

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0806.01 Alana Rosen x2606

HOUSE BILL 25-1200

HOUSE SPONSORSHIP

Feret,

SENATE SPONSORSHIP

Cutter,

House Committees
Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE OFFICE OF THE CHILD**
102 **PROTECTION OMBUDSMAN.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill reorganizes and updates statutes pertaining to the duties of the office of the child protection ombudsman (office) and the child protection ombudsman (ombudsman).

The bill:

- Clarifies when the ombudsman may receive and conduct an independent and impartial investigation of complaints

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- concerning child protection services;
- Reorganizes statutes that pertain to when an ombudsman investigates a complaint;
- Reorganizes statutes that pertain to the ombudsman's duties;
- Reorganizes and creates a new provision that pertains to the office's access to information necessary to conduct an independent review of a complaint;
- Reorganizes and creates a new provision focused on the office's and ombudsman's duty to confidentiality; and
- Provides the office access to residential child care facilities and facilities established and operated by the department of human services (facilities). The office may only access facilities in coordination with the facility directors in response to a request from a child or youth residing in the facility; in response to a request from a child's or youth's family member, caregiver, or other concerned individual; or to distribute materials created by the office informing children or youth on how to access the office, the office's services, and how to file a complaint with the office.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 19-3.3-101.5 as
3 follows:

4 **19-3.3-101.5. Definitions.** AS USED IN THIS ARTICLE 3.3, UNLESS
5 THE CONTEXT OTHERWISE REQUIRES:

6 (1) "COMPLAINT" MEANS A REPORT OR COMPLAINT RELATING TO
7 AN ACTION, INACTION, OR DECISION OF A PUBLIC AGENCY OR A PROVIDER
8 THAT RECEIVES PUBLIC MONEY THAT MAY ADVERSELY AFFECT THE
9 SAFETY, PERMANENCY, OR WELL-BEING OF A CHILD OR YOUTH.

10 (2) "FACILITY" MEANS A FACILITY ESTABLISHED AND OPERATED BY
11 THE STATE DEPARTMENT PURSUANT TO SECTION 19-2.5-1502.

12 (3) "OFFICE" MEANS THE OFFICE OF THE CHILD PROTECTION
13 OMBUDSMAN ESTABLISHED IN SECTION 19-3.3-102.

14 (4) "OMBUDSMAN" MEANS THE DIRECTOR OF THE OFFICE AND A

1 PERSON APPOINTED TO SERVE AS THE CHILD PROTECTION OMBUDSMAN.

2 (5) "STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY" HAS THE
3 SAME MEANING AS SET FORTH IN SECTION 26-6-903.

4 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-102, **amend**
5 (1)(a) and (3)(a)(I) as follows:

6 **19-3.3-102. Office of the child protection ombudsman**
7 **established - child protection ombudsman advisory board -**
8 **qualifications of ombudsman - duties.** (1) (a) The independent office
9 of the child protection ombudsman ~~referred to in this article 3.3 as the~~
10 ~~"office"~~, is established in the judicial department as an independent
11 agency for the purpose of ensuring the greatest protections for the
12 children of Colorado.

13 (3) The board has the following duties and responsibilities:

14 (a) To oversee the following personnel decisions related to the
15 ombudsman:

16 (I) To appoint a person to serve as the child protection
17 ombudsman and director of the office. ~~referred to in this article 3.3 as the~~
18 ~~"ombudsman"~~. The board may also discharge an acting ombudsman for
19 cause. A two-thirds majority vote is required to hire or discharge the
20 ombudsman. The general assembly shall set the ombudsman's
21 compensation, and such compensation may not be reduced during the
22 term of the ombudsman's appointment.

23 **SECTION 3.** In Colorado Revised Statutes, **amend** 19-3.3-103
24 as follows:

25 **19-3.3-103. Office of the child protection ombudsman - duties**
26 **- access to information - confidentiality - testimony - judicial review**
27 **- definitions.** (1) The ombudsman has the following duties, at a

1 minimum:

2 ~~(a) (I) (A) To receive complaints concerning child protection~~
3 ~~services. For the purposes of this section, "complaint" means any report~~
4 ~~or complaint made by or on behalf of a child relating to any action,~~
5 ~~inaction, or decision of any public agency or any provider that receives~~
6 ~~public money that may adversely affect the safety, permanency, or~~
7 ~~well-being of the child. The ombudsman may, independently and~~
8 ~~impartially, investigate a complaint, which may include complaints about~~
9 ~~an incident of egregious abuse or neglect or near fatality, as described in~~
10 ~~section 26-1-139, or fatality of a child, as described in part 20.5 of title 25~~
11 ~~and section 26-1-139. The ombudsman may seek resolution of a~~
12 ~~complaint, which may include but need not be limited to referring a~~
13 ~~complaint to the state department or appropriate agency or entity and~~
14 ~~making a recommendation for action relating to a complaint.~~

15 ~~(B) The ombudsman shall treat all complaints received pursuant~~
16 ~~to subsection (1)(a)(I)(A) of this section as confidential, including the~~
17 ~~identities of complainants and individuals from whom information is~~
18 ~~acquired; except that disclosures may be permitted if the ombudsman~~
19 ~~deems it necessary to enable the ombudsman to perform the ombudsman's~~
20 ~~duties and to support any recommendations resulting from an~~
21 ~~investigation. Records relating to complaints received by the office and~~
22 ~~the investigation of complaints are exempt from public disclosure~~
23 ~~pursuant to article 72 of title 24.~~

24 ~~(C) The ombudsman and any employee or person acting on behalf~~
25 ~~of the ombudsman shall not be compelled to provide oral and written~~
26 ~~testimony in a civil or criminal proceeding in which the ombudsman is~~
27 ~~not a legal party. Information, records, or documents requested and~~

1 reviewed by the ombudsman pursuant to this section are not subject to a
2 subpoena issued to the ombudsman, discovery from the ombudsman, or
3 introduction into evidence through the ombudsman in a civil or criminal
4 proceeding in which the ombudsman is not a legal party. Nothing in this
5 subsection (1)(a)(I)(C) restricts or limits the right to discover or use in a
6 civil or criminal action evidence that is discoverable independent of the
7 proceedings of the ombudsman.

8 (H) (A) In investigating a complaint, the ombudsman has the
9 authority to request, access, and review any information, records, or
10 documents, including records of third parties, that the ombudsman deems
11 necessary to conduct a thorough and independent review of a complaint
12 so long as either the state department or a county department would be
13 entitled to access or receive such information, records, or documents.

14 (B) In the course of investigating a complaint pursuant to
15 subsection (1)(a)(I)(A) of this section that is related to a child fatality,
16 near fatality, or incident of egregious abuse or neglect against a child, as
17 defined in section 26-1-139 (2), upon request, the state department of
18 human services' child fatality review team, pursuant to section 26-1-139
19 (5)(e), shall provide the ombudsman the final confidential, case-specific
20 review report.

21 (C) In the course of investigating a complaint pursuant to
22 subsection (1)(a)(I)(A) of this section that is related to a child fatality,
23 upon request, the department of public health and environment's child
24 fatality prevention review team, pursuant to section 25-20.5-405, shall
25 provide the ombudsman with the nonidentifying case review findings and
26 recommendations.

27 (D) The ombudsman must have access to all information, records,

1 or documents described in subsection (1)(a)(H)(A) of this section created
2 in an investigation of an event or incident described in subsection
3 (1)(a)(H)(A), (1)(a)(H)(B), or (1)(a)(H)(C) of this section occurring in the
4 state from any entity, including but not limited to a coroner's office, law
5 enforcement agency, hospital, court, the office of state registrar of vital
6 statistics described in section 25-2-103, and a state-licensed out-of-home
7 placement provider, as defined in section 26-5-104.

8 (E) The ombudsman shall request, review, and receive copies of
9 records as described in subsections (1)(a)(H)(A), (1)(a)(H)(B), and
10 (1)(a)(H)(C) of this section without cost if electronic records are not
11 available.

12 (F) Nothing in the provisions of subsection (1)(a)(H)(A),
13 (1)(a)(H)(B), or (1)(a)(H)(C) of this section grants subpoena power to the
14 ombudsman for purposes of investigating a complaint pursuant to
15 subsection (1)(a)(H)(A), (1)(a)(H)(B), or (1)(a)(H)(C) of this section.

16 (H) The ombudsman shall refer any complaints relating to the
17 judicial department and judicial proceedings, including but not limited to
18 complaints concerning the conduct of judicial officers or attorneys of
19 record, judicial determinations, and court processes and procedures to the
20 appropriate entity or agency within the judicial department.

21 (a) TO RECEIVE AND CONDUCT AN INDEPENDENT AND IMPARTIAL
22 INVESTIGATION OF COMPLAINTS CONCERNING CHILD PROTECTION
23 SERVICES, INCLUDING:

24 (I) COMPLAINTS MADE BY OR ON BEHALF OF A CHILD;

25 (II) COMPLAINTS MADE BY OR ON BEHALF OF A CHILD'S OR
26 YOUTH'S FAMILY, CAREGIVER, OR OTHER CONCERNED INDIVIDUAL;

27 (III) COMPLAINTS MADE BY OR ON BEHALF OF A CHILD OR YOUTH

1 PURSUANT TO SECTIONS 19-2.5-1502.5 (4)(c), 19-3-211 (5)(a), AND
2 19-7-101 (2)(c)(II);

3 (IV) COMPLAINTS ABOUT AN INCIDENT OF EGREGIOUS ABUSE OR
4 NEGLECT; NEAR FATALITY, AS DESCRIBED IN SECTION 26-1-139; OR A
5 FATALITY OF A CHILD, AS DESCRIBED IN PART 20.5 OF TITLE 25 AND
6 SECTION 26-1-139;

7 (V) COMPLAINTS CONCERNING SYSTEMIC ISSUES, INCLUDING, BUT
8 NOT LIMITED TO, STATUTORY, BUDGETARY, REGULATORY, AND
9 ADMINISTRATIVE ISSUES AFFECTING THE SAFETY OF AND OUTCOMES FOR
10 CHILDREN, YOUTH, AND FAMILIES RECEIVING CHILD PROTECTION SERVICES
11 IN COLORADO; AND

12 (VI) COMPLAINTS RAISED BY MEMBERS OF THE COMMUNITY
13 RELATING TO CHILD PROTECTION POLICIES OR PROCEDURES.

14 ~~(a.5)~~ (b) (I) Notwithstanding any provision of this section to the
15 contrary, the ombudsman may self-initiate an independent and impartial
16 investigation and ongoing review of the safety and well-being of an
17 unaccompanied immigrant child who lives in a state-licensed residential
18 child care facility, as defined in section 26-6-903, and who is in the
19 custody of the office of refugee resettlement of the federal department of
20 health and human services as set forth in 8 U.S.C. sec. 1232 et seq. The
21 ombudsman may seek resolution of such investigation and ongoing
22 review, which may include, but need not be limited to, referring an
23 investigation and ongoing review to the state department or appropriate
24 agency or entity and making a recommendation for action relating to an
25 investigation and ongoing review.

26 (II) (A) In self-initiating an investigation and ongoing review of
27 the safety and well-being of an unaccompanied immigrant child who lives

1 in a state-licensed residential child care facility, the ombudsman has the
2 authority to request, review, and receive copies of any information,
3 records, or documents, including records of third parties, that the
4 ombudsman deems necessary to conduct a thorough and independent
5 investigation and ongoing review as described in ~~subsection (1)(a.5)(I)~~
6 SUBSECTION (1)(b)(I) of this section, without cost to the ombudsman.

7 (B) A state-licensed residential child care facility shall notify the
8 ombudsman and the state department within three days after the arrival
9 of ~~an~~ EACH unaccompanied immigrant child.

10 (C) The ombudsman may create and distribute outreach materials
11 to a state-licensed residential child care facility and to individuals who
12 may have regular contact with an unaccompanied immigrant child.

13 (III) As used in this ~~subsection (1)(a.5)~~ SUBSECTION (1)(b),
14 "unaccompanied immigrant child" means a child under the age of
15 eighteen years, without lawful immigration status in the United States,
16 who has been designated an unaccompanied child and transferred to the
17 custody of the office of refugee resettlement of the federal department of
18 health and human services pursuant to federal law.

19 ~~(b) To evaluate and make a recommendation to the executive~~
20 ~~director and any appropriate agency or entity for the creation of a~~
21 ~~statewide grievance policy that is accessible by children and families~~
22 ~~within the child protection system and that is transparent and accountable;~~

23 (2) (a) IN INVESTIGATING A COMPLAINT DESCRIBED IN SUBSECTION
24 (1)(a) OF THIS SECTION, THE OMBUDSMAN SHALL:

25 (I) REQUEST, ACCESS, AND REVIEW ANY INFORMATION,
26 DOCUMENTS, OR RECORDS, INCLUDING RECORDS OF THIRD PARTIES, THE
27 OMBUDSMAN DEEMS NECESSARY TO CONDUCT AN INDEPENDENT AND

1 IMPARTIAL INVESTIGATION OF COMPLAINTS PURSUANT TO SECTION
2 19-3.3-103.4;

3 (II) SEEK RESOLUTION OF A COMPLAINT, WHICH MAY INCLUDE, BUT
4 IS NOT LIMITED TO, REFERRING A COMPLAINT TO THE STATE DEPARTMENT
5 OR APPROPRIATE AGENCY OR ENTITY AND MAKING A RECOMMENDATION
6 FOR ACTION RELATING TO A COMPLAINT; AND

7 (III) REFER ANY COMPLAINTS RELATING TO THE JUDICIAL
8 DEPARTMENT AND JUDICIAL PROCEEDINGS, INCLUDING, BUT NOT LIMITED
9 TO, COMPLAINTS CONCERNING THE CONDUCT OF JUDICIAL OFFICERS OR
10 ATTORNEYS OF RECORD, JUDICIAL DETERMINATIONS, AND COURT
11 PROCESSES AND PROCEDURES, TO THE APPROPRIATE AGENCY OR ENTITY.
12 NOTHING IN THIS SECTION GRANTS THE OFFICE THE AUTHORITY TO ACCESS
13 INFORMATION, RECORDS, OR DOCUMENTS TO INVESTIGATE A COMPLAINT
14 MADE IN REGARDS TO THE PROVISION OF LEGAL SERVICES BY AN
15 INDEPENDENT JUDICIAL AGENCY OR ITS CONTRACTORS.

16 (b) THE OMBUDSMAN MAY DECLINE TO INVESTIGATE A COMPLAINT
17 OR CONTINUE AN INVESTIGATION. IF THE OMBUDSMAN DECLINES TO
18 INVESTIGATE A COMPLAINT OR CONTINUE AN INVESTIGATION, THE OFFICE
19 SHALL NOTIFY THE COMPLAINANT OF THE DECISION AND THE REASON FOR
20 THE OMBUDSMAN'S ACTIONS.

21 (3) IN ADDITION TO THE DUTIES DESCRIBED IN SUBSECTION (1)(a)
22 OF THIS SECTION, THE OMBUDSMAN HAS THE FOLLOWING DUTIES:

23 ~~(c)~~ (a) To report, as required by ~~the provisions of~~ section
24 19-3.3-108, concerning the actions of the ombudsman related to the goals
25 and duties of the office;

26 ~~(d)~~ (b) To review the memorandum of understanding between the
27 office and the judicial department and renegotiate such memorandum of

1 understanding at any time as the office and the judicial department
2 mutually deem appropriate;

3 ~~(e)~~ (c) To act on behalf of the office and serve as signator for the
4 office;

5 ~~(f)~~ (d) To ensure accountability and consistency in the operating
6 policies and procedures, including reasonable rules to administer the
7 provisions of this ~~article~~ ARTICLE 3.3 and any other standards of conduct
8 and reporting requirements as provided by law; ~~and~~

9 ~~(g)~~ (e) To serve or designate a person to serve on the youth
10 restraint and seclusion working group pursuant to section 26-20-110
11 (1)(i);

12 ~~(2) The ombudsman has the following powers, at a minimum:~~

13 ~~(a) To review issues raised by members of the community relating~~
14 ~~to child protection policies or procedures and make recommendations to~~
15 ~~the appropriate agency or entity concerning those issues;~~

16 ~~(b)~~ (f) To review and evaluate the effectiveness and efficiency of
17 any existing grievance resolution mechanisms and to make
18 recommendations to the general assembly, executive director, and any
19 appropriate agency or entity for the improvement of the grievance
20 resolution mechanisms;

21 ~~(c)~~ (g) To help educate the public concerning ISSUES AND
22 RECOMMENDATIONS THE OMBUDSMAN IDENTIFIES, INCLUDING ON child
23 maltreatment and the role of the community in strengthening families and
24 keeping children safe;

25 ~~(d)~~ (h) To promote best practices and effective programs relating
26 to a publicly funded child protection system and to work collaboratively
27 with county departments, when appropriate, regarding improvement of

1 processes; AND

2 (e) (i) To recommend to the general assembly, the executive
3 director, and any appropriate agency or entity statutory, budgetary,
4 regulatory, and administrative changes, including systemic changes, to
5 improve the safety of and promote better outcomes for children and
6 families receiving child protection services in Colorado.

7 RECOMMENDATIONS MAY ADDRESS ISSUES THE OMBUDSMAN IDENTIFIES
8 DURING THE COURSE OF AN INVESTIGATION OF COMPLAINTS, AS DESCRIBED
9 IN SUBSECTION (1)(a) OF THIS SECTION. THE OMBUDSMAN'S
10 RECOMMENDATIONS ARE SUBJECT TO PUBLIC DISCLOSURE PURSUANT TO
11 ARTICLE 72 OF TITLE 24. and

12 ~~(f) To request, access, and review information, records, or~~
13 ~~documents received pursuant to subsection (1)(a)(II) of this section.~~

14 ~~(3) The ombudsman, employees of the office, and any persons~~
15 ~~acting on behalf of the office shall comply with all state and federal~~
16 ~~confidentiality laws that govern the department of early childhood, the~~
17 ~~state department, or a county department with respect to the treatment of~~
18 ~~confidential information or records and the disclosure of such information~~
19 ~~and records.~~

20 (4) Nothing in this article shall be construed to direct or authorize
21 ARTICLE 3.3 DIRECTS OR AUTHORIZES the ombudsman to intervene in any
22 criminal or civil judicial proceeding or to interfere in a criminal
23 investigation.

24 (5) In the performance of the ombudsman's duties, the
25 ombudsman shall act independently of ANY PUBLIC AGENCY OR PROVIDER
26 THAT RECEIVES PUBLIC MONEY AND THAT MAY ADVERSELY AFFECT THE
27 SAFETY, PERMANENCY, OR WELL-BEING OF A CHILD OR YOUTH, INCLUDING

1 the division within the department of early childhood that is responsible
2 for child care, ~~of the divisions within the state department that are~~
3 responsible for child welfare or youth services, ~~of the county departments~~
4 of human or social services, and ~~of all judicial AND INDEPENDENT~~
5 agencies. ~~including, but not limited to, the office of the child's~~
6 ~~representative, the office of the respondent parents' counsel, the office of~~
7 ~~state public defender, the office of alternate defense counsel, and the~~
8 ~~office of attorney regulation counsel.~~ Any recommendations made by the
9 ombudsman or positions taken by the ombudsman do not reflect those of
10 ANY PUBLIC AGENCY, INCLUDING the department of early childhood, state
11 department, judicial department AND INDEPENDENT AGENCIES, or county
12 departments of human or social services.

13 **SECTION 4.** In Colorado Revised Statutes, **add with amended**
14 **and relocated provisions** 19-3.3-103.4 and 19-3.3-103.5 as follows:

15 **19-3.3-103.4. Office of the child protection ombudsman -**
16 **access to information.** (1) (a) **[Formerly 19-3.3-103 (1)(a)(II)(A)]** In
17 investigating a complaint, the ~~ombudsman~~ OFFICE has the authority to
18 request, access, and review any information, records, or documents,
19 including records of third parties, that the ~~ombudsman~~ OFFICE deems
20 necessary to conduct a thorough and independent review of a complaint
21 ~~so long as~~ OR EVENT DESCRIBED IN SECTION 19-3.3-103 (1)(a). IN THE
22 INVESTIGATION OF A COMPLAINT OR EVENT DESCRIBED IN SECTION
23 19-3.3-103 (1)(a) THAT OCCURS IN THE STATE, THE OFFICE MUST HAVE
24 ACCESS TO INFORMATION, RECORDS, OR DOCUMENTS THAT either the state
25 department or a county department would be entitled to access or receive.
26 ~~such information, records, or documents.~~

27 (b) **[Formerly 19-3.3-103 (1)(a)(II)(D)]** The ~~ombudsman~~ OFFICE

1 must have access to all information, records, or documents ~~described in~~
2 ~~subsection (1)(a)(II)(A) of this section created in an investigation of an~~
3 ~~event or incident described in subsection (1)(a)(II)(A), (1)(a)(II)(B), or~~
4 ~~(1)(a)(II)(C) of this section~~ THAT THE OFFICE DEEMS NECESSARY TO
5 CONDUCT A THOROUGH AND INDEPENDENT REVIEW OF A COMPLAINT OR
6 EVENT DESCRIBED IN SECTION 19-3.3-103 (1)(a) occurring in the state
7 from any entity, including, but not limited to, a coroner's office, law
8 enforcement agency, hospital, court, the office of state registrar of vital
9 statistics described in section 25-2-103, and a state-licensed out-of-home
10 placement provider, as defined in section 26-5-104.

11 (c) (I) **[Formerly 19-3.3-103 (1)(a)(II)(B)]** In the course of
12 investigating a complaint ~~pursuant to subsection (1)(a)(I)(A) of this~~
13 ~~section~~ DESCRIBED IN SECTION 19-3.3-103 (1)(a) that is related to a child
14 fatality, near fatality, or incident of egregious abuse or neglect against a
15 child, as defined in section 26-1-139 (2), upon request, the state
16 department of human services' child fatality review team, pursuant to
17 section 26-1-139 (5)(e), shall provide the ~~ombudsman~~ OFFICE the final
18 confidential, case-specific review report.

19 (II) **[Formerly 19-3.3-103 (1)(a)(II)(C)]** In the course of
20 investigating a complaint ~~pursuant to subsection (1)(a)(I)(A) of this~~
21 ~~section~~ DESCRIBED IN SECTION 19-3.3-103 (1)(a) that is related to a child
22 fatality, upon request, the department of public health and environment's
23 child fatality prevention review team, pursuant to section 25-20.5-405,
24 shall provide the ~~ombudsman~~ OFFICE with the nonidentifying case review
25 findings and recommendations.

26 (2) (a) THE STATE DEPARTMENT SHALL ENSURE THE OFFICE HAS
27 UNRESTRICTED ACCESS TO TRAILS, AS DEFINED IN SECTION 26-5-118.

1 (b) THE STATE DEPARTMENT SHALL ENSURE THE OFFICE HAS
2 ACCESS TO THE CHILD WELFARE TRAINING ACADEMY ESTABLISHED IN
3 SECTION 26-5-109.

4 (3) [Formerly 19-3.3-103 (1)(a)(II)(E)] The ombudsman OFFICE
5 shall request, review, and receive copies of records as described in
6 ~~subsections (1)(a)(II)(A), (1)(a)(II)(B), and (1)(a)(II)(C)~~ SUBSECTION (1)
7 of this section without cost if electronic records are not available.

8 (4) [Formerly 19-3.3-103 (1)(a)(II)(F)] Nothing in ~~the provisions~~
9 ~~of subsection (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C)~~ of this section
10 grants subpoena power to the ombudsman, EMPLOYEES OF THE OFFICE,
11 AND ANY OTHER PERSON ACTING ON BEHALF OF THE OFFICE for purposes
12 of investigating a complaint ~~pursuant to subsection (1)(a)(II)(A),~~
13 ~~(1)(a)(II)(B), or (1)(a)(II)(C) of this section~~ DESCRIBED IN SECTION
14 19-3.3-103 (1)(a).

15 **19-3.3-103.5. Office of the child protection ombudsman -**
16 **confidentiality.** (1) THE OMBUDSMAN, EMPLOYEES OF THE OFFICE, AND
17 ANY PERSON ACTING ON BEHALF OF THE OFFICE SHALL COMPLY WITH ALL
18 STATE AND FEDERAL CONFIDENTIALITY LAWS THAT GOVERN THE
19 DEPARTMENT OF EARLY CHILDHOOD, THE STATE DEPARTMENT, OR A
20 COUNTY DEPARTMENT WITH RESPECT TO THE TREATMENT OF
21 CONFIDENTIAL INFORMATION OR RECORDS AND THE DISCLOSURE OF SUCH
22 INFORMATION AND RECORDS.

23 (2) (a) [Formerly 19-3.3-103 (1)(a)(I)(B)] The ombudsman
24 OFFICE shall treat all complaints received pursuant to ~~subsection~~
25 ~~(1)(a)(I)(A) of this section~~ SECTION 19-3.3-103 (1)(a) as confidential,
26 including the identities of complainants and individuals from whom
27 information is acquired; except that disclosures may be permitted if the

1 ombudsman deems it necessary to enable the ombudsman to perform the
2 ombudsman's duties and to support any recommendations resulting from
3 an investigation. ~~Records relating to complaints received by the office~~
4 ~~and the investigation of complaints are exempt from public disclosure~~
5 ~~pursuant to article 72 of title 24.~~

6 (b) RECORDS RELATING TO COMPLAINTS RECEIVED BY THE OFFICE
7 AND THE INVESTIGATION OF COMPLAINTS ARE EXEMPT FROM PUBLIC
8 DISCLOSURE PURSUANT TO ARTICLE 72 OF TITLE 24.

9 (c) **[Formerly 19-3.3-103 (1)(a)(I)(C)]** The ombudsman and any
10 employee or person acting on behalf of the ombudsman shall not be
11 compelled to provide oral and written testimony in a civil or criminal
12 proceeding in which the ombudsman is not a legal party. Information,
13 records, or documents requested and reviewed by the ombudsman
14 pursuant to this section are not subject to a subpoena issued to the
15 ombudsman, discovery from the ombudsman, or introduction into
16 evidence through the ombudsman in a civil or criminal proceeding in
17 which the ombudsman is not a legal party. Nothing in this subsection
18 ~~(1)(a)(I)(C)~~ SUBSECTION (2)(a) restricts or limits the right to discover or
19 use in a civil or criminal action evidence that is discoverable independent
20 of the proceedings of the ombudsman.

21 **SECTION 5.** In Colorado Revised Statutes, **add** 19-3.3-112 as
22 follows:

23 **19-3.3-112. Office of the child protection ombudsman - access**
24 **to state-licensed residential child care facilities and facilities -**
25 **education of children and youth in state-licensed residential child**
26 **care facilities and facilities. (1) (a) A STATE-LICENSED RESIDENTIAL**
27 **CHILD CARE FACILITY AND A FACILITY SHALL PROVIDE PHYSICAL ACCESS**

1 TO ITS FACILITY PURSUANT TO THIS SUBSECTION (1)(a). THE OFFICE MAY
2 ONLY ACCESS A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR
3 A FACILITY IN COORDINATION WITH THE FACILITY DIRECTORS:

4 (I) IN RESPONSE TO A REQUEST FROM A CHILD OR YOUTH RESIDING
5 IN THE STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR FACILITY;

6 (II) IN RESPONSE TO A REQUEST FROM A CHILD'S OR YOUTH'S
7 FAMILY MEMBER, CAREGIVER, OR OTHER CONCERNED INDIVIDUAL; OR

8 (III) TO DISTRIBUTE MATERIALS PURSUANT TO SUBSECTION (2)(a)
9 OF THIS SECTION.

10 (b) A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR
11 FACILITY SHALL NOT DENY THE OFFICE ACCESS TO THE STATE-LICENSED
12 RESIDENTIAL CHILD CARE FACILITY OR FACILITY TO CARRY OUT THE
13 OFFICE'S DUTIES AS DESCRIBED IN THIS SECTION OR SECTION 19-3.3-103.

14 (c) DEPENDENT UPON AVAILABLE RESOURCES AND AT THE
15 DISCRETION OF THE OMBUDSMAN, THE OFFICE MAY MEET WITH THE CHILD
16 OR YOUTH VIA A CONFIDENTIAL, VIRTUAL MEETING.

17 (d) UPON A CHILD'S OR YOUTH'S REQUEST, THE STATE-LICENSED
18 RESIDENTIAL CHILD CARE FACILITY OR FACILITY SHALL PROVIDE A PRIVATE
19 AND CONFIDENTIAL SPACE FOR THE CHILD OR YOUTH TO MEET WITH THE
20 OMBUDSMAN, AN OFFICE EMPLOYEE, OR A PERSON ACTING ON BEHALF OF
21 THE OMBUDSMAN.

22 (e) THE OMBUDSMAN, AN EMPLOYEE OF THE OFFICE, OR A PERSON
23 ACTING ON BEHALF OF THE OMBUDSMAN IS SUBJECT TO THE PROTOCOL
24 AND POLICIES OF EACH STATE-LICENSED RESIDENTIAL CHILD CARE
25 FACILITY AND FACILITY.

26 (2) (a) THE OFFICE SHALL CREATE AND DISTRIBUTE OUTREACH
27 MATERIALS TO STATE-LICENSED RESIDENTIAL CHILD CARE FACILITIES AND

1 FACILITIES. THE MATERIALS MUST CONTAIN INFORMATION ON HOW TO
2 ACCESS THE OFFICE, THE OFFICE'S SERVICES, AND HOW TO FILE A
3 COMPLAINT WITH THE OFFICE.

4 (b) EACH STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY AND
5 FACILITY SHALL DISPLAY THE MATERIALS DESCRIBED IN SUBSECTION (2)(a)
6 OF THIS SECTION IN A LOCATION VISIBLE TO CHILDREN OR YOUTH
7 RECEIVING SERVICES FROM THE RESIDENTIAL CHILD CARE FACILITY OR
8 FACILITY.

9 (c) THE OFFICE SHALL SUPPLY THE MATERIALS DESCRIBED IN
10 SUBSECTION (2)(a) OF THIS SECTION AT THE OFFICE'S EXPENSE. THE OFFICE
11 SHALL PROVIDE UPDATES ON OUTREACH EFFORTS IN ITS ANNUAL REPORT
12 DESCRIBED IN SECTION 19-3.3-108.

13 (d) THE OFFICE SHALL COORDINATE WITH EACH STATE-LICENSED
14 RESIDENTIAL CHILD CARE FACILITY AND FACILITY TO PROVIDE IN-PERSON
15 EDUCATIONAL COURSES TO CHILDREN AND YOUTH RESIDING IN THE
16 FACILITIES ON HOW TO ACCESS THE OFFICE, THE OFFICE'S SERVICES, AND
17 HOW TO FILE A COMPLAINT WITH THE OFFICE.

18 (3) THE OFFICE AND EACH STATE-LICENSED RESIDENTIAL CHILD
19 CARE FACILITY OR FACILITY SHALL OPERATE PURSUANT TO A
20 MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE AND EACH
21 RESIDENTIAL CHILD CARE FACILITY OR FACILITY. THE MEMORANDUM OF
22 UNDERSTANDING MUST, AT A MINIMUM, REQUIRE THAT:

23 (a) THE OFFICE PROVIDES EACH STATE-LICENSED RESIDENTIAL
24 CHILD CARE FACILITY OR FACILITY WITH NOTICE OF A CHILD'S OR YOUTH'S
25 REQUEST TO VISIT WITH THE OMBUDSMAN WITHIN FORTY-EIGHT BUSINESS
26 HOURS AFTER RECEIVING THE REQUEST;

27 (b) THE STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR

1 FACILITY PROVIDES THE OMBUDSMAN ACCESS TO A FACILITY AND A
2 PRIVATE, CONFIDENTIAL SPACE TO MEET WITH A CHILD OR YOUTH WITHIN
3 FIVE BUSINESS DAYS AFTER THE OFFICE RECEIVES THE CHILD'S OR YOUTH'S
4 REQUEST TO MEET;

5 (c) THE OFFICE PROVIDES THE STATE-LICENSED RESIDENTIAL CHILD
6 CARE FACILITY OR FACILITY WITH NOTICE AT LEAST FIVE BUSINESS DAYS
7 BEFORE THE OFFICE WOULD LIKE TO ENTER THE STATE-LICENSED
8 RESIDENTIAL CHILD CARE FACILITY OR FACILITY TO DISTRIBUTE
9 MATERIALS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION;

10 (d) THE STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR
11 FACILITY PROVIDES THE OFFICE WITH PROOF THAT THE MATERIALS
12 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION ARE DISPLAYED IN A
13 LOCATION VISIBLE TO CHILDREN OR YOUTH AS REQUIRED PURSUANT TO
14 THIS SECTION; AND

15 (e) CERTAIN PROCESSES OCCUR TO PROVIDE A CHILD OR YOUTH A
16 CONFIDENTIAL, VIRTUAL MEETING TO MEET WITH THE OMBUDSMAN, AN
17 EMPLOYEE OF THE OFFICE, OR A PERSON ACTING ON BEHALF OF THE OFFICE.

18 (4) THIS SECTION DOES NOT GRANT THE OFFICE AUTHORITY TO
19 CONDUCT ACTIVITIES DESCRIBED IN PART 9 OF ARTICLE 6 OF TITLE 26.

20 **SECTION 6.** In Colorado Revised Statutes, 19-3.3-108, **add**
21 (1)(d) as follows:

22 **19-3.3-108. Office of the child protection ombudsman - annual**
23 **report.** (1) On or before September 1 of each year, commencing with the
24 September 1 following the first fiscal year in which the office was
25 established, the ombudsman shall prepare a written report that must
26 include, but need not be limited to, information from the preceding fiscal
27 year and any recommendations concerning the following:

1 (d) UPDATES ON OUTREACH EFFORTS TO STATE-LICENSED
2 RESIDENTIAL CHILD CARE FACILITIES AND FACILITIES ESTABLISHED AND
3 OPERATED BY THE DEPARTMENT OF HUMAN SERVICES AS DESCRIBED IN
4 SECTION 19-3.3-112 (2)(c).

5 **SECTION 7.** In Colorado Revised Statutes, 19-3.1-101, **amend**
6 (3)(a) introductory portion as follows:

7 **19-3.1-101. Petition for dependency order for unaccompanied**
8 **children or youth in federal custody - definition.** (3) (a) The court
9 shall schedule a hearing within thirty-five days after the petition is filed,
10 unless a motion is made for a forthwith hearing because the child is
11 approaching eighteen years of age or other emergent circumstances, in
12 which case the court shall schedule the hearing within seven days. If the
13 court finds the statements in the petition are supported by a
14 preponderance of the evidence, the court shall declare the child dependent
15 on the court. A child declared dependent pursuant to this section may be
16 eligible for oversight and services by the office of the child protection
17 ombudsman ~~pursuant to section 19-3.3-103 (1)(a.5)~~ AS DESCRIBED IN
18 SECTION 19-3.3-103 (1)(b). Upon request, the court may also issue an
19 order establishing the child's eligibility for classification as a special
20 immigrant juvenile under federal law, including:

21 **SECTION 8.** In Colorado Revised Statutes, 25-20.5-405, **amend**
22 (2)(d) as follows:

23 **25-20.5-405. Local review teams - duties - authority.** (2) With
24 respect to each child fatality reviewed, the local or regional review team
25 shall:

26 (d) Report case review findings, as appropriate, to public and
27 private agencies that have responsibilities for children, including the

1 office of the child protection ombudsman ~~pursuant to section~~ AS
2 DESCRIBED IN SECTIONS 19-3.3-103 AND 19-3.3-103.4, and make
3 prevention recommendations to these agencies that may help to reduce the
4 number of child fatalities;

5 **SECTION 9.** In Colorado Revised Statutes, 25-20.5-408, **amend**
6 (2)(c)(I) as follows:

7 **25-20.5-408. Access to records. (2) Public access to records**
8 **and information. (c) Release of information. (I)** Members of the state
9 review team, members of the local or regional review teams, a person
10 who attends a review team meeting, and a person who presents
11 information to a review team may release information to governmental
12 agencies as necessary to fulfill the requirements of this part 4, including
13 section 25-20.5-405 (2)(d) and ~~section 19-3.3-103 (1)(a)(H)(D)~~ SECTION
14 19-3.3-103.4 (1)(b).

15 **SECTION 10.** In Colorado Revised Statutes, 26-1-139, **amend**
16 (5)(e) as follows:

17 **26-1-139. Child fatality and near fatality prevention - process**
18 **- department of human services child fatality review team - reporting**
19 **- rules - legislative declaration - definitions. (5) (e)** The team shall
20 provide the final confidential, case-specific review report to the executive
21 director, the director for any county or community agency referenced in
22 the report, the county board of human services of any county department
23 with previous involvement, as defined in subsection (2)(c) of this section,
24 the legislative members of the team appointed pursuant to subsection
25 (6)(f) of this section, the department of public health and environment,
26 and the office of the child protection ombudsman ~~pursuant to section~~
27 ~~19-3.3-103 (1)(a)(H)(B)~~ AS DESCRIBED IN SECTION 19-3.3-103.4 (1)(c)(I).

1 **SECTION 11.** In Colorado Revised Statutes, 26-20-110, **amend**
2 (1)(i) as follows:

3 **26-20-110. Youth restraint and seclusion working group -**
4 **membership - purpose - repeal.** (1) There is established within the
5 division of youth services a youth restraint and seclusion working group,
6 referred to in this section as the "working group". The working group
7 consists of:

8 (i) The child protection ombudsman or ~~his or her~~ THE CHILD
9 PROTECTION OMBUDSMAN'S designee ~~pursuant to section 19-3.3-103~~
10 ~~(1)(g)~~ AS DESCRIBED IN SECTION 19-3.3-103 (3)(e); and

11 **SECTION 12.** In Colorado Revised Statutes, 27-50-108, **amend**
12 (4)(c) as follows:

13 **27-50-108. Systemwide behavioral health grievance system.**
14 (4) On or before July 1, 2024, the BHA and state agencies shall execute
15 formal data-sharing agreements addressing data sharing consistent with
16 state and federal requirements, cooperation between the BHA and state
17 agencies, and any other provisions necessary to implement this section.
18 At a minimum, the BHA and the following entities shall execute such
19 agreements:

20 (c) The child protection ombudsman, appointed pursuant to
21 ~~section 19-3.3-103~~ SECTION 19-3.3-102 (3)(a)(I). All data released by the
22 ombudsman shall comply with ~~section 19-3.3-103 (1)(a)(I)(B) and (3)~~
23 SECTION 19-3.3-103.5 (1) AND (2).

24 **SECTION 13. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2026 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.