

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0806.01 Alana Rosen x2606

HOUSE BILL 25-1200

HOUSE SPONSORSHIP

Feret and Armagost,

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.

HOUSE
Amended 2nd Reading
March 4, 2025

- 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) "PERSONNEL FILES" HAS THE SAME MEANING AS SET FORTH IN
3 SECTION 24-72-202.

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

6 (7) "WORK PRODUCT" HAS THE SAME MEANING AS SET FORTH IN
7 SECTION 24-72-202.

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

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

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

18 (a) To oversee the following personnel decisions related to the
19 ombudsman:

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

27 **SECTION 3.** In Colorado Revised Statutes, **amend** 19-3.3-103

1 as follows:

2 **19-3.3-103. Office of the child protection ombudsman - duties**

3 **- access to information - confidentiality - testimony - judicial review**

4 **- definitions.** (1) The ombudsman has the following duties, at a
5 minimum:

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

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

1 ~~(C) The ombudsman and any employee or person acting on behalf~~
2 ~~of the ombudsman shall not be compelled to provide oral and written~~
3 ~~testimony in a civil or criminal proceeding in which the ombudsman is~~
4 ~~not a legal party. Information, records, or documents requested and~~
5 ~~reviewed by the ombudsman pursuant to this section are not subject to a~~
6 ~~subpoena issued to the ombudsman, discovery from the ombudsman, or~~
7 ~~introduction into evidence through the ombudsman in a civil or criminal~~
8 ~~proceeding in which the ombudsman is not a legal party. Nothing in this~~
9 ~~subsection (1)(a)(I)(C) restricts or limits the right to discover or use in a~~
10 ~~civil or criminal action evidence that is discoverable independent of the~~
11 ~~proceedings of the ombudsman.~~

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

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

25 ~~(C) In the course of investigating a complaint pursuant to~~
26 ~~subsection (1)(a)(I)(A) of this section that is related to a child fatality,~~
27 ~~upon request, the department of public health and environment's child~~

1 fatality prevention review team, pursuant to section 25-20.5-405, shall
2 provide the ombudsman with the nonidentifying case review findings and
3 recommendations.

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

12 ~~(E) The ombudsman shall request, review, and receive copies of~~
13 ~~records as described in subsections (1)(a)(H)(A), (1)(a)(H)(B), and~~
14 ~~(1)(a)(H)(C) of this section without cost if electronic records are not~~
15 ~~available.~~

16 ~~(F) Nothing in the provisions of subsection (1)(a)(H)(A),~~
17 ~~(1)(a)(H)(B), or (1)(a)(H)(C) of this section grants subpoena power to the~~
18 ~~ombudsman for purposes of investigating a complaint pursuant to~~
19 ~~subsection (1)(a)(H)(A), (1)(a)(H)(B), or (1)(a)(H)(C) of this section.~~

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

25 (a) TO RECEIVE AND CONDUCT AN INDEPENDENT AND IMPARTIAL
26 INVESTIGATION OF COMPLAINTS CONCERNING CHILD PROTECTION
27 SERVICES, INCLUDING:

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

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

4 (III) COMPLAINTS MADE BY OR ON BEHALF OF A CHILD OR YOUTH
5 PURSUANT TO SECTIONS 19-2.5-1502.5 (4)(c), 19-3-211 (5)(a), AND
6 19-7-101 (2)(c)(II);

7 (IV) COMPLAINTS ABOUT AN INCIDENT OF EGREGIOUS ABUSE OR
8 NEGLECT; NEAR FATALITY, AS DESCRIBED IN SECTION 26-1-139; OR A
9 FATALITY OF A CHILD, AS DESCRIBED IN PART 20.5 OF TITLE 25 AND
10 SECTION 26-1-139;

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

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

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

1 agency or entity and making a recommendation for action relating to an
2 investigation and ongoing review.

3 (II) (A) In self-initiating an investigation and ongoing review of
4 the safety and well-being of an unaccompanied immigrant child who lives
5 in a state-licensed residential child care facility, the ombudsman has the
6 authority to request, review, and receive copies of any information,
7 records, or documents, including records of third parties, that the
8 ombudsman deems necessary to conduct a thorough and independent
9 investigation and ongoing review as described in ~~subsection (1)(a.5)(I)~~
10 SUBSECTION (1)(b)(I) of this section, without cost to the ombudsman.

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

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

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

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

27 (2) (a) IN INVESTIGATING A COMPLAINT DESCRIBED IN SUBSECTION

1 (1)(a) OF THIS SECTION, THE OMBUDSMAN SHALL:

2 (I) REQUEST, ACCESS, AND REVIEW ANY INFORMATION,
3 DOCUMENTS, OR RECORDS, INCLUDING RECORDS OF THIRD PARTIES, THE
4 OMBUDSMAN DEEMS NECESSARY TO CONDUCT AN INDEPENDENT AND
5 IMPARTIAL INVESTIGATION OF COMPLAINTS PURSUANT TO SECTION
6 19-3.3-103.4;

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

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

20 (b) (I) NOTWITHSTANDING SUBSECTION (2)(a)(I) OF THIS SECTION
21 TO THE CONTRARY, THE OMBUDSMAN SHALL NOT HAVE ACCESS TO:

22 (A) PERSONNEL FILES;

23 (B) WORK PRODUCT;

24 (C) INFORMATION, DOCUMENTS, OR RECORDS THAT MAY BE
25 PROTECTED BY AN AGENCY'S OR ENTITY'S ATTORNEY-CLIENT PRIVILEGE;
26 OR

27 (D) INFORMATION, DOCUMENTS, OR RECORDS THAT MAY BE

1 PROTECTED BY AN AGENCY'S DELIBERATIVE PROCESS PRIVILEGE.

2 (II) IF AN AGENCY OR ENTITY WITHHOLDS INFORMATION,
3 DOCUMENTS, OR RECORDS DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS
4 SECTION FROM THE OMBUDSMAN, THE AGENCY OR ENTITY SHALL
5 COMMUNICATE TO THE OMBUDSMAN THAT THE INFORMATION,
6 DOCUMENTS, OR RECORDS WERE WITHHELD AND THE REASONS FOR
7 WITHHOLDING THE INFORMATION, DOCUMENTS, OR RECORDS.

8 (c) THE OMBUDSMAN MAY DECLINE TO INVESTIGATE A COMPLAINT
9 OR CONTINUE AN INVESTIGATION. IF THE OMBUDSMAN DECLINES TO
10 INVESTIGATE A COMPLAINT OR CONTINUE AN INVESTIGATION, THE OFFICE
11 SHALL NOTIFY THE COMPLAINANT OF THE DECISION AND THE REASON FOR
12 THE OMBUDSMAN'S ACTIONS.

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

15 ~~(e)~~ (a) To report, as required by ~~the provisions of~~ section
16 19-3.3-108, concerning the actions of the ombudsman related to the goals
17 and duties of the office;

18 ~~(d)~~ (b) To review the memorandum of understanding between the
19 office and the judicial department and renegotiate such memorandum of
20 understanding at any time as the office and the judicial department
21 mutually deem appropriate;

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

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

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

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

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

8 ~~(b)~~ (f) To review and evaluate the effectiveness and efficiency of
9 any existing grievance resolution mechanisms and to make
10 recommendations to the general assembly, executive director, and any
11 appropriate agency or entity for the improvement of the grievance
12 resolution mechanisms;

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

17 ~~(d)~~ (h) To promote best practices and effective programs relating
18 to a publicly funded child protection system and to work collaboratively
19 with county departments, when appropriate, regarding improvement of
20 processes; AND

21 ~~(e)~~ (i) To recommend to the general assembly, the executive
22 director, and any appropriate agency or entity statutory, budgetary,
23 regulatory, and administrative changes, including systemic changes, to
24 improve the safety of and promote better outcomes for children and
25 families receiving child protection services in Colorado.
26 RECOMMENDATIONS MAY ADDRESS ISSUES THE OMBUDSMAN IDENTIFIES
27 DURING THE COURSE OF AN INVESTIGATION OF COMPLAINTS, AS DESCRIBED

1 IN SUBSECTION (1)(a) OF THIS SECTION. THE OMBUDSMAN'S
2 RECOMMENDATIONS ARE SUBJECT TO PUBLIC DISCLOSURE PURSUANT TO
3 ARTICLE 72 OF TITLE 24. and

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

6 ~~(3) The ombudsman, employees of the office, and any persons~~
7 ~~acting on behalf of the office shall comply with all state and federal~~
8 ~~confidentiality laws that govern the department of early childhood, the~~
9 ~~state department, or a county department with respect to the treatment of~~
10 ~~confidential information or records and the disclosure of such information~~
11 ~~and records.~~

12 ~~(4) Nothing in this article shall be construed to direct or authorize~~
13 ~~ARTICLE 3.3 DIRECTS OR AUTHORIZES the ombudsman to intervene in any~~
14 ~~criminal or civil judicial proceeding or to interfere in a criminal~~
15 ~~investigation.~~

16 (5) In the performance of the ombudsman's duties, the
17 ombudsman shall act independently of ANY PUBLIC AGENCY OR PROVIDER
18 THAT RECEIVES PUBLIC MONEY AND THAT MAY ADVERSELY AFFECT THE
19 SAFETY, PERMANENCY, OR WELL-BEING OF A CHILD OR YOUTH, INCLUDING
20 the division within the department of early childhood that is responsible
21 for child care, of the divisions within the state department that are
22 responsible for child welfare or youth services, of the county departments
23 of human or social services, and of all judicial AND INDEPENDENT
24 agencies. including, but not limited to, the office of the child's
25 representative, the office of the respondent parents' counsel, the office of
26 state public defender, the office of alternate defense counsel, and the
27 office of attorney regulation counsel. Any recommendations made by the

1 ombudsman or positions taken by the ombudsman do not reflect those of
2 ANY PUBLIC AGENCY, INCLUDING the department of early childhood, state
3 department, judicial department AND INDEPENDENT AGENCIES, or county
4 departments of human or social services.

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

7 **19-3.3-103.4. Office of the child protection ombudsman -**
8 **access to information.** (1) (a) (I) [Formerly 19-3.3-103 (1)(a)(II)(A)] In
9 investigating a complaint, the ombudsman OFFICE has the authority to
10 request, access, and review any information, records, or documents,
11 including records of third parties, that the ombudsman OFFICE deems
12 necessary to conduct a thorough and independent review of a complaint
13 ~~so long as~~ OR EVENT DESCRIBED IN SECTION 19-3.3-103 (1)(a). IN THE
14 INVESTIGATION OF A COMPLAINT OR EVENT DESCRIBED IN SECTION
15 19-3.3-103 (1)(a) THAT OCCURS IN THE STATE, THE OFFICE MUST HAVE
16 ACCESS TO INFORMATION, RECORDS, OR DOCUMENTS THAT either the state
17 department or a county department would be entitled to access or receive.
18 ~~such information, records, or documents.~~

19 (II) THE OMBUDSMAN SHALL NOT HAVE ACCESS TO INFORMATION,
20 DOCUMENTS, OR RECORDS DESCRIBED IN SECTION 19-3.3-103 (2)(b)(I).

21 (b) (I) [Formerly 19-3.3-103 (1)(a)(II)(D)] The ombudsman
22 OFFICE must have access to all information, records, or documents
23 ~~described in subsection (1)(a)(II)(A) of this section created in an~~
24 ~~investigation of an event or incident described in subsection (1)(a)(II)(A),~~
25 ~~(1)(a)(II)(B), or (1)(a)(II)(C) of this section~~ THAT THE OFFICE DEEMS
26 NECESSARY TO CONDUCT A THOROUGH AND INDEPENDENT REVIEW OF A
27 COMPLAINT OR EVENT DESCRIBED IN SECTION 19-3.3-103 (1)(a) occurring

1 in the state from any entity, including, but not limited to, a coroner's
2 office, law enforcement agency, hospital, court, the office of state
3 registrar of vital statistics described in section 25-2-103, and a
4 state-licensed out-of-home placement provider, as defined in section
5 26-5-104.

6 (II) THE OMBUDSMAN SHALL NOT HAVE ACCESS TO INFORMATION,
7 DOCUMENTS, OR RECORDS DESCRIBED IN SECTION 19-3.3-103 (2)(b)(I).

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

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

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

25 (b) FOR EDUCATIONAL PURPOSES, THE STATE DEPARTMENT SHALL
26 ENSURE OFFICE EMPLOYEES ARE PERMITTED TO ATTEND THE CHILD
27 WELFARE TRAINING ACADEMY ESTABLISHED IN SECTION 26-5-109.

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

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

12 **19-3.3-103.5. Office of the child protection ombudsman -**
13 **confidentiality.** (1) THE OMBUDSMAN, EMPLOYEES OF THE OFFICE, AND
14 ANY PERSON ACTING ON BEHALF OF THE OFFICE SHALL COMPLY WITH ALL
15 STATE AND FEDERAL CONFIDENTIALITY LAWS THAT GOVERN THE
16 DEPARTMENT OF EARLY CHILDHOOD, THE STATE DEPARTMENT, OR A
17 COUNTY DEPARTMENT WITH RESPECT TO THE TREATMENT OF
18 CONFIDENTIAL INFORMATION OR RECORDS AND THE DISCLOSURE OF SUCH
19 INFORMATION AND RECORDS.

20 (2) (a) [Formerly 19-3.3-103 (1)(a)(I)(B)] The ombudsman
21 OFFICE shall treat all complaints received pursuant to ~~subsection~~
22 ~~(1)(a)(I)(A) of this section~~ SECTION 19-3.3-103 (1)(a) as confidential,
23 including the identities of complainants and individuals from whom
24 information is acquired; except that disclosures may be permitted if the
25 ombudsman deems it necessary to enable the ombudsman to perform the
26 ombudsman's duties and to support any recommendations resulting from
27 an investigation. ~~Records relating to complaints received by the office~~

1 ~~and the investigation of complaints are exempt from public disclosure~~
2 ~~pursuant to article 72 of title 24.~~

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

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

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

20 **19-3.3-112. Office of the child protection ombudsman - access**
21 **to state-licensed residential child care facilities and facilities -**
22 **education of children and youth in state-licensed residential child**
23 **care facilities and facilities. (1) (a) A STATE-LICENSED RESIDENTIAL**
24 **CHILD CARE FACILITY AND A FACILITY SHALL PROVIDE PHYSICAL ACCESS**
25 **TO ITS FACILITY PURSUANT TO THIS SUBSECTION (1)(a). THE OFFICE MAY**
26 **ONLY ACCESS A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR**
27 **A FACILITY IN COORDINATION WITH THE FACILITY DIRECTORS:**

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

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

5 (III) TO DISTRIBUTE MATERIALS PURSUANT TO SUBSECTION (2)(a)
6 OF THIS SECTION.

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

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

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

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

23 (2) (a) THE OFFICE SHALL CREATE AND DISTRIBUTE OUTREACH
24 MATERIALS TO STATE-LICENSED RESIDENTIAL CHILD CARE FACILITIES AND
25 FACILITIES. THE MATERIALS MUST CONTAIN INFORMATION ON HOW TO
26 ACCESS THE OFFICE, THE OFFICE'S SERVICES, AND HOW TO FILE A
27 COMPLAINT WITH THE OFFICE.

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

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

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

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

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

24 (b) THE STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR
25 FACILITY PROVIDES THE OMBUDSMAN ACCESS TO A FACILITY AND A
26 PRIVATE, CONFIDENTIAL SPACE TO MEET WITH A CHILD OR YOUTH WITHIN
27 FIVE BUSINESS DAYS AFTER THE OFFICE RECEIVES THE CHILD'S OR YOUTH'S

1 REQUEST TO MEET;

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

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

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

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

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

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

25 (d) UPDATES ON OUTREACH EFFORTS TO STATE-LICENSED
26 RESIDENTIAL CHILD CARE FACILITIES AND FACILITIES ESTABLISHED AND
27 OPERATED BY THE DEPARTMENT OF HUMAN SERVICES AS DESCRIBED IN

1 SECTION 19-3.3-112 (2)(c).

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

4 **19-3.1-101. Petition for dependency order for unaccompanied**
5 **children or youth in federal custody - definition.** (3) (a) The court
6 shall schedule a hearing within thirty-five days after the petition is filed,
7 unless a motion is made for a forthwith hearing because the child is
8 approaching eighteen years of age or other emergent circumstances, in
9 which case the court shall schedule the hearing within seven days. If the
10 court finds the statements in the petition are supported by a
11 preponderance of the evidence, the court shall declare the child dependent
12 on the court. A child declared dependent pursuant to this section may be
13 eligible for oversight and services by the office of the child protection
14 ombudsman ~~pursuant to section 19-3.3-103 (1)(a.5)~~ AS DESCRIBED IN
15 SECTION 19-3.3-103 (1)(b). Upon request, the court may also issue an
16 order establishing the child's eligibility for classification as a special
17 immigrant juvenile under federal law, including:

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

20 **25-20.5-405. Local review teams - duties - authority.** (2) With
21 respect to each child fatality reviewed, the local or regional review team
22 shall:

23 (d) Report case review findings, as appropriate, to public and
24 private agencies that have responsibilities for children, including the
25 office of the child protection ombudsman ~~pursuant to section~~ AS
26 DESCRIBED IN SECTIONS 19-3.3-103 AND 19-3.3-103.4, and make
27 prevention recommendations to these agencies that may help to reduce the

1 number of child fatalities;

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

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

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

14 **26-1-139. Child fatality and near fatality prevention - process**
15 **- department of human services child fatality review team - reporting**
16 **- rules - legislative declaration - definitions. (5) (e)** The team shall
17 provide the final confidential, case-specific review report to the executive
18 director, the director for any county or community agency referenced in
19 the report, the county board of human services of any county department
20 with previous involvement, as defined in subsection (2)(c) of this section,
21 the legislative members of the team appointed pursuant to subsection
22 (6)(f) of this section, the department of public health and environment,
23 and the office of the child protection ombudsman ~~pursuant to section~~
24 ~~19-3.3-103 (1)(a)(H)(B)~~ **AS DESCRIBED IN SECTION 19-3.3-103.4 (1)(c)(I).**

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

27 **26-20-110. Youth restraint and seclusion working group -**

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

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

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

10 **27-50-108. Systemwide behavioral health grievance system.**

11 (4) On or before July 1, 2024, the BHA and state agencies shall execute
12 formal data-sharing agreements addressing data sharing consistent with
13 state and federal requirements, cooperation between the BHA and state
14 agencies, and any other provisions necessary to implement this section.
15 At a minimum, the BHA and the following entities shall execute such
16 agreements:

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

21 **SECTION 13. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.