

# State of Colorado



## Child Protection Ombudsman Advisory Work Group Report

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**December 1, 2014**

**Report Prepared by**

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*This report reflects direct input from each  
of the work group members.*

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# Background

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The Colorado Child Protection Ombudsman was created legislatively in 2010 after a unanimous vote on SB10-171. This legislation was enacted to improve the Colorado child protection system and provide additional protection to children in foster care and to prevent children from entering the system.

That year, the General Assembly declared that,

“The child protection system must protect and serve Colorado's children in a manner that keeps them safe and healthy and promotes their well-being.” And that, “the protection of children from abuse and neglect...must be one of Colorado's highest public policy priorities.”

Below, are relevant pieces of the Legislative Declaration from SB10-171:

(D) The children and families served by the child protection system, as well as the public, must have a high level of confidence that the system will act in a child's best interests and will respond to the child's needs in a timely and professional manner;

(e) To engender this high level of confidence in the child protection system, it is important that children and families who become involved in the system, mandatory reporters, and the general public have a well-publicized, easily accessible, and transparent grievance process for voicing concerns regarding the child protection system along with the expectation that those concerns, once voiced, will be heard and addressed in a timely and appropriate manner; and

(f) To improve child protection outcomes and to foster best practices, there must be effective accountability mechanisms, including the review and evaluation of concerns voiced by children and families, mandatory reporters, persons involved in the child protection system, and members of the general public, that provide policymakers with the information necessary to formulate systemic changes, where appropriate.

(2) The general assembly further finds and declares that the establishment of the child protection ombudsman program will:

(a) Improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system; and

(b) Allow families, concerned citizens, mandatory reporters, employees of the state department and county departments, and other professionals who work with children and families to voice their concerns, without fear of reprisal, about the response by the child protection system to children experiencing, or at risk of experiencing, child maltreatment.

Per the original statute, the Office is intended to be a non-biased, impartial, and independent office of review. Below, is an excerpt of the SB10-171 Act.

“(a) Improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system; and

(b) Allow families, concerned citizens, mandatory reporters, employees of the state department and county departments, and other professionals who work with children and families to voice their concerns, without fear of reprisal, about the response by the child protection system to children experiencing, or at risk of experiencing, child maltreatment

“... The ombudsman shall facilitate a process for independent, impartial review of family and community concerns; request independent, accurate information; and, if appropriate, conduct case reviews to help resolve child protection issues.

(c) The ombudsman shall also be a key advisor concerning issues relating to child safety and protection in Colorado by virtue of his or her responsibility and authority to make advisory recommendations to the state department, county departments, county commissioners, the governor, and the general assembly based upon the ombudsman's experience and expertise.”

The Office of the Child Protection Ombudsman reviews and investigates concerns and complaints made against governmental agencies and private providers acting on behalf of the State to protect the safety and welfare of children in Colorado. Those entities could be any agencies that administer or oversee foster care services or are a part of the whole child welfare system.

After reviewing complaints and grievances, the Ombudsman office recommends changes to the child welfare system and highlights discrepancies between policy and practice. The General Assembly determined that Ombudsman office needed to be outside of the system in order to operate with efficacy in its legislative charge of impartiality and independent reviews.

## Work Group Legislative Charge

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During the 2014 legislative session, the autonomy and accountability of the Child Protection Ombudsman Office was raised again. As a result, SB14-201 was enacted after passing unanimously with bipartisan co-sponsors in the Senate and 54-11 in the House. This legislation re-established a Child Protection Ombudsman Advisory Work Group to “develop a plan for accountable autonomy for the Child Protection Ombudsman Program.”

Per statute, the duties of the advisory 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.

It was determined by the group due to the timeframe, that the focus would be on achieving skeleton recommendations for the autonomy of the Office as to where it should be housed and the accountability of the Office with the concept of the independent Board and balance of power between the governmental branches. Therefore, the group did not fully complete the research of the 2010 Detailed Plan and reconciliation. The other parts of the charge are addressed within the report.

Members of the work group volunteered to keep meeting beyond the December 1, 2014 deadline to further progress on all the elements of the legislative charge. The current contract ends July 1, 2015, and the future of the program needs to be determined before the contract expires.

## Work Group Composition

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The composition of the Child Protection Ombudsman Advisory work group was designed to allow for geographic and role diversity for a myriad of perspectives, experiences, and expertise, including members from urban, suburban, and rural communities. The 15 voting members were appointed by the President of the Senate, the Speaker of the House, the Chief Justice, and the Governor. The current Child Protection Ombudsman was also included as a non-voting member to include his expertise and practical experience within the group.

### Work Group Members

<b>Name</b>	<b>Role</b>	<b>Title</b>
Martha Johnson	County Dept.	Deputy Director, La Plata County Dept. Human Services
Marilee McWilliams	County Attorney's Office	Assistant County Attorney, Arapahoe County
Cindy Domenico	County Commissioner	Chair, Boulder County Commission
Julie Krow	Mandatory Reporter	CDHS, Director of the Office of Children, Youth and Families
Sister Amy Willcott	Private Service Provider	Executive Director, Mt. St. Vincent Home
Victoria Black	Person w/ prior involvement in child welfare system	Mile High United Way, Bridging the Gap; Former foster care youth
Stephanie Villafuerte	Child Protection Advocate	Executive Director, Rocky Mountain Children's Law Center
Linda Weinerman	Office of the Child's Representative	Executive Director, Colorado Office of the Child's Representative
Bonnie McNulty	Foster Care Parent Assn.	President, Colorado State Foster Parent Association
Christopher Langle	Law Enforcement	Detective, Lakewood Police Department
Linda Newell	State Senator	State Senate, District 26
Jonathan Singer	State Representative	State Representative, District 11
Peg Rudden	Arapahoe CASA	Executive Director, CASA: Advocates for Children
Shari Shink	Child Advocate	Child Advocate; Founder and Former Executive Director, Rocky Mountain Children's Law Center
Amy Hendrickson	Judicial Appt. Respondent Parent Counsel Crdr.	Coordinator, Respondent Parents' Counsel, State Court Administrator's Office
Dennis Goodwin	Child Protection Ombudsman/Ex-officio	Colorado Child Protection Ombudsman

## Work Group Support

### Facilitator

Dr. Paul Alexander, Ph.D.  
Regis University, Executive Director of the Institute on the Common Good

### Coordinators

Fredricka Brown  
Regis University, Operations Coordinator for the Institute on the Common Good

Amy Reece  
Volunteer Project Intern to Dr. Alexander and Senator Newell

# Work Group Process

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## Independent Group Facilitation

Group members were grateful to have the expertise of Dr. Paul Alexander as the third-party facilitator for the meetings. He is the executive director of the Institute on the Common Good located on the Regis University campus in Denver. He and his coordinator, Fredricka Brown, offered all of their services pro bono. Additionally, Regis University allowed us to use their facilities at no charge for all of our meetings. It was important for members to have a neutral place with a neutral facilitator where unbiased and candid dialogue could occur.

Assisting Dr. Alexander was Amy Reece, a volunteer legislative intern specifically recruited for this project by Senator Newell.

## Meetings and Sub-Committees

The full group met for a total of 35 hours between July and November 20, 2014. There were six (6) full-group meetings that were held on:

- July 31, 2014 at the Capitol
- September 30, 2014 at Regis University
- October 23, 2014 at Regis University
- October 30, 2014 at Regis University
- November 10, 2014 at Regis University
- November 20, 2014 at Regis University

Sub-Committees were formed and met outside the full-group meeting times and reported back to the full group with recommendations. They were:

- Interdependent/Independence Principles Committee (Never met, did as whole group.)  
Victoria Black, Commissioner Dominico, Amy Hendrickson, Julie Krow, Peg Rudden, Stephanie Villafuerte, Linda Weinerman, Sister Amy Willcott
- Models Committee  
Victoria Black, Dennis Goodwin, Martha Johnson, Christopher Langley, Bonnie McNulty, Marilee McWilliams, Peg Rudden
- Policies Committee (Never needed to meet. Addressed in whole group.)  
Christopher Langley, Dennis Goodwin

- Report Committee

Senator Newell, Marilee McWilliams, Victoria Black, Amy Reece

## Broad Stakeholder Outreach

Each work group member represented a particular constituency so continually throughout the process, the members were encouraged to reach out to our respective constituencies and share the progress and receive feedback from them. Then, the members would share that feedback to help inform our decisions in the work group.

In July, Stephanie Villafuerte from the Rocky Mountain Children’s Law Center created a shared drive with all the relevant documents for background and ongoing research for the work group members to easily access. The volume of that drive grew over the span of the work group process as more research was introduced.

Additionally, Senator Newell assembled an “Interested Public Parties” list and emailed out the agendas, minutes, and general information out to that group on a regular basis. Members of that group grew as the process unfolded and more people were referred, which included child advocates, child welfare system staff, lobbyists, and members of the media.

## Expert Presentations Heard

In the beginning to set the foundation of a common knowledge base, several experts were brought in to present for the group. They included child welfare, ombudsman governance models, Colorado performance audits, and national research on ombudsman offices. The presenters were:

- Colorado State Auditor Dianne Ray and staff – Performance Audit: Child Protection Ombudsman Office
- Nina Williams-Mbengue- Program Director, National Conference of State Legislatures: National research on Child Welfare Ombudsman Offices
- Reggie Bicha- Executive Director, Colorado Department of Human Services: CDHS perspective on the Office of the Child Protection Ombudsman
- Dennis Goodwin- Ombudsman, Office of Colorado’s Child Protection Ombudsman: Response to the Performance Audit and current status on the Office of the Ombudsman
- Dean Gottehrer- National and International Ombudsman Consultant, Former President of the United States Ombudsman Association: Best Practices and USOA & ABA Guidelines/Model Legislation/Research
- Mary Anne Snyder- Director of the Office of Early Childhood: Explanation of Children’s Trust Fund Model
- Marcia Tewell- Executive Director of the Colorado Development Disabilities Council: Explanation of Disabilities Council Model

## Research Conducted

For common access to all work group members, background and research documents included:

- SB10-171 Creation of the Child Protection Ombudsman Office
- SB14-201 Creation of Child Protection Ombudsman Advisory Work Group
- Executive Order A2014-153 Establishing Child Protection Ombudsman Advisory Work Group Members
- State Audit Performance Audit Report: Child Protection Ombudsman Office
- Office of Colorado's Child Protection Ombudsman 2011-2012 Annual Report, September 1, 2012
- Office of Colorado's Child Protection Ombudsman 2012-2013 Annual Report, September 1, 2013
- Office of Colorado's Child Protection Ombudsman Policies and Procedures, June 2013
- Detailed Plan For the Establishment and Operation of the Child Protection Ombudsman Program, September 17, 2010
- 2014 Ombudsman Work Group Fact Sheet
- July Minutes with Contacts, July 2014
- Governmental Ombudsman Standards, United States Ombudsman Association, October 2003
- ABA Standards for the Establishment and Operation of Ombuds Offices, February 2004
- Model Ombudsman Act for State Governments, United States Ombudsman Association, February 1997
- NCSL Children's Ombudsman Overview Presentation, Nina Williams-Mbengue, September 2014
- Pulling Back the Curtain: State Children's Ombudsman at Work, Moira O'Neill, 2011 Dissertation
- Casey Family Foundation Ombudsman Research
- Essential Characteristics of a Classical Ombudsman by Dean M. Gottehrer and Michael Hostina
- State Ombudsman Programs, Office of Juvenile Justice and Delinquency Promotion Juvenile Justice Bulletin, February 2005
- California Foster Care Ombudsman 2011-12 Annual Report
- Nebraska Public Counsel (Ombudsman) law, 1969
- Iowa Code Establishing Ombudsman, 2014

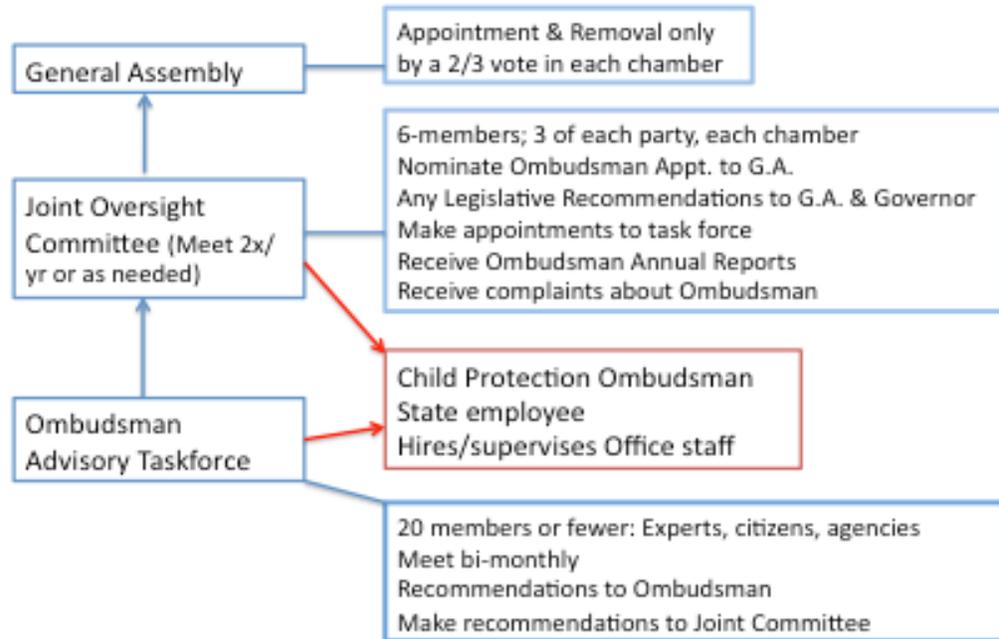
- Links for Other State’s Ombudsmen Websites
- Possible Governance Models Child Protection Ombudsman PowerPoint, created from minutes and discussion of Colorado’s Work Group, October 2014
- Colorado Working Group Questions and Answers, Dean M. Gottehrer, September 2014
- Ombudsman Budget Comments from Ombudsman, collected by Dean M. Gottehrer, November 2014
- Is a Legislative Ombudsman a Violation of Separation of Powers? By Dean M. Gottehrer, November 2014
- Links for Additional Resources on Ombudsman Offices
- Ombudsman Legislative Resource Document by Dean M. Gottehrer

## Governance Models Discussed

From all the research across the country, several governance models surfaced to the top for discussion. In consideration, we reviewed each one as they might apply in Colorado’s state-monitored/county-delivered system, political realities of the executive and legislative branches and county commissions, and the current status of our child welfare system. Listed below, are the models that were reviewed along with the pros and cons for each one. For the entire Governance Models PowerPoint, see the attachment at the end of the report.

# Legislative Oversight Committee

(Taken from existing legislative task force structure)



## Pros

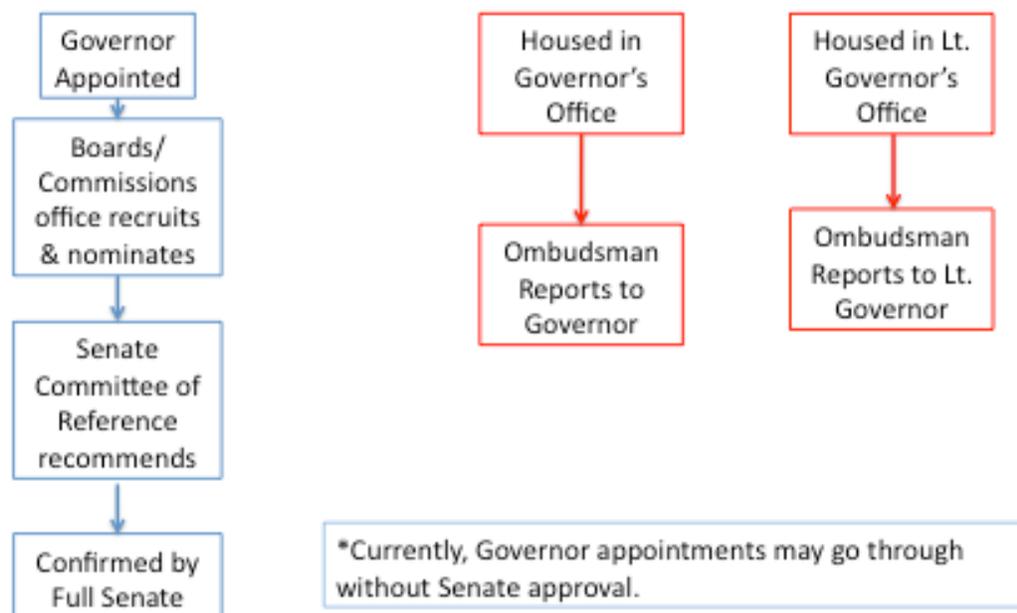
- Autonomous from agencies it monitors
- Based on existing legislative governance models currently in statute
- Public & internal perception of autonomy
- Credibility & attention w/legislators when requests come from legislative committee
- Partisanship avoided w/6 member joint committee structure
- Public/private task force advises Ombudsman & Leg. Committee for inclusiveness of stakeholders & expertise
- Takes 2/3 of each chamber to appoint or remove, avoiding whim of one agency or 1 elected official
- Will improve conditions for employees w/benefits & some predictability of employment

## Cons

- Another branch of government involved
- Closer to elected officials with potential political agendas
- Will have some increased costs due to bringing employees in-house.

- State/counties concerned not balanced with Executive branch without checks and balances
- Variable child protection expertise in legislative committee without Board

## Governor Models



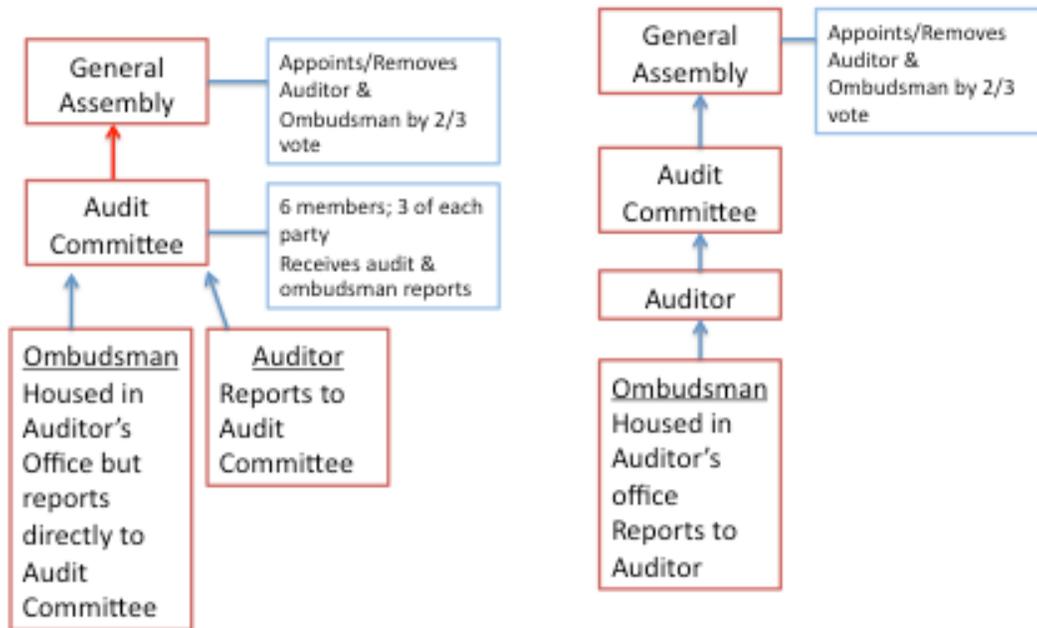
### Pros

- Would give heightened level & attention to Ombudsman
- If Governor supports, could make things happen quickly
- If Governor supports, could be budgeted appropriately

### Cons

- Completely dependent upon whim of 1 elected official
- Budget reliant on Governor's recommendation & use
- Dependent on who is the Governor at the time—objectives, priorities would change w/every new Governor.
- Could be removed at any time w/one decision (Without a Board with 2/3 vote requirement.)
- Ombudsman would report up through the executive branch that s/he monitors.

# State Auditor Models



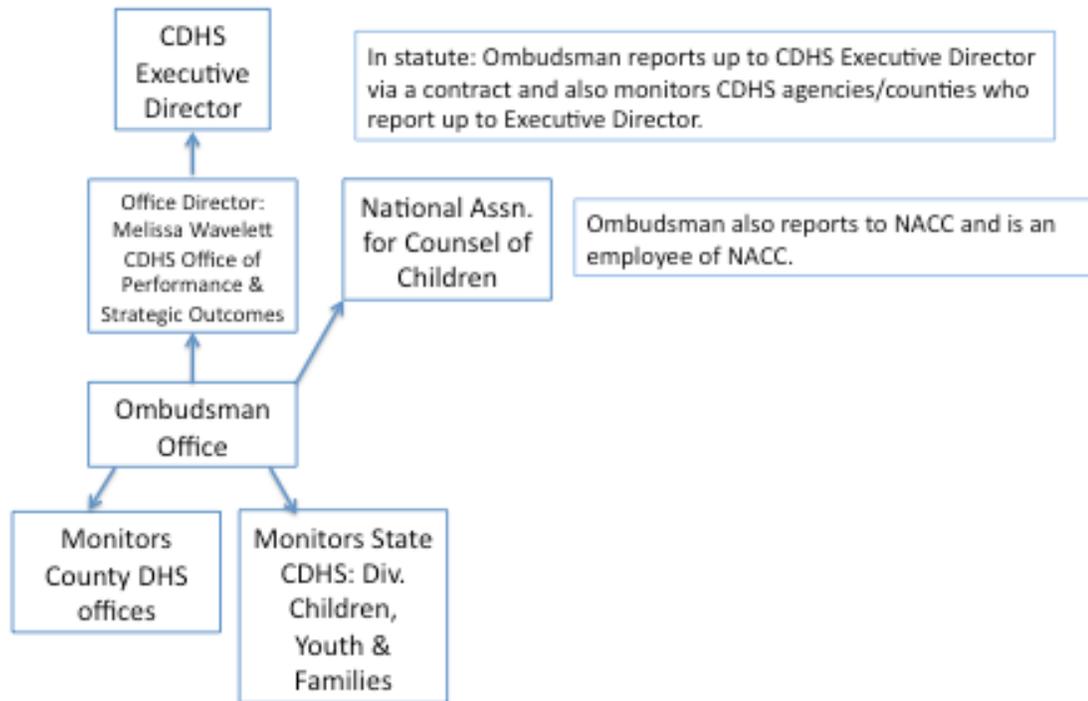
## Pros

- Well-respected office by legislature, Governor, & public
- Auditor's office already set up as autonomous office in legislature
- Audit staffs do similar investigative work of governmental systems
- Also appointed by 2/3 vote of Legislative Committee. Could replicate similar structure.

## Cons

- Auditor's office not experts in child protection
- Would need to have autonomous decision-making to apply to child protection reviews/investigations
- If reporting to Auditor, potential conflict of interest when the Ombudsman Office is audited

# Current CDHS Model



## Pros

- Some counties & state think it's going well as is.
- Have monthly meetings w/CDHS & ombudsman for follow-up on recommendations for improvement.
- Wouldn't need to make any structural changes.

## Cons

- Budget requests reliant on Governor's recommendations
- Dependent on who is the Governor/CDHS Exec Dir. at the time—objectives, priorities often change w/every new Governor.
- Ombudsman reports to the same executive branch agency that s/he monitors.
- Current public perception that Ombudsman “in bed with” CDHS/counties.
- Current conflict in statute and Ombudsman Performance Audit Report (p. 23-24) for both Ombudsman & CDHS to do their jobs effectively.
- Unpredictability of contract for non-profit org & employees.

## Using an Independent Board to Advise the Ombudsman Office

The Ombudsman must be accountable and as such, there was broad support for an oversight Board for the Office with the authority to: hire and fire the Ombudsman, investigate grievances against the Ombudsman, and, in consultation with the Ombudsmen, establish policies for the Office investigations. It was suggested that we could put in sufficient guardrails with an independent board to avoid politicizing the Office and lend expertise from child protection experts.

This structure gained support from all members depending on how it was considered:

- As a statutory board similar to the Office of the Child's Representative in the Legislative branch rather than the Judicial branch, or
- As a Type 1 Board in an executive agency

There are many types of work groups and advisory boards throughout all three branches of government. We specifically looked at the structure of the statutory Board for the Office of the Child's Representative (OCR) within the Judicial branch and a Type 1 Board similar to the Developmental Disabilities Council under the Department of Human Services.

### **Recommendations for the Ombudsman Board General Characteristics**

- Members appointed by the Legislative, Executive, and Judicial branches by leadership of both political parties
- 13-15 members
- Members would need child welfare policy expertise or system experience
- Include general public member(s)
- At least 1 member having been a child in the foster care system
- At least 1 member from a rural county human services agency or rural private child welfare advocacy agency
- The remainder comprised of members similar to the SB 14-201 workgroup like staff of CDHS, county and community partners, foster parents, business people who are interested in this area of community concern, health and hospital experts, law enforcement, judicial, educational experts, and others.
- Board members could only be removed by cause
- Board members would have staggered 3- or 4-year terms

### **Recommendations for Specific Board Positions**

- Youth, formerly in the system
- Staff of County department of human/social services
- County attorney dealing with Dependency and Neglect (D&N) cases
- County commissioner
- Staff of Colorado Department of Human Services
- Mandatory reporter
- Private service provider
- Adults, respondents formerly in the system
- Child protection advocates
- Office of the Child’s Representative
- Foster parent or former foster parent
- Law enforcement
- Respondent parents counsel
- Legislators with knowledge of child welfare policy
- General Public

### **Recommendations for Balance of Appointments**

	<u>Appointments If in Executive Branch</u>	<u>If in Legislative Branch</u>
House	4	3
Senate	4	3
Chief Justice	1	1
Governor	4	6

### **Parameters and functions of the Board that were agreed upon:**

- The board would advise the Ombudsman similarly to the Office’s existing Advisory Council, yet additionally assist with establishing policy. Would need to clarify in statute which rules the board would advise on and which rules they could force on the Office. There would be votes on some policies and on potential grievances about the Ombudsman Office. Ex) The timeframe required to complete investigations might be a required policy of the Office.
- The board would hire and fire with a required 2/3 majority vote, address grievances, and monitor the Office for efficacy.

- It would not serve as an “operating” board with any influence over day-to-day operations.
- Assisting with the Memorandum of Understanding (MOU) between the Ombudsman and the CDHS and counties could be a Board function.
- The Ombudsman would be an at-will state employee who would be nominated or hired/fired by 2/3 vote of the Board.
- Board meetings would be public and transparent with the exception of executive actions as with hiring/firing processes or necessary for confidentiality of children’s/parents’ personal data per CAPTA and Colorado privacy laws.

**NOTE:** Some from both opinion “camps” thought they were compromising with having an independent board. The majority thought they were compromising by inserting a board of child protection experts within the Legislative model. The minority group thought they were compromising by inserting a Type 1 board into the current CDHS model. However, there was significant support on both sides for an independent board model.

### Matching Criteria/Priorities With Models

The criteria and priorities that were agreed upon were then matched to the various models and put into this table. The Governor/Lt. Governor’s model was eliminated as an option for most of the group due to its inherent challenges with the Office being at the potential political whim of one voice or one stroke of the pen. Leaving the Office under the Department of Human Services was also ruled out by the majority of members not wanting to pursue that model. Therefore, you will see three models on the following grid of criteria.

	<b>Legislative Branch</b>	<b>State Auditor</b>	<b>Independent Board Model (Under an executive agency or Legislature)</b>
1. Longer term program stability for govt. employees	Yes	Yes	Yes
2. Employee benefits	Yes	Yes	Yes
3. Away from current CDHS control system	Yes	Yes	Yes, if in Legislature or different agency
4. Own Budget line item	Yes	Yes	Yes
5. Ombudsman makes direct request to legislature for budget	Yes	Yes	Yes, if clarify in statute that all budgets would be reviewed/approved by legislature only. Board might advise on budget, but not decide on budget.
6. Sufficient power	Yes, if put in statute	Yes, if alongside of Auditor, not reporting to Auditor.	If put in statute
7. Autonomy	Yes, balanced w/2/3 vote	Disagreement about this.	Yes, depending on where it is housed and who appoints the Ombudsman and board. Confirmation by Senate.
8. Grievance process	Yes	Yes	Yes, goes to the board if an issue with the Ombudsman's conduct. It would stop at the board.
9. Jurisdiction is clear	Need to ensure clarity is in statute	Need to ensure clarity is in statute	Needs to ensure clarity is in statute

10. Collaborative relationship	Yes, as long as current communications continue. Could be in MOU.	May not enhance collaborative relationship <i>unless</i> put in statute re: monthly meetings, etc. Could use an MOU to define.	Yes. It would need an MOU.
11. Stability, don't want to revamp known procedures	Yes, some may need to be in statute or MOU w/CDHS	Yes, some may need to be in statute or MOU w/CDHS	Yes, as long as it is in statute that the office can't be removed, defunded, etc.
12. Annual report/joint tracking of recommendations for change	Yes, already in the statute	Yes, already in statute	Yes, already in statute
13. Personnel costs	Yes, would be in Ombudsman's budget	Yes, would be in Ombudsman's budget	Yes, would be in Ombudsman's budget
Additional Information	Rules vs. Statutes- statutes are legally binding; rules would be more like policies and procedures. What you really care about you'll want in statute.	Rules vs. Statutes- statutes are legally binding; rules would be more like policies and procedures. What you really care about you'll want in statute.	Rules vs. Statutes- statutes are legally binding; rules would be more like policies and procedures. What you really care about you'll want in statute. Care will have to be taken to structure the board to allow for expertise, etc.
Does it elevate the prestige of the office	Yes	Disagreement here. Yes, to some, No to others	Yes to some, depending on if in state agency or in Legislature.
Would a "minority report" be required	Maybe	Yes	Maybe, depends on where it is housed
Does it elevate the cause of children?	Yes	No	Depends on where it is housed

## Hybrid Model: In Executive Agency Outside of CDHS But With Legislative Oversight

A last proposal put on the table for consideration was a blend of Executive and Legislative oversight. The Ombudsman Office would be housed in an Executive agency other than CDHS (like HCPF, CDPHE, DPA, or CDPS), but *with* a Legislative Oversight committee.

This option was not thoroughly discussed because the counties did not think that would be considered a viable option for them. So we did not reach full consensus with that model.

## Hybrid Model: Executive Agency Outside of CDHS with Independent Board

Also a later proposal was a compromise consideration to house the Office within an executive agency outside of CDHS, yet with an independent board.

Philosophically, some members had serious reservations about any executive branch agency, due to the ultimate reporting up to the Governor within the same branch as CDHS. At the end of the process, they were open to discussing that model if there would be an independent board attached. This came up as a last suggestion and was not thoroughly explored as the minority/CDHS/counties thought they couldn't consider a board unless it was under CDHS. Therefore, the group thought it wouldn't be time-effective to discuss further.

## Arriving at Decisions

Throughout the facilitation, Dr. Alexander made every attempt to ensure every voice at the table (and beyond) was heard. With every winding and tough discussion, he drew out of the group consensus that could be made and ensured notice of any dissenting voices. Included in this report, are those items that have complete consensus, those with a majority of agreement, and those of a minority opinion.

With that, there are some general conclusions, some yet to have agreement, and some that may never have full agreement.

# Whole Group Consensus Recommendations

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Amidst all of the diversity of thought, it was still possible to get to agreement on many findings and recommendations. Here they are.

## What Works Well in Current CDHS Contract Model

### **Communications and Feedback Loop with CDHS and Counties**

- Communication between the Ombudsman, CDHS, and counties has good structure and processes now. Regular meetings occur between the Ombudsman and Division of Children, Youth, and Families so each can stay current on changes, trends, and concerns. The feedback loop between the Ombudsman and the Division of Youth and Families has helped with the ability to ensure that CDHS follows up on recommendations and that the Ombudsman is aware of relevant system improvement projects.
- Child welfare expertise in the Office has contributed to the earned respect for the Office by the child welfare community.
- There are now known procedures and processes for the Office, CDHS, and counties.
- Proposed rules have been developed and will provide structure and predictability. These rules need to be finalized.
- Recommendations to CDHS and counties are discussed, and actions/non-actions are tracked.
- The recent audit of the Ombudsman Office completed by the Office of the State Auditor "...did not find evidence that the Department had infringed upon the Program's independence."

## What Doesn't Work Well

### **Instability of Ombudsman Office**

- Because of the constraints of a yearly contract, the Ombudsman and staff are not certain if their employment is going to be retained from year to year. Thus, they do not feel secure or safe from potential retaliation.
- As part of a non-profit, the staffs do not have the sustainability of steady benefits and limited predictability from a human resources perspective.
- The Ombudsman cannot effectively control his own Office's budget requests through the Joint Budget Committee process. The Office is under the department's budgetary

process, priorities, and requests. (As an example of this in 2013/14, the Ombudsman's requests for an increase to keep up with the increase of incoming complaints were denied.) An autonomous Ombudsman Office needs to have an independent budget.

## Necessary Criteria for Stability/Sustainability of Ombudsman Office

The entire group believed the Office of the Child Protection Ombudsman was an entity with a critical purpose and should be sustained. These are the criteria that everyone agreed would need to be in place for the stability and sustainability of the Office.

- The Ombudsman program should not be on a contract, and all Office staffs should be state employees with benefits.
- Move the Office from a contract to an actual department or branch.
- No State agency may alter or redact any part of any Ombudsman report. A CDHS, county or other relevant party may file a response.
  - No one can prevent the report from being published publicly or intervene in the publishing of the report unless publishing the report would interfere with an ongoing criminal investigation.
  - No one can direct the Ombudsman to start or stop an investigation, or intervene in an ongoing investigation.
  - No one can intervene in the day-to-day operations of the Office.
  - Allow Ombudsman to own his/her own budget line. Able to directly request to legislature. (Similar to OCR.)
  - The Ombudsman alone would have independent authority over his/her operations or operating rules, personnel decisions, and budget.
  - Only the Ombudsman can hire or fire Office staff. (The Ombudsman must comply with State Personnel Policies.)
  - Cannot dissolve the office without a 2/3 vote and the Governor's approval
  - If there would be an independent Board, Senate confirmations would not be necessary for the committee/board members.
  - Similar to the Developmental Disabilities Council, the physical office should be independent from the branch it is housed in.

## Housed Outside of the Judicial Branch

Placement of the Ombudsman Office within the Judicial Branch was briefly discussed and disregarded based on possible separation of powers issues. As the neutral arbiter of Dependency and Neglect (D&N) and child abuse cases, it is the Judicial Department's opinion that it would not be appropriate to locate the Ombudsman office within the Judicial Branch. The courts do not take a policy position as to the location of the office between the Legislative and Executive Branches.

## Implementation of a Memorandum of Understanding

The important and good relationships established between CDHS, the counties, and the Ombudsman can be continued and developed anew as personnel changes occur over the years. If it is moved outside the Department of Human Services, it is recommended that they continue this within the structure of a Memorandum of Understanding (MOU). (The State of Washington has a template that could be considered.)

### **Necessary components to include:**

- In order to maintain a positive relationship with CDHS and the counties, there needs to be a strong, fair MOU for the autonomy and accountability of the Ombudsman Office. It would have agreements between the State, the counties, and the Office about operating rules and policies between the entities.
- All parties would be expected to abide by the MOU. The MOU could not be changed without all parties' agreeing to those changes.
- To prevent any "stand-offs," the statute can include that all parties shall work together to develop an MOU within a certain timeframe or they must go to a mediator or facilitator to complete consensus on the agreement.
- In the MOU, many would like to see the ombudsman garner support contractually from CDHS in the area of outreach.

## Rules for the Ombudsman Office

The entire group agreed that rules for the office need to be established and directions need to be transparent wherever the Office is housed. Below, are some options and parameters protecting the autonomy and promoting the accountability of the Office:

- If there is an Ombudsman Board, the Board could consider the rules currently being proposed by CDHS to the Human Services Board and modify them as appropriate or relevant, depending on where the Office is housed.
- The rules would apply to the Ombudsman Office only, and no other entity.
- General guidelines or requirements for the Office could be put in statute, and the Board could help establish the rest, with the exception of the Ombudsman Office operations, personnel and hiring decisions, which would only reside with the Ombudsman.
- The Ombudsman office in conjunction with the Board could make rules.
- If there is no Board, the rules could be established in the Memorandum of Understanding.

As evidenced above, there has been movement and compromise on both sides during these work group meetings.

# Majority Recommendations

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Compromises and full agreements were made on many items outlined above. Where we don't have complete consensus is where the Office should be housed. Below, are the recommendations from 2/3 of the group in the majority (persons representing child advocates, foster care parents and youth, law enforcement, child protection ombudsman staff, guardians ad litem, legislators). Following, there is a section covering recommendations from the minority (CDHS/counties).

## Need for Ombudsman Office Outside of CDHS

In 2010, while creating the Office of the Child Protection Ombudsman, there were significant discussions as to where the office should be located. The location was of tremendous concern given the Ombudsman's statutory duties to oversee child welfare agencies.

During the 18-month stakeholder process, it was discovered that the Executive branch and counties wanted the Ombudsman Office under the Colorado Department of Human Services (CDHS), yet on the other side, child advocates and other stakeholders wanted the office located outside of the department it was statutorily created to oversee. The idea was to avoid inherent conflicts of interest that could arise.

After attempting to negotiate various "homes" in all three branches for the Office other than CDHS, the legislature compromised and housed the Ombudsman under CDHS via a contract to the Executive Director of Human Services. Members and the other stakeholders realized at the time that it was better to open the Office and start some oversight of the child welfare system that would be partially outside the system, even if it was not optimal, rather than wait. The public wanted to see some progress so the 2010 General Assembly passed SB10-171 unanimously. Thus, the Office of the Child Protection Ombudsman was created and opened by the following May in 2011.

Over time, it has become clear that due to the organizational structure put in statute, there is a conflict where both parties struggle to fulfill their own statutory obligations.

On one hand, CDHS is required to oversee the Ombudsman program, monitor the budget, control hiring and firing of the contracting agency, etc. The Ombudsman, on the other hand, is required to investigate concerns and complaints by the public regarding child welfare agencies under the supervision of CDHS.

This statutory tension was noted in the 2014 State Performance Audit on the Child Protection Ombudsman Office, "An ombudsman's fundamental responsibility is to serve as an unbiased entity that investigates concerns regarding the operation of a program to improve the operations, accountability, and transparency of the program and allow stakeholders to voice their concerns about the program without fear of reprisal. To effectively carry out this responsibility, an ombudsman must be free from control, limitation, or retaliation from any person or organization that may be the subject of a complaint or inquiry. An actual or

perceived lack of independence can hinder the Program's operation and diminish public trust in it. We identified concerns with the independence of the Program structure at the beginning of the audit. Through the work completed during the audit, including a review of statutes, the detailed work plan, and the Program contract, as well as interviews with Department and Program staff, we concluded that the current organizational structure of the Ombudsman Program may not be ideal to achieve the optimum level of independence necessary to fulfill the legislative goal of the Program. There are two key areas inherent in the current organizational structure of the Program that may raise a question about the independence of the Program, either in fact or in appearance and make it difficult for the Program to operate optimally. First, the Ombudsman Program is authorized to review and investigate the Department as well as the counties that the Department oversees with respect to child protection services. At the same time, the Department has control of the Program contract and is the decision-maker as to whether the contract will be renewed and Program staff will have a job. This can affect the Program's investigative function and may make staff hesitant to conduct investigations and issue reports that reflect negatively upon the Department. We did not find evidence that that Department had infringed upon the Program's independence; however, Program staff indicated their unease..."

The conflict exists due to the fact that the Ombudsman Office is authorized to investigate the Department and the agencies it oversees and that the structure of a contract are both in statute.

Although the contract is with a non-profit organization separate from the Colorado Department of Human Services, it is managed by the Office of Performance and Strategic Outcomes, which reports up to the executive director of CDHS. This creates an inherent tension when the Ombudsman attempts to act independently and monitor the department, and the department tries to monitor the Ombudsman office via the contract. One example of this is the incompleteness of any rule-making regarding the Ombudsman Office; demonstrating the hesitance of the department and child advocacy resistance putting forth a proposal for rules, even into the Office's fourth year of operation. (As of this month, the rules are now in the process with the State Human Services Board.)

The Ombudsman reports to the department it monitors creating strained relationships at times from both parties and creates the appearance of impropriety in that the Office does not appear to be independent of the Department. Due to this inherent statutory conflict, SB14-201 created the Child Protection Ombudsman Advisory Work Group to resolve this and increase the autonomy and accountability of the Office.

From the Child Welfare Performance Audit of October 2014, on the first page, it states, "Concern: Our audit found deficiencies in the Department of Human Services (Department) oversight of and guidance for county departments of human/social services, particularly with respect to screening and assessing child abuse and neglect allegations. The audit findings collectively suggest a need for the Department to improve its supervision of the child welfare system to promote strong and consistent practices by the counties to help protect children."

Given this finding, work group members thought the role of the Ombudsman became even more important and the autonomy and accountability became even timelier. We know that there are deficiencies so to truly identify and address those deficiencies specifically the Ombudsman must be independent.

It is the belief of the entire work group that CDHS is working very hard to change the landscape and procedures, rules, and transparency within the child welfare system. The group also acknowledges the numerous positive changes that the State department and the counties have made in recent years. The following recommendation of moving out from under the CDHS executive director's office is to remove any appearance of impropriety, thereby restoring the public's confidence that the Ombudsman office is genuinely an independent agency.

Some of these concerns discussed or submitted by 11 of the 16 members (including those representing legislators, youth formerly in foster care, foster care agencies, guardians ad litem (GALs), community child advocates, court-appointed child advocates, attorneys for children, and law enforcement) include:

- The public perception from the concerned complainant or concerned citizen is their reality. Committee members representing foster, kinship, and adoptive parents and children indicated that these populations often time feel marginalized by the child welfare system. The Ombudsman office provides a meaningful vehicle for them to be heard.
- As noted by the American Bar Association and the United States Ombudsman Association, autonomy is necessary for any ombudsman to be fully effective. An independent office means that this office must report to an independent third party, and this cannot be achieved under the CDHS. It does not make sense to house the organization under the very agency it is charged with investigating. This creates the appearance of impropriety and erodes the public's confidence in the Ombudsman.
- During the presentation and report from the State Auditor's office of the Audit on the Child Protection Ombudsman Office, the audit staff found that there are facts and appearances showing that the office doesn't have full independence from CDHS.
- There is a public perception that having the Ombudsman under CDHS puts him/her on "their side" because the public sees the Office as reporting to the CDHS director. They do not see the Ombudsman as being separate from the department. Almost none of the public is aware it is under a non-profit contract and those who are do not understand the nuanced relationship.
- There is a concern about the ratio of the complaints and concerns and those that rose to the level of concern to be investigated further.
- Questions arise of possible collusion, potential hesitance of the ombudsman to push the department or the counties in fear of not getting future cooperation with them or fear of funding being reduced or removed.

- There was feedback from law enforcement reporting that keeping the investigation process in the executive branch has created issues. They feel that there have been instances where the executive directors has interfered or directed investigations more than is necessary.
- The role of the Office is not providing direct services; it is oversight of services. It shouldn't be in another agency because it is monitoring the agencies.

If the Ombudsman were to remain under the DHS, there could be a future chilling effect on the public's willingness to call, or the youth in foster care or the workers within the system, thus making the Office less effective.

## First Preference of Legislative Oversight Model

It was the first opinion of the majority of voting members and advice from the Child Protection Ombudsman (non-voting member) to move the Office into the Legislative branch. Below, is a compilation of those opinions.

### Why the Legislature?

The majority of the work group members agree with the American Bar Association and the United States Ombudsman Association guidelines for a legislative model for the ombudsman office. The role of an ombudsman is to provide for the public an autonomous and accountable voice of oversight of governmental agencies-- according to the research gathered from the above organizations, National Conference of State Legislatures, the historical and recent white papers on ombuds governance models, the leading international expert on ombudsman offices, and the independent ombudsmen currently operating around the country.

To be able to provide that voice with no appearance of impropriety or possible collusion with an executive agency, the ombudsman office should be housed in the legislative branch, which is the oversight branch and the direct representative voice of the people.

A short excerpt from the "Essential Characteristics of an Ombudsman" document the classical ombudsman office in the Legislative model, which further demonstrates the independence the ombudsman can have when housed in the Legislature.

**"The Ombudsman acts as an officer of a legislative body or on behalf of the legislative body, and is independent of the organizations the Ombudsman reviews.**

The Ombudsman is made a part of the legislative body to achieve functional and political independence from the organizations or agencies the Ombudsman reviews. Complaints officers who are not independent of an agency they receive complaints about may not act impartially but rather act to protect the organization.

Ombudsmen are independent so they may be impartial. Their findings and decisions are based on examination and analysis of the facts and law. They must be independent and avoid even the appearance of serving the interests of the organizations they investigate if complainants are to trust the results of their investigations.

The Ombudsman is also free of functional control by the legislative body. Legislative control is exercised instead through appointment, re-appointment and removal. Rigorous selection and other restraints imposed by law ensure that the Ombudsman requires no further control. The office must not appear to serve the agenda of legislative or government leaders. That independence creates credibility for the office among the people, particularly those who complain.”

Being in the legislature elevates the priority of children and their safety. The other options within the Executive branch do not add anything to the office.

One person, one party, runs the Executive branch. But in the Legislative branch, there may be a majority party, but there are still more than one party represented. There are also 100 legislators representing people across the state with a myriad of perspectives and experiences.

"Best Practices" of the ABA and US Ombudsman Association suggest that autonomy and accountability are not only critical, but go hand in hand. Currently, in the work group, although everyone is looking out for the best for children, we may have different means to achieving these goals. With more transparency, autonomy, and accountability via legislative oversight, the majority believes that the child welfare system could serve children better.

The Child Protection Ombudsman's office is unique, and it has a compelling mission...to protect children and to ensure the most effective child protection system. This office is not just another agency. Its oversight responsibility extends to all agencies that serve children in the care of the state. It should not be influenced by any other agency, either directly or indirectly, nor should it bear the burden of another agency's reputation in the community. The critical oversight responsibility of the Ombudsman is best achieved by housing the Office in the Legislature, which itself has oversight responsibility. Not only would it provide the freedom to do the best job for children, it would also increase awareness, make children a statewide priority and elevate the status of this office and the children it serves. It would also minimize any pressure to insulate Executive branch agencies.

CDHS has worked well in the most recent past with the Ombudsman, and it is appreciated how well they have worked together, but there are concerns for the future, as there are changes in staff, Governors and Legislature. This Office needs to be a solid base that will be part of the care for the children of Colorado long term. Being in the Legislature with these precautionary measures, we are given the best chance to withstand the influence of any particular person, party, or political whim.

## How Could it be Structured?

Although there have been numerous improvements in the child welfare system over the last six years with the legislature, both Governors Ritter and Hickenlooper, CDHS, and the counties, legislators continue to receive requests from citizens across the state for a more independent ombudsman with broader powers and duties. Therefore, representing those citizens' voices, the Ombudsman Office should be housed in the legislative branch similar to the structure of the State Auditor.

Many (including the group members representing legislators, youth formerly in foster care, foster care agencies, guardians ad litem, child advocates, court-appointed child advocates, attorneys for children, law enforcement) believe that to create the most autonomy and accountability, the Child Protection Ombudsman Office ought to be structured similarly to the State Auditor with legislative oversight.

- Could have an oversight committee (comprised of even numbers of Senate, House and political parties similar to the Audit Committee).
- The committee could confirm the appointment of the ombudsman with a 2/3 majority to avoid any potential politicizing.
- The committee could be a stand-alone Child Protection Ombudsman committee, meeting only for hiring/firing of Ombudsman and hearing the annual reports from the Office.
- The function could be under the Legislative Council Committee with a minimum of a 2/3 vote required for hiring/firing the Ombudsman with the Joint Health and Human Services committee hearing the annual reports.
- An independent board of child protection experts, legislators, people formerly in the system, and the public could be established to advise the Ombudsman and the Legislature about the Ombudsman Office. (Similar to the statutory Office of the Child's Representative Board.)

The perception of the public is critical, especially in a closed system. Everybody in the system cares about children, yet children are still harmed, and tragically. The Child Protection Ombudsman Office was created to ensure that everyone does a better job for children. The Legislature offers the best chance for the Ombudsman to be successful.

## Independent Budget of Ombudsman Office

The autonomy of the Ombudsman to be able to advocate and manage his/her own budget was discussed at length and desired to be a separate line item on the annual State budget.

- The Ombudsman Office needs to be independent from the CDHS budget. Some members of the work group were concerned that CDHS would not consider budget requests from the Ombudsman Office independently and would not seek the level of funding requested by the Ombudsman. For example, for the current fiscal year, CDHS requested a 2% increase for all providers, including the Ombudsman Office, and did not request additional increases for the Ombudsman.
- There was concern that CDHS might allow the ombudsman office to be thrown in with all the other divisions and departments that is not appropriate - the 'every department received the same 2% increase.' Maybe some did not need any increase and other departments needed more.
- The Child Protection Ombudsman Office would present his/her own budget to the Joint Budget Committee (JBC).
- They should receive office staff and office space independent of any State department.
- The Office needs sufficient funding to allow for an increase in the level of complaints or concerns that will come in as the public becomes more aware of the Office.

# Minority Recommendations

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Colorado Counties, Inc. (CCI), the Colorado Human Services Directors Association (CHSDA), the Dependency and Neglect County Attorneys, and the Colorado Department of Human Services (CDHS) submit this minority report to the Colorado General Assembly.

Each of the entities listed above participated fully in the Child Protection Ombudsman Work Group. Representatives from each of these entities attended multiple daylong work group meetings, sharing organizational and constituent perspectives at each meeting.

Each of these entities came to each meeting prepared to discuss potential alternatives to the current Ombudsman office structure. Unfortunately, frequently, these groups did not see their perspectives and voices reflected in meeting minutes. These groups also did not see their voice in the final work group recommendations. For this reason, these organizations requested the opportunity to share a different perspective in the form of a minority report.

While the work group facilitator did an impressive job of making sure that all voices were heard at the meetings, ultimately, the group was unable to come to a consensus on certain fundamental issues considered by the work group.

## Areas of Agreement

CCI, CHSDA, the Dependency and Neglect County Attorneys, and CDHS were open to compromise and adjustments to the current program. Specifically, these entities agree with the following work group recommendations:

- Ombudsman staff should be provided with state benefits (Note: If the current office structure remains, this will not be possible. CDHS cannot provide benefits to a contractor, as contract employee benefits are provided through the contractor.)
- No one should be able to change an Ombudsman report
- No one can direct the Ombudsman to start or stop an investigation or intervene in an investigation
- No one should intervene in the day to day operations of the Office
- The Ombudsman should control staff hiring and firing
- No one should be able to dissolve the program. This should require a 2/3rds vote of the legislature
- If there is a board overseeing the program, an emancipated youth should be required on the board

## Key Areas of Concern

CCI, CHSDA, the Dependency and Neglect County Attorneys, and CDHS believe that the current structure has been working effectively and should remain intact.

In the absence of concrete evidence that the current model is not working, these entities believe the Ombudsman Program should not be moved, which could lead to a disruption and roll-back of the recent progress made, which has led to the success of the program.

A recent audit of the office found no evidence that CDHS had “infringed upon the Program’s independence” (pg. 23). While work group members and the auditor were able to point to a *perception* that the Ombudsman’s office is not independent, there is no documented evidence or data that this has been a problem.

According to the Ombudsman’s 2013-2014 Annual Report, the office received 405 calls during the year. The Office reviewed 397 calls, and affirmed the work of the county 97% of the time. Calls to the Ombudsman’s office increased by 160% between FY 2012-2013 and 2013-2014, which validates the progress the office has made in raising awareness about its existence and calls into question the assertion that people will not call an office connected to CDHS.

CDHS has the expertise in child welfare that is required to understand and respond to the issues recommended for improvement by the Ombudsman.

While these organizations were open to creating a Type 1 board model for the Office of the Child Protection Ombudsman, the task force could not reach consensus on this concept. In particular, the group could not reach consensus on a Type 1 board connected to CDHS. This lack of consensus has led county and state partners to reconsider the need to change the current structure at all.

At several meetings, CCI and CHSDA requested evidence that the placement of the Office of the Child Protection Ombudsman had caused specific challenges for children. No evidence or data was provided, despite multiple requests for this information.

CCI, CHSDA, the Dependency and Neglect County Attorneys, and CDHS have significant concerns about placing the Office of the Child Protection Ombudsman in the Legislature. This issue is the primary point of disagreement among task force members. State and county partners have grave concerns with this office becoming politicized if it is placed in the Legislature. This option, proposed by some work group members, would place the office squarely in a political position, which is not in the best interest of the children served by the child welfare system. CCI, CHSDA, the Dependency and Neglect Attorneys, and CDHS also have concerns about turnover in the legislature, which could lead to inconsistent leadership.

Finally, the state and county partners are firmly opposed to providing the Office of the Child Protection Ombudsman with subpoena power. Again, there is no evidence that a lack of subpoena power has presented problems for the Ombudsman’s ability to access information. Perhaps in part due to the current location of the Ombudsman office, a collaborative

partnership has been established between the Ombudsman, CDHS and the counties. The current Ombudsman reported at one work group meeting that he has had no experience with an entity he was investigating failing to provide requested information. Subpoena power is not necessary and will only place further administrative and legal burdens on an already overburdened system. This could also create an adversarial relationship that currently does not exist and increased legal costs to counties.

CCI, CHSDA, the Dependency and Neglect County Attorneys, and CDHS believe the success of the Ombudsman program lies in the ability to establish collaborative partnerships and a close tie to program experts who can impact system changes as lessons are learned from investigations. A great example of how this model works best is when a county proactively requests the Ombudsman's support in investigating a case that raises concerns, so they can learn from their mistakes. A Denver County case was recently reported in the media, in which the county asked the Ombudsman to launch an investigation to help identify a challenge. We see this as a success for the program and for children in Colorado, which may not have happened if the Ombudsman's office were placed in the Legislature.

## Conclusion

Due to the fact that there is no evidence or data that suggests the current model and placement of the Child Protection Ombudsman as a third-party contract agency administered through the Executive Director of the Department of Human Services is not working, or that the independence or autonomy of the Ombudsman has in any way been infringed upon or interfered with, this group is recommending that the program remain as is in location and program management (Option #1).

However, if it is determined that the Office must change in structure in some way, CCI, CHSDA, the Dependency and Neglect County Attorneys, and CDHS are willing to consider the establishment of a Type 1 Board with dotted line authority to CDHS (Option #2).

Colorado Counties, Inc., the Colorado Human Services Directors Association, the Dependency and Neglect County Attorneys, and the Colorado Department of Human Services urge the General Assembly to consider the implications of moving the Office of the Child Protection Ombudsman out of the Colorado Department of Human Services. Without evidence that the placement of this Office is causing problems, we are concerned that a move will actually impede the progress that has been made to develop a strong program, informed by expertise and supported by collaborative partnerships and the general public.

# Discussed, Yet No Recommendations

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## Subpoena Powers

There was a robust discussion about subpoena powers. The parties discussed whether there was a need for some level of subpoena power for the ombudsman to be able to perform his duties in investigations. There was significant disagreement regarding the need for this power and the impact it could have on his operating budget through more court involvement in the investigative process.

It was mentioned by Dean Gottehrer, the ombudsman expert, that most ombudsman offices have subpoena powers, yet rarely use them. Sometimes, the agency being reviewed prefers to have the subpoena issued.

The existing statute requires the counties to provide all requested documentation without any subpoena.

According to the State and counties, there is no evidence that a lack of subpoena power has presented problems for the Ombudsman's ability to access information. Perhaps in part due to the current location of the Ombudsman office, a collaborative partnership has been established between the Ombudsman, CDHS and the counties. The current Ombudsman reported at one work group meeting that he has had no experience with an entity he was investigating failing to provide requested information eventually. The State and counties believe that subpoena power is not necessary and will only place further administrative and legal burdens on an already overburdened system. This could also create an adversarial relationship that currently does not exist and increased legal costs to counties.

So, in light of the high level of conflict around this issue, everyone agreed to take it off the table for the work group to further consider.

## Conclusions

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As evidenced in this report, we did address the autonomy and accountability of the Child Protection Ombudsman Office. There has been some compromise, and some full agreements were made on many items during the work group process. Complete consensus was not made on where the Office should be housed. The definition of autonomy of the Office seemed to be the overall sticking point of the differences of opinion.

Therefore, the recommendations from the Child Protection Ombudsman Advisory Work Group are enjoined in some areas and split in others as referenced in the above sections. Thus, the Colorado General Assembly may use the options laid out in this report to inform any legislative changes they may decide to pursue.

# Appreciation and Recognition

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Thank you to the Child Protection Ombudsman Advisory Work Group members who gave so many long hours, along with their expertise and passion, to this critical project.

Huge appreciation to Dr. Paul Alexander of the Institute on the Common Good for his willingness to plan and facilitate the meetings as a professional neutral third party in order to ensure a process that was run smoothly, efficiently and within integrity of fairness and impartiality.

Thank you to Fredricka Brown and the rest of the Regis University staff for their hospitality, flexibility, and readiness to be so accommodating to the work group's needs.

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Many thanks to Dean Gottehrer, international expert on Ombudsman Programs governance, for his numerous hours of pro bono consulting and support to our thought-provoking process.

Gratitude to the members of the community and other interested parties that attended the meetings, gave input, and reminded the work group of the importance of the task they undertook; the protection of children and families.

## Further Gratitude and Recognition

Reggie Bicha, Executive Director of Colorado Department of Human Services  
Becky Miller-Updike, first Child Protection Ombudsman  
Dennis Goodwin, current Child Protection Ombudsman  
Child welfare workers at all levels for their daily tireless efforts in protecting children  
2010 General Assembly for establishing the Office of the Child Protection Ombudsman  
2014 General Assembly for the Child Protection Ombudsman Advisory Work Group