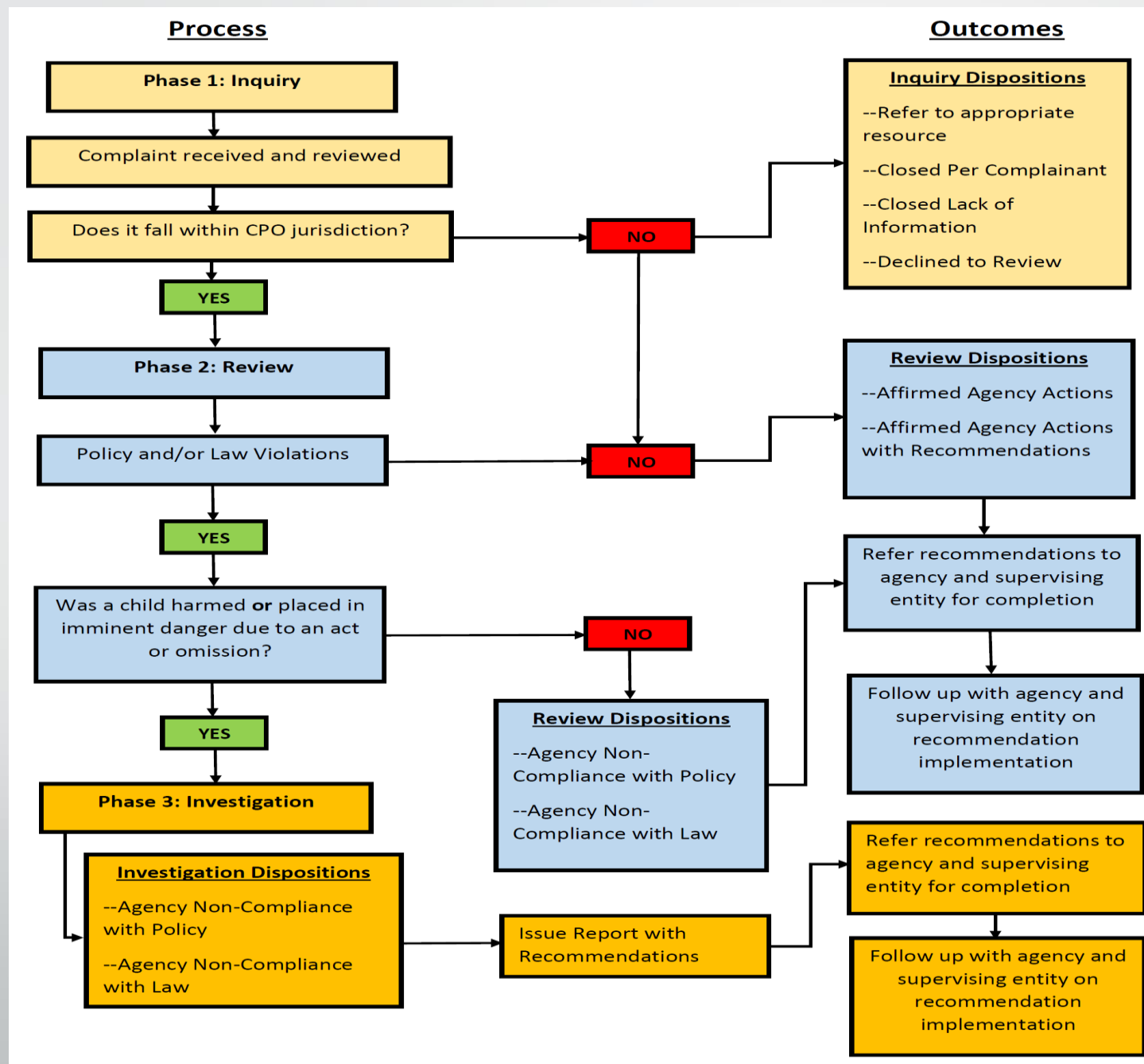
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- A Complaint is an alleged action or inaction by a member or agency within the child protection system.

# The Complaint Process

- Public can call or fill out on-line complaint form
- Complainants identity is confidential
- Ombudsman has access to (TRAILS, court documents, coroner reports, LE)
- Review of complaint
- Findings
  - Affirm agency action (no merit to complaint)
  - Affirm agency action with recommendations
  - Agency non-compliance with law (Colorado Children's Code)
  - Agency non-compliance with policy (Volume 7)
  - Investigation initiated, Findings, Report

## Phase 3: Investigations

- An investigation is initiated when the CPO determines that there was a violation of policy and/or law and *when the CPO finds that a child was harmed or placed in imminent danger due to an act or omission.*
- Review of relevant records, interviews of parties
- Public Report





# Systemic Reform

- Database that monitors all violations of law and rule; identify trends and analyze for recommendations
- Communicate trends to stakeholders through quarterly/annual reports/website
- Make recommendations for system reform to Colorado General Assembly/Governor's Office

# What Can We Do

- Independently and impartially investigate your complaint.
- Provide understanding and explanation of the processes involved with the child protection system.
- Determine if the actions by a child protection agency followed law and policy.
- Make recommendations to members of the child protection system, the Legislature, and the Governor to improve outcomes for children and families.

# What We Cannot Do

- We cannot investigate complaints against attorneys, Guardians ad litem, Judges or Magistrates.
- We cannot provide legal advice.
- We cannot investigate if a child has been abused or neglected.
- We cannot intervene in a criminal or civil court proceedings.

# What We Are Hearing

- Lack of services for children in care
- Delay in obtaining services for children in care
- Abrupt or unexpected moves
- Foster parents are not included as members of the child's treatment team
- Lack of communication/Not seeing caseworker
- Permanency delays
- Home study delays or problems





# Summary of System Recommendations

- Since 2010, the Ombudsman Office has submitted 206 recommendations to child protection agencies.
- Training for child protection workers in multiple areas, including assessing whether children are at risk, creating adequate safety plans for families and ensuring children and families are getting required face-to-face meetings with case workers.
- Improvements in the way child protection workers document and close cases.
- Reviewing and revising how child protection agencies work with other departments, such as law enforcement and schools.



# Our Vision

*"Ensuring safety for Colorado's children today and envisioning a stronger child protection system for the future."*



**What Else Do You Want to Know?**

# **QUESTIONS & ANSWERS**



# THANK YOU!

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