



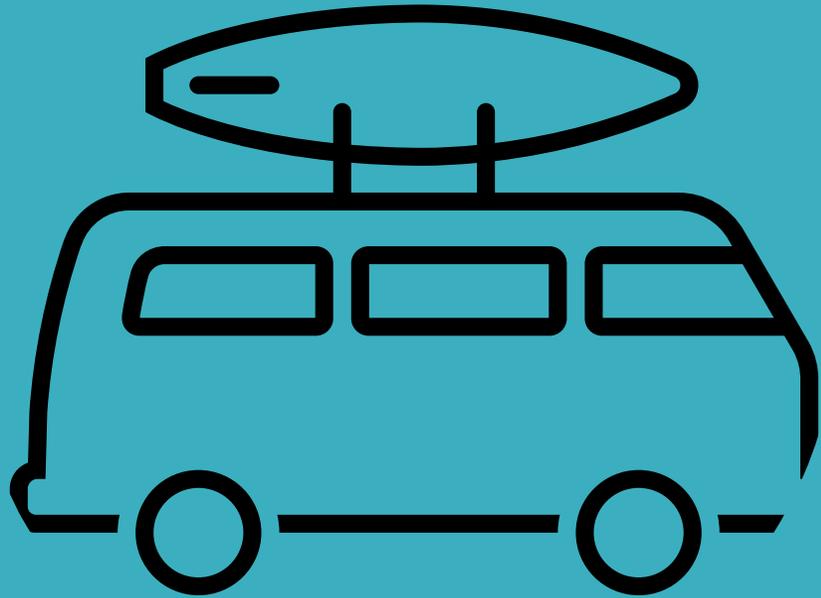
# Ombuds 101

How the unique position and utility of ombudsman offices help drive change.

September 30, 2022

Jordan Steffen, Deputy Ombudsman

# ROAD MAP



- Introductions
- Overview of Ombuds Work
- CPO History and Charge
- Case Practices
- What Makes the CPO a Unique Tool
- Ombuds Advantages
- Examples
- Systemic Change
- Questions



## How I got here

- Experience writing for local and national publications including, The Denver Post, Smithsonian Magazine, The Los Angeles Times and the Chicago Tribune
- Six years at The Denver Post
- Covered early work of the CPO and its transition to independence
- Joined the CPO in 2016

# WHAT'S IN A NAME?

## OMBUDSMAN

- Swedish Word That Means “Agent” Or “Representative” of The People
- Gender Neutral
- Designed to help citizens navigate government
- Hold governmental systems accountable

## CHILD OMBUDSMAN OFFICES GO BY MANY NAMES



# OMBUDSMAN OFFICES

- Office Locations All Over The World
- Multiple Models
- Located In Both Private And Governmental Agencies
- Multiple Issue Areas
- Associations



# EVOLUTION OF CHILD OMBUDSMAN OFFICES

## FEDERAL LEGISLATION PROTECTING CHILDREN AND FAMILIES

**1935** - Enactment Of The Social Security Act (Child Welfare Funds)

**1974** - Child Abuse And Prevention Treatment Act

**1974** - Juvenile Justice And Delinquency Prevention Act

**1978** - Indian Child Welfare Act

**1980** - Adoption Assistance And Child Welfare Act

**1997** - Adoption And Safe Families Act

**2008** - Fostering Connections To Success And Increasing Adoptions Act

**2018** - Families First Prevention Services Act

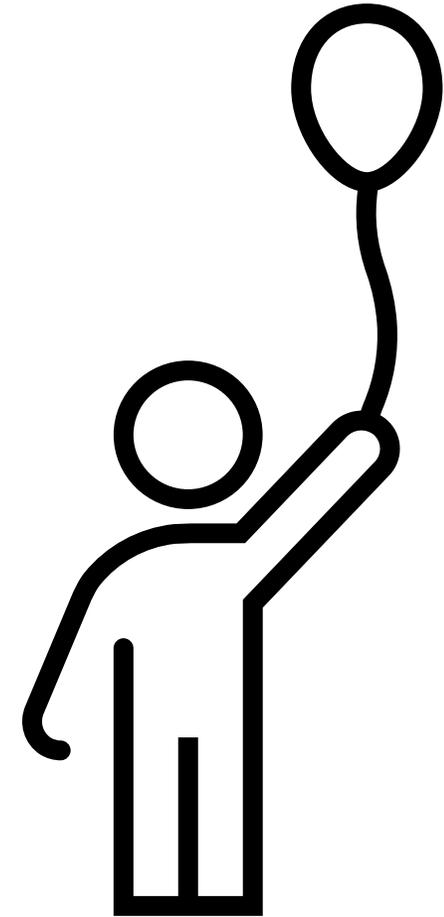


# IMPACT OF LEGISLATION

## CREATED

- New Constituency Group
- The Need To Ensure Children's Voices Are Being Represented
- The Need To Ensure Accountability For Child Serving Systems

**CHILDREN'S VOICES + ACCOUNTABILITY  
= OMBUDSMAN OFFICES**



# EVOLUTION OF OFFICES IN U.S.

## BEGINNING EFFORTS

**1967** - ABA Ombudsman Committee Recommends Federal/Regional Offices

**1969** - Hawaii Creates First General Jurisdiction Ombudsman

**1979** - Rhode Island Office Of The Child Advocate

**1992** - Juvenile Justice And Delinquency Prevention Act

**1993** - Offered Public Support for Establishing Ombudsman Programs For Children And Youth (ABA Center For Children And The Law)

**1994** - Federal Children Ombudsman Act

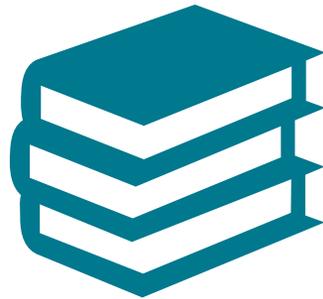
**Federal efforts end and state efforts strengthen. Today, there more than 40 child ombudsman offices nationwide.**



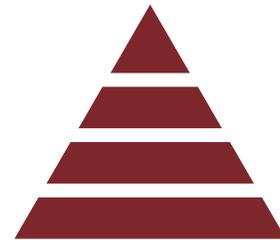
# Diversity Among Ombudsmen



**Jurisdiction**



**Authority**



**Structure**



**Funding**



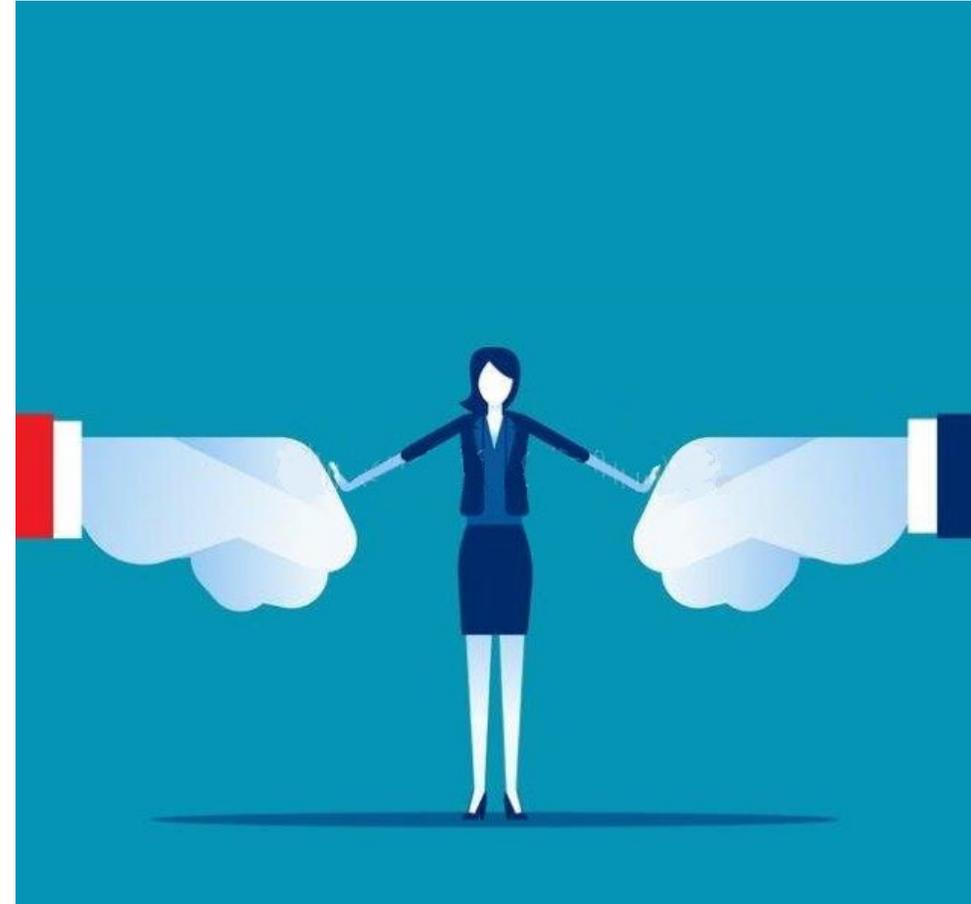
**Size**

# BEST PRACTICES & STANDARDS

## OFFICES SHOULD BE

- Independent
- Impartial
- Confidential
- Credible

*Citation: USOA Governmental Ombudsman Standards (2003)*



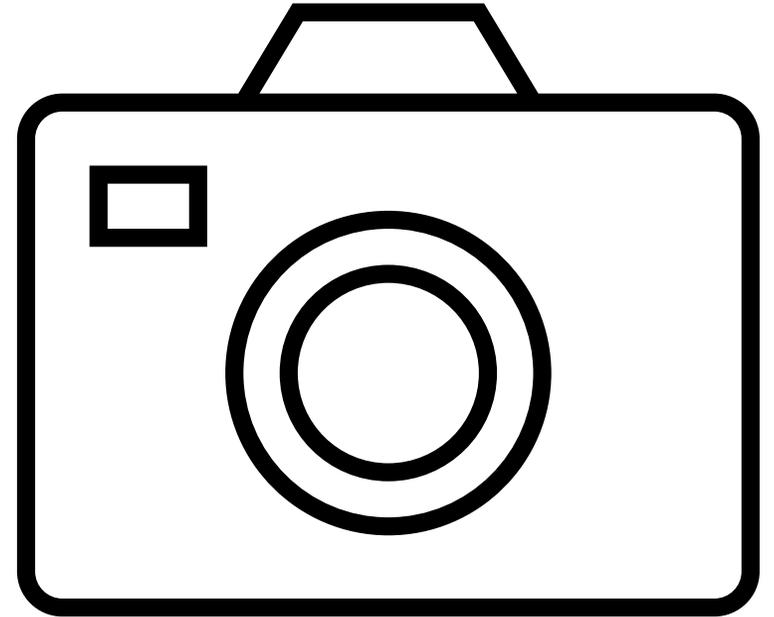
# Child and Family Ombudsman Programs

## A SNAPSHOT

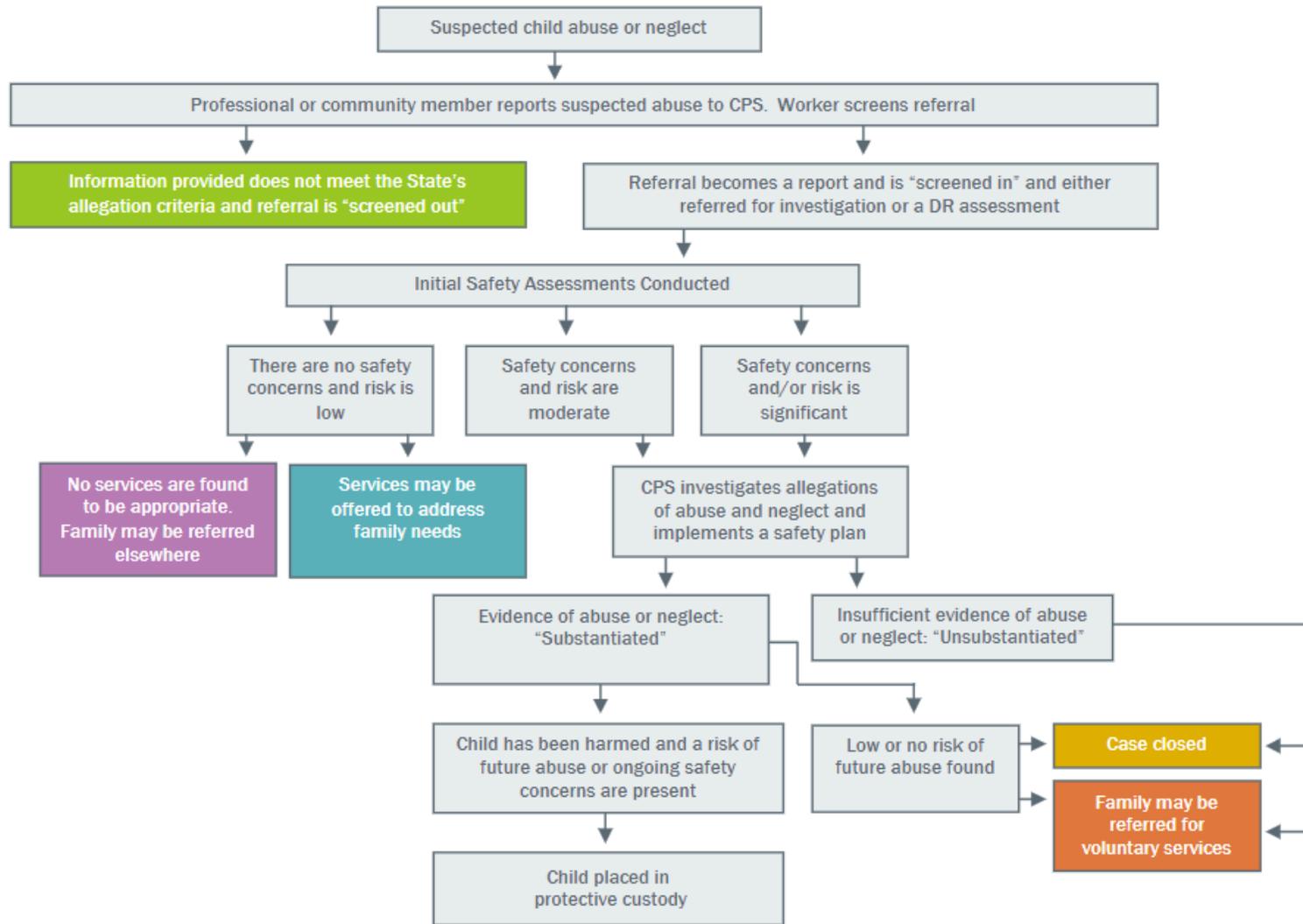
- There are nearly 40 offices and programs in the nation
- Vary by size, jurisdiction, funding, mission, authority
- Provide oversight, accountability, education and system change

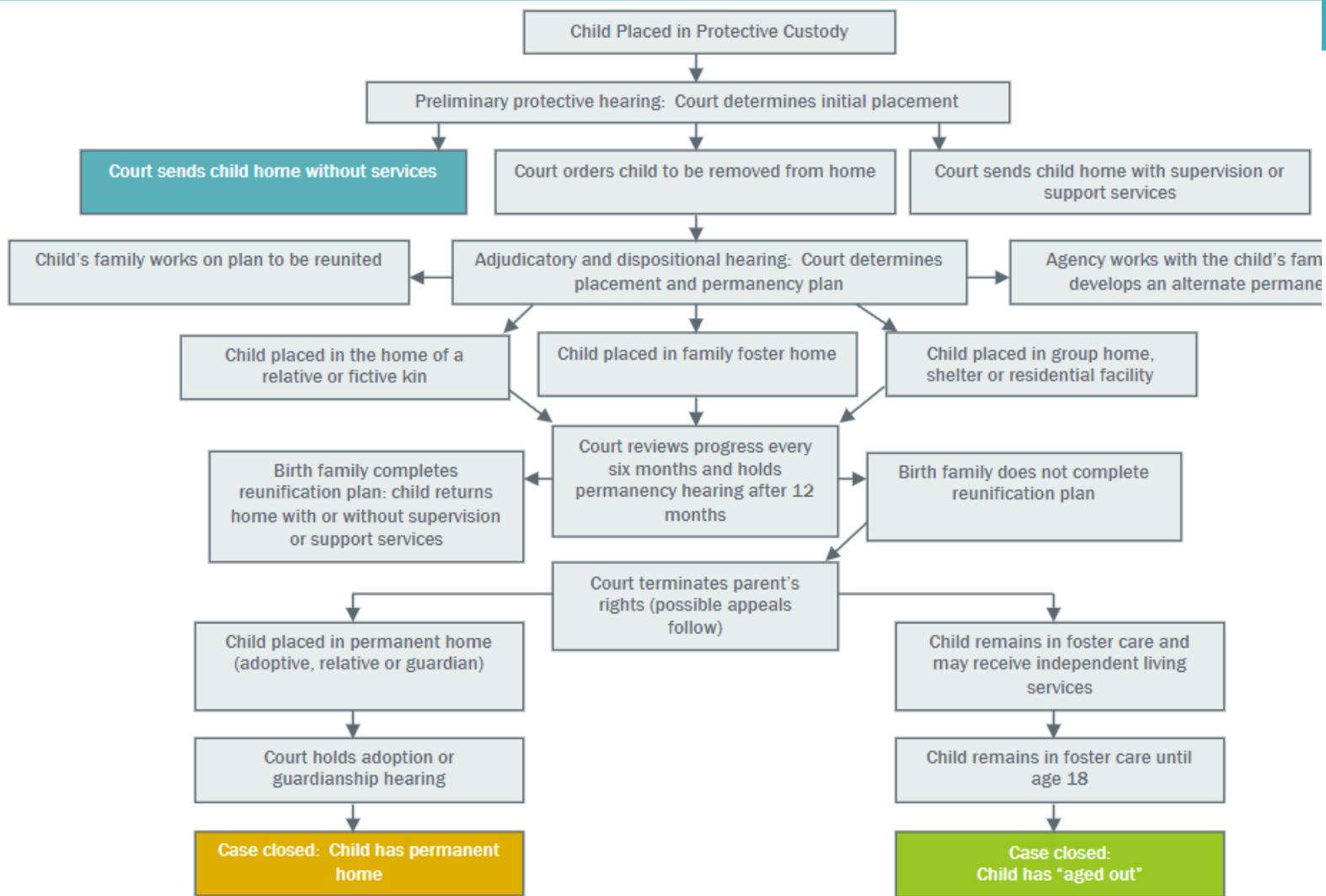
### Why We Exist:

- The Child Welfare System Produce Poor Outcomes for Children and Families
- Large Scale Bureaucracies that lack connection to people
- Lack Of Family and Child Voice at the Program/Policy Level
- Ongoing Harm To Children in the Systems—Child fatalities, children in hotel rooms
- Need For Accountability
- Necessity For Outside, Independent Assessments



# PHASE ONE: CHILD WELFARE ASSESSMENT





## PHASE TWO: PROTECTIVE CUSTODY



# It's All in the Charge

***“Provide education to the public on child protection issues.”***

***“Develop and Promote a Broad Vision for Reform.”***

***“Make recommendations and the feasibility of implementation of those recommendations”***

***“Make recommendations to the General Assembly.”***

***“Evaluate the effectiveness of the child protection system.”***

***“Advise the Governor, Legislature, Commissioners...on how the state may improve services for children.”***



# History of the CPO

## Prior to Independence

- Response to the deaths of 12 Colorado children in 2007 who were known to child welfare services
- Public wanted more accountability and oversight
- Established in June 2010
- Existed as a program through a contract with a local non-profit.
- Program was issued and managed by the Colorado Department of Human Services

## Gaining Independence

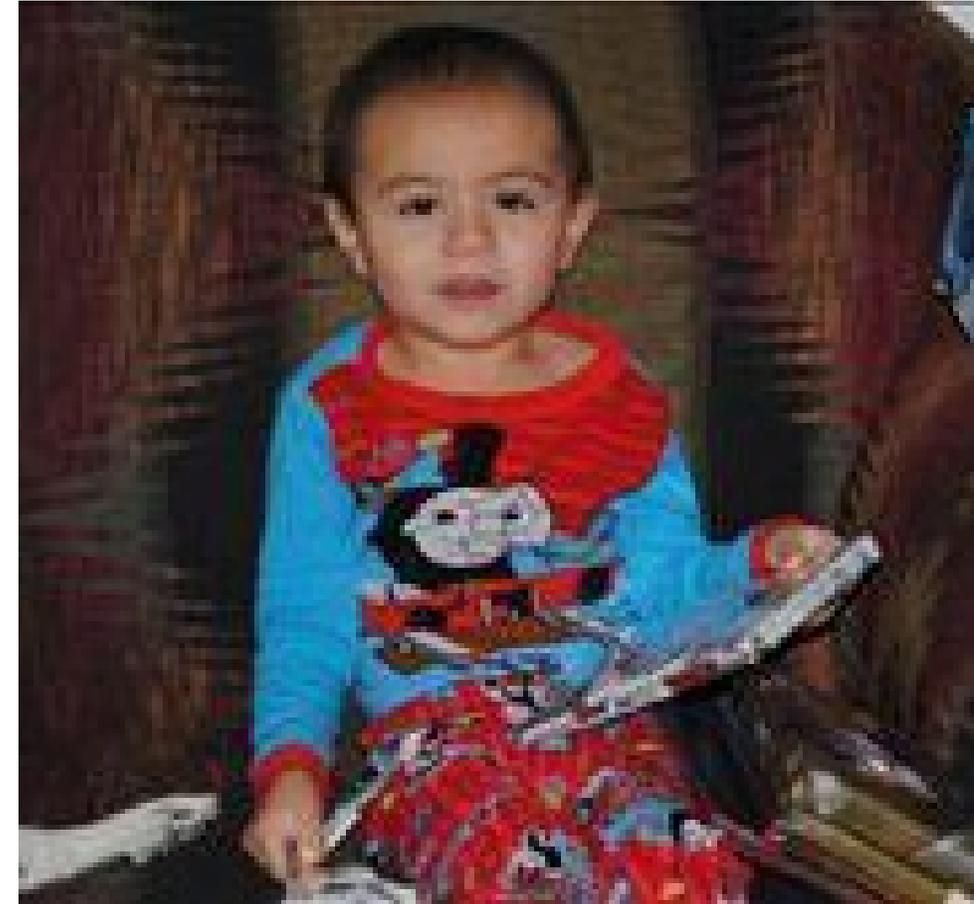
- Legislators determined CPO needed independence from the agencies it was designed to review
- Legislation was signed into law in June 2015
- Original “program” was transformed into independent state agency
- Created CPO Board
- CPO housed in Judicial Branch
- Current Ombudsman took office in January 2016



# Why Independence Matters

## Caleb Pacheco, 2

- Caleb was unaccounted for from January 2011 to January 2012.
- On January 22, 2012, Caleb's body was found under a Sterling mobile home.
- On January 5, 2013, the Child Fatality Review Team released a case-specific report regarding Caleb.
- On April 25, 2013, CPO released report that found 96 inaccuracies or misrepresentations in the CFRT's report.



# Independence and New Course

**“Full independence for Colorado child protection ombudsman” – The Denver Post**

**“Colorado reorganizing child welfare watchdog, moving it from Human Services to Judicial Department” – Denver7 News**

**“Independent eye on Colorado’s child welfare system” – The Denver Post**

**“Colorado selects next child watchdog” – The Denver Post**



# The CPO Today



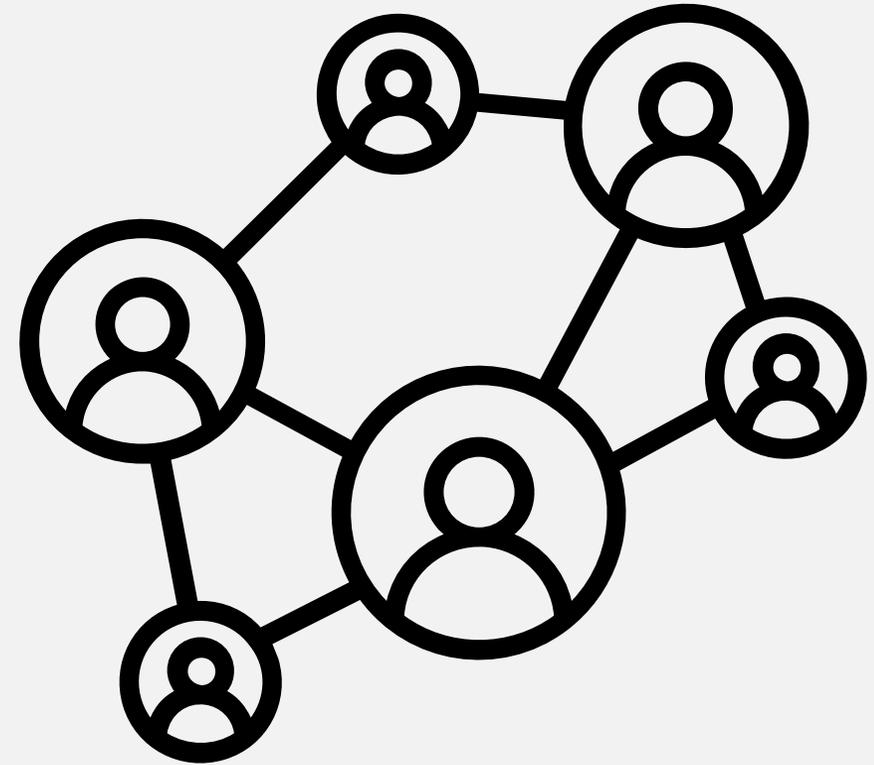
Video Link: <https://coloradocpo.org/>



# Our Charge

## At a minimum, the CPO shall:

- “[H]elp educate the public concerning child maltreatment and the role of the community in strengthening families and keeping children safe.” *See C.R.S. 19-3.3-103(2)(c)*
- “[R]ecommend to the general assembly, the executive director, and any appropriate agency or entity the statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.” *See C.R.S. 19-3.3-103(2)(e)*



# OMBUDSMAN JURISDICTION

**Provide oversight of Colorado's Child Protection System, not solely Child Welfare.**

## THE CPO'S IS CHARGED WITH...

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



# The Child Protection System



# CASE PROCESS



- The CPO takes calls during business hours and receives online complaints 24/7.
- The CPO receives almost 1,000 calls each year.
- Independent case review for all concerns.
- Reviews include Trails, court records, medical records, etc.
- Outcomes may vary based on need and may include resolution of both individual concerns and systemic issues.

# CONFIDENTIALITY

## **CASE CONFIDENTIALITY**

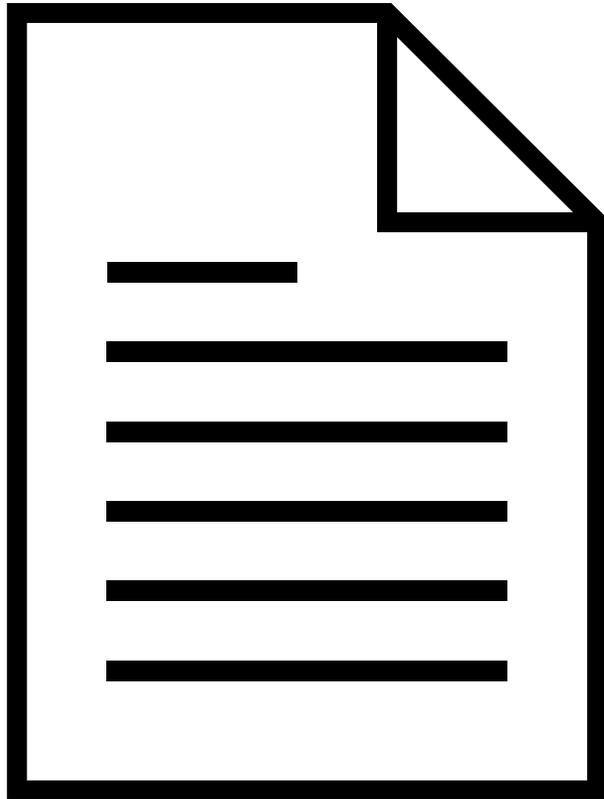
Pursuant to C.R.S. 19-3.3-103(3) the CPO shall, “comply with all state and federal confidentiality laws that govern the state department or a county department with respect to the treatment of confidential records and the disclosure of such information and records.”

## **CONTACT CONFIDENTIALITY**

Pursuant to C.R.S. 19-3.3-103(1)(a)(I)(B) the CPO shall treat identities of contacts and inquires as confidential, unless the CPO obtains the consent of the contact to release their identity to an agency/provider and/or include the contact’s identity in a public report.



# Documents and Reports



C.R.S. 19-3.3-103(1)(a)(I)(C) states in part:

“The ombudsman and any employee or person acting on behalf of the ombudsman shall not be compelled to provide oral and written testimony in a civil or criminal proceeding in which the ombudsman is not a legal party. Information, records, or documents requested and reviewed by the ombudsman pursuant to this section are not subject to a subpoena issued to the ombudsman, discovery from the ombudsman, or introduction into evidence through the ombudsman in a civil or criminal proceeding in which the ombudsman is not a legal party.”

# HOW WE WORK FOR CHANGE

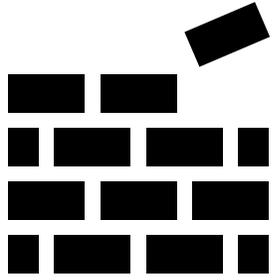
- Complaint Resolution
- Letters of CPO Concern
- Issue Briefs
- Committee Engagement
- Projects
  - Protections for Youth In Foster Care
  - Youth Engagement
  - Special Initiatives
- Public Policy
- Investigations and Monitoring



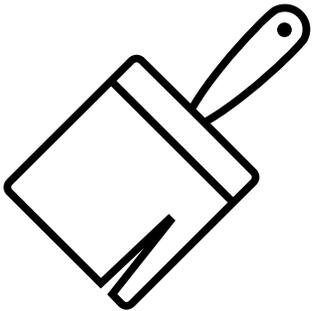
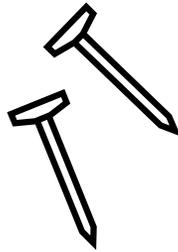
# CPO Advantages

- ARD Principles
- Direct Access to Case Managers and Providers
- Access to Realtime Info
- Often Timelier Than Litigation
- Systemic Perspective
- Public Reports and Recommendations





Use the CPO as  
the unique tool it  
was intended to  
be.



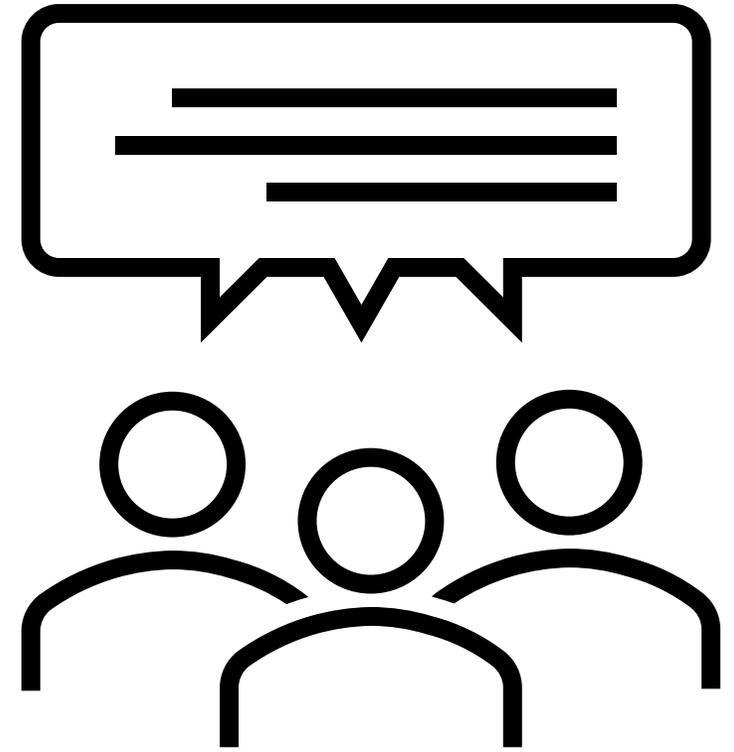


**The CPO was designed to supplement what the legal system cannot handle.**

# The Work in Action



# The Systemic Effect



# Evolving Perspective of Policy

## Old View of Policy Making

### CRISIS DRIVEN AND REACTIVE\*

Creates:

- Agency Silos
- Adversarial Dynamics
- Quick Timeline to Formulate Complex Solutions
- Unintended Policy Consequences
- No Look Back

## New View of Policy Making

**Collaborative Learning  
Environments that Result in  
Thoughtful Change**

\* *Scandalous Politics: Child Welfare Policy in the States*, Julia Gainsborough 2010

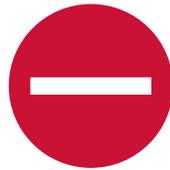


# Building the Ombudsman Space

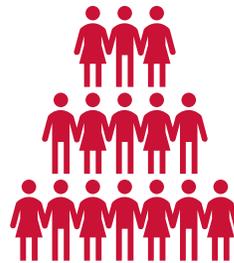
## CPO Public Policy Advancement Center



Ombudsman has broad jurisdiction



Neutral, low stake setting



Stakeholders convene as equals without fear of immediate repercussions in rule or law



Ombudsman uniquely situated to identify other points of friction in systems



Permanent fixture: compile, and retain research materials related to child protection

# Building the Ombudsman Space

## CPO Public Policy Advancement Center *The Benefits*



Time to listen,  
learn, think  
and create



Education of  
participants



Dialogue



Collaboration



Impactful  
work



Smooth  
legislative  
process

# Leveraging Ombuds Work

## NOTICE

- Alert citizens, legislators and stakeholders of issues impacting the safety and well-being of children.

## ACCOUNTABILITY

- Force applicable entities to respond to ombuds findings, concerns and recommendations in the public sphere.

## MONITOR

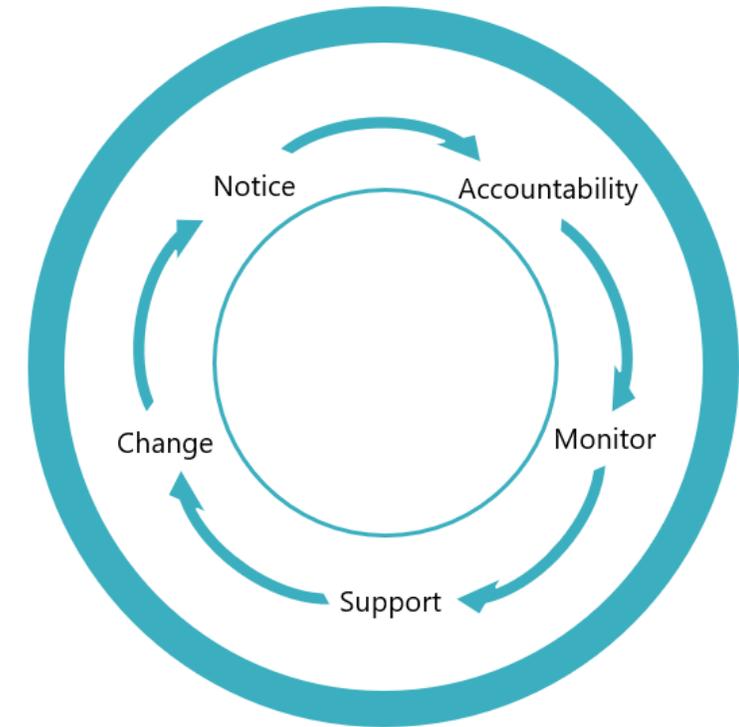
- Monitor systems/programs for improvement and/or worsening conditions or incidents.

## SUPPORT

- Promote education of the issue so stakeholders may use ombuds work as a tool for change.

## CHANGE

- The implementation of regulation and/or law that will ensure long-term impacts and improvements.



# LEVERAGING THE WORK

*“Abuse, neglect reports at children’s center trigger investigation across Colorado”*

- The Denver Post

*“Families kept in the dark about children’s safety in Colorado’s child welfare system”*

- The Colorado Sun

*“Two children die running away from residential treatment centers in Colorado”*

- 9News Denver

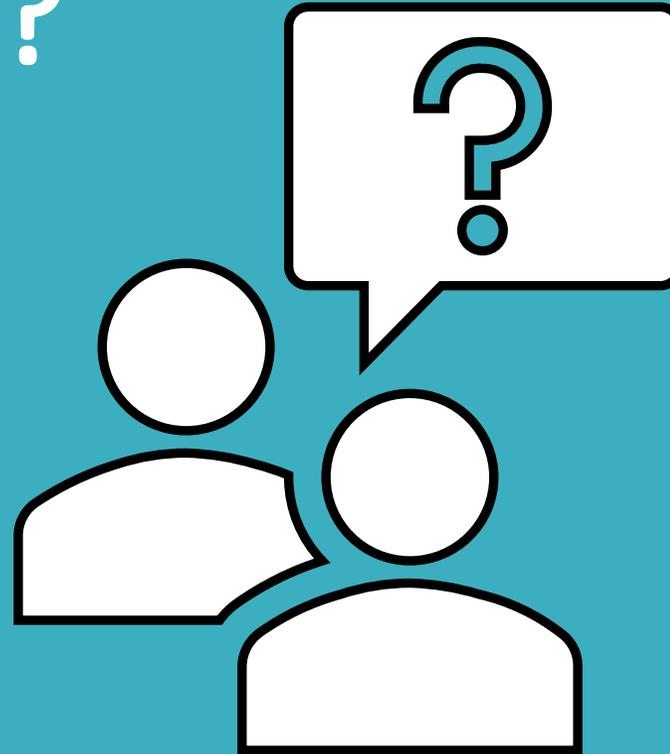
**Residential  
Child Care  
Facilities**

**Adoption  
Assistance**

**Mandatory  
Reporting**

Every call to the  
CPO drives  
systemic change.

# QUESTIONS?



# CONTACT INFORMATION

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