

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 15-0524.01 Jane Ritter x4342

**SENATE BILL 15-204**

**SENATE SPONSORSHIP**

**Newell and Lundberg**, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Grantham, Guzman, Hodge, Holbert, Johnston, Kefalas, Kerr, Lambert, Marble, Martinez Humenik, Merrifield, Scott, Steadman, Todd, Ulibarri, Woods

**HOUSE SPONSORSHIP**

**Singer**, Garnett, Kraft-Tharp, Lebsock, Lee, Lontine, McCann, Melton, Moreno, Primavera, Rankin, Rosenthal, Ryden, Salazar, Tate, Tyler, Winter, Young

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**Senate Committees**

Health & Human Services  
Appropriations

**House Committees**

Public Health Care & Human Services  
Appropriations

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**A BILL FOR AN ACT**

101     **CONCERNING THE INDEPENDENT FUNCTIONING OF THE OFFICE OF THE**  
102             **CHILD PROTECTION OMBUDSMAN, AND, IN CONNECTION**  
103             **THEREWITH, MAKING AND REDUCING APPROPRIATIONS.**

**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://www.leg.state.co.us/bills summaries>.)*

Currently, the office of the child protection ombudsman (office) operates within the department of human services (department), with the administration of the program and office awarded by the department through a contract. The bill removes the office from the department and into the legislative branch, with oversight by an independent 15-member

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
3rd Reading Unamended  
May 4, 2015

HOUSE  
Amended 2nd Reading  
May 1, 2015

SENATE  
Amended 3rd Reading  
April 8, 2015

SENATE  
Amended 2nd Reading  
April 7, 2015

board. Representatives from the judicial, executive, and legislative branches shall appoint members to the board.

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

2           **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** 19-3.3-102 as follows:

4           **19-3.3-102. Office of the child protection ombudsman**  
5 **established - child protection ombudsman board - qualifications of**  
6 **ombudsman - duties.** (1) (a) ON OR BEFORE JANUARY 1, 2016, THE  
7 INDEPENDENT OFFICE OF THE CHILD PROTECTION OMBUDSMAN, REFERRED  
8 TO IN THIS ARTICLE AS THE "OFFICE", IS ESTABLISHED IN THE JUDICIAL  
9 DEPARTMENT AS AN INDEPENDENT AGENCY FOR THE PURPOSE OF  
10 ENSURING THE GREATEST PROTECTIONS FOR THE CHILDREN OF COLORADO.

11           (b) THE OFFICE AND THE RELATED CHILD PROTECTION  
12 OMBUDSMAN BOARD, ESTABLISHED IN SUBSECTION (2) OF THIS SECTION,  
13 SHALL OPERATE WITH FULL INDEPENDENCE. THE BOARD AND OFFICE HAVE  
14 COMPLETE AUTONOMY, CONTROL, AND AUTHORITY OVER OPERATIONS,  
15 BUDGET, AND PERSONNEL DECISIONS RELATED TO THE OFFICE, BOARD,  
16 AND OMBUDSMAN.

17           (c) THE OFFICE SHALL WORK COOPERATIVELY WITH THE CHILD  
18 PROTECTION OMBUDSMAN BOARD ESTABLISHED IN SUBSECTION (2) OF THIS  
19 SECTION, THE DEPARTMENT OF HUMAN SERVICES AND OTHER CHILD  
20 WELFARE ORGANIZATIONS, AS APPROPRIATE, TO FORM A PARTNERSHIP  
21 BETWEEN THOSE ENTITIES AND PERSONS, PARENTS, AND THE STATE FOR  
22 THE PURPOSE OF ENSURING THE GREATEST PROTECTIONS FOR THE  
23 CHILDREN OF COLORADO.

24           (2) (a) THERE IS ESTABLISHED AN INDEPENDENT, NONPARTISAN  
25 CHILD PROTECTION OMBUDSMAN BOARD, REFERRED TO IN THIS ARTICLE AS

1 THE "BOARD". THE MEMBERSHIP OF THE BOARD MUST NOT EXCEED  
2 TWELVE MEMBERS AND, TO THE EXTENT PRACTICABLE, MUST INCLUDE  
3 PERSONS FROM THROUGHOUT THE STATE AND PERSONS WITH DISABILITIES  
4 AND MUST REFLECT THE ETHNIC DIVERSITY OF THE STATE. ALL MEMBERS  
5 MUST HAVE CHILD WELFARE POLICY OR SYSTEM EXPERTISE OR  
6 EXPERIENCE.

7 (b) THE BOARD MEMBERS MUST BE APPOINTED ON OR BEFORE  
8 AUGUST 1, 2015, AS FOLLOWS:

9 (I) THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT SHALL  
10 APPOINT:

11 (A) AN INDIVIDUAL WITH EXPERIENCE AS A RESPONDENT PARENTS'  
12 COUNSEL;

13 (B) AN INDIVIDUAL WITH EXPERIENCE DEFENDING JUVENILES IN  
14 COURT PROCEEDINGS;

15 (C) AN INDIVIDUAL WITH LEGAL EXPERIENCE IN DEPENDENCY AND  
16 NEGLECT CASES; AND

17 (D) AN INDIVIDUAL WITH EXPERIENCE IN CRIMINAL JUSTICE  
18 INVOLVING CHILDREN AND YOUTH.

19 (II) THE GOVERNOR SHALL APPOINT:

20 (A) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE  
21 WITH A RURAL COUNTY HUMAN OR SOCIAL SERVICES AGENCY OR A RURAL  
22 PRIVATE CHILD WELFARE ADVOCACY AGENCY;

23 (B) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE  
24 WITH THE DEPARTMENT OF HUMAN SERVICES;

25 (C) AN INDIVIDUAL WITH PREVIOUS PROFESSIONAL EXPERIENCE  
26 WITH AN URBAN HUMAN OR SOCIAL SERVICES AGENCY OR AN URBAN  
27 PRIVATE CHILD WELFARE AGENCY; AND

1 (D) AN INDIVIDUAL WITH EXPERIENCE IN PRIMARY OR SECONDARY  
2 EDUCATION.

3 (III) THE PRESIDENT AND MINORITY LEADER OF THE SENATE SHALL  
4 APPOINT:

5 (A) AN INDIVIDUAL WHO WAS FORMERLY A CHILD IN THE FOSTER  
6 CARE SYSTEM; AND

7 (B) AN INDIVIDUAL WITH PROFESSIONAL EXPERIENCE AS A COUNTY  
8 AND COMMUNITY CHILD PROTECTION ADVOCATE; AND

9 (IV) THE SPEAKER AND THE MINORITY LEADER OF THE HOUSE OF  
10 REPRESENTATIVES SHALL APPOINT:

11 (A) A CURRENT OR FORMER FOSTER PARENT; AND

12 (B) A HEALTH CARE PROFESSIONAL WITH PREVIOUS EXPERIENCE  
13 WITH CHILD ABUSE AND NEGLECT CASES.

14 (c) BOARD MEMBERS SHALL SERVE FOR TERMS OF FOUR YEARS;  
15 EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, TWO MEMBERS  
16 APPOINTED PURSUANT TO SUBPARAGRAPHS (I), (II), AND (III) OF  
17 PARAGRAPH (b) OF THIS SUBSECTION (2) AND ONE MEMBER APPOINTED  
18 PURSUANT TO SUBPARAGRAPH (IV) OF PARAGRAPH (b) OF THIS  
19 SUBSECTION (2), AS DESIGNATED BY THE APPOINTING OFFICIALS, SHALL  
20 SERVE INITIAL TERMS OF TWO YEARS. THE APPOINTING OFFICIALS SHALL  
21 FILL ANY VACANCIES ON THE BOARD FOR THE REMAINDER OF ANY  
22 UNEXPIRED TERM.

23 (d) THE BOARD SHALL MEET A MINIMUM OF TWO TIMES PER YEAR  
24 AND ADDITIONALLY AS NEEDED. AT LEAST ONE MEETING PER YEAR MUST  
25 BE HELD OUTSIDE OF THE DENVER METROPOLITAN AREA.

26 (e) BOARD MEMBERS SHALL SERVE WITHOUT COMPENSATION BUT  
27 MAY BE REIMBURSED FOR ACTUAL AND REASONABLE EXPENSES INCURRED

1 IN THE PERFORMANCE OF THEIR DUTIES.

2 (f) EXPENSES INCURRED FOR THE BOARD MUST BE PAID FROM THE  
3 GENERAL OPERATING BUDGET OF THE OFFICE OF THE CHILD PROTECTION  
4 OMBUDSMAN.

5 (3) THE BOARD HAS THE FOLLOWING DUTIES AND  
6 RESPONSIBILITIES:

7 (a) TO OVERSEE PERSONNEL DECISIONS RELATED TO THE  
8 OMBUDSMAN, INCLUDING, BUT NOT LIMITED TO:

9 (I) ON OR BEFORE DECEMBER 1, 2015, AND AS NECESSARY  
10 THEREAFTER, APPOINTING A PERSON TO SERVE AS THE CHILD PROTECTION  
11 OMBUDSMAN AND DIRECTOR OF THE OFFICE, REFERRED TO IN THIS ARTICLE  
12 AS THE "OMBUDSMAN". THE OMBUDSMAN APPOINTED BY THE BOARD ON  
13 OR BEFORE DECEMBER 1, 2015, SHALL ASSUME HIS OR HER POSITION ON  
14 THE EFFECTIVE DATE OF THE MEMORANDUM OF UNDERSTANDING BETWEEN  
15 THE JUDICIAL DEPARTMENT AND THE OFFICE, DEVELOPED PURSUANT TO  
16 SECTION 19-3.3-102 (3) (e). THE BOARD MAY ALSO DISCHARGE AN ACTING  
17 OMBUDSMAN FOR CAUSE. A TWO-THIRDS MAJORITY VOTE IS REQUIRED TO  
18 HIRE OR DISCHARGE THE OMBUDSMAN. THE GENERAL ASSEMBLY SHALL  
19 SET THE OMBUDSMAN'S COMPENSATION AND SUCH COMPENSATION MAY  
20 NOT BE REDUCED DURING THE TERM OF THE OMBUDSMAN'S APPOINTMENT.

21 (II) FILLING ANY VACANCY IN THE OMBUDSMAN POSITION;

22 (b) TO ENSURE ACCOUNTABILITY AND CONSISTENCY IN THE  
23 OPERATING POLICIES AND PROCEDURES, INCLUDING REASONABLE RULES  
24 TO ADMINISTER THE PROVISIONS OF THIS ARTICLE AND ANY OTHER  
25 STANDARDS OF CONDUCT AND REPORTING REQUIREMENTS AS PROVIDED  
26 BY LAW;

27 (c) TO WORK COOPERATIVELY WITH THE OMBUDSMAN TO PROVIDE

1 FISCAL OVERSIGHT OF THE GENERAL OPERATING BUDGET OF THE OFFICE,  
2 TO ASSIST WITH TRAINING, AS NEEDED, AND PROVIDE ANY OTHER  
3 ASSISTANCE TO ENSURE THAT THE OFFICE AND OMBUDSMAN OPERATE IN  
4 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND WITH STATE AND  
5 FEDERAL LAWS RELATING TO THE CHILD WELFARE SYSTEM;

6 (d) TO ASSIST WITH THE MEMORANDUM OF UNDERSTANDING  
7 BETWEEN THE OFFICE AND THE STATE DEPARTMENT. THE  
8 MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND SIGNED NO  
9 LATER THAN NOVEMBER 1, 2015;

10 (e) TO COLLABORATE WITH THE JUDICIAL DEPARTMENT AND THE  
11 OFFICE ON THE CREATION OF AN ADMINISTRATIVE MEMORANDUM OF  
12 UNDERSTANDING BETWEEN THE OFFICE AND THE JUDICIAL DEPARTMENT.  
13 THE MEMORANDUM OF UNDERSTANDING MUST BE COMPLETED AND  
14 SIGNED NO LATER THAN NOVEMBER 1, 2015, AND HAVE AN EFFECTIVE  
15 DATE OF NO LATER THAN JANUARY 1, 2016. THE MEMORANDUM OF  
16 UNDERSTANDING MUST CONTAIN, AT A MINIMUM:

17 (I) A REQUIREMENT THAT THE OFFICE HAS ITS OWN PERSONNEL  
18 RULES;

19 (II) A REQUIREMENT THAT THE OMBUDSMAN HAS INDEPENDENT  
20 HIRING AND TERMINATION AUTHORITY OVER OFFICE EMPLOYEES;

21 (III) A REQUIREMENT THAT THE OFFICE MUST FOLLOW JUDICIAL  
22 FISCAL RULES;

23 (IV) A REQUIREMENT THAT THE OFFICE OF THE STATE COURT  
24 ADMINISTRATOR SHALL OFFER THE OFFICE OF THE CHILD PROTECTION  
25 OMBUDSMAN LIMITED SUPPORT WITH RESPECT TO:

26 (A) PERSONNEL MATTERS;

27 (B) RECRUITMENT;

- 1 (C) PAYROLL;
- 2 (D) BENEFITS;
- 3 (E) BUDGET SUBMISSION, AS NEEDED;
- 4 (F) ACCOUNTING; AND
- 5 (G) OFFICE SPACE, FACILITIES, AND TECHNICAL SUPPORT LIMITED
- 6 TO THE BUILDING THAT HOUSES THE OFFICE OF THE STATE COURT
- 7 ADMINISTRATOR;
- 8 (V) ANY OTHER PROVISIONS REGARDING ADMINISTRATIVE
- 9 SUPPORT THAT WILL HELP MAINTAIN THE INDEPENDENCE OF THE OFFICE;
- 10 (f) TO ASSIST WITH TRAINING FOR THE OMBUDSMAN, OFFICE, OR AS
- 11 OTHERWISE NEEDED; AND
- 12 (g) TO ASSIST WITH REPORTING REQUIREMENTS TO THE GENERAL
- 13 ASSEMBLY.
- 14 (4) MEETINGS OF THE BOARD ARE SUBJECT TO THE PROVISIONS OF
- 15 SECTION 24-6-402, C.R.S., EXCEPT FOR EXECUTIVE PERSONNEL ACTIONS
- 16 OR MEETINGS REQUIRING THE PROTECTION OF CONFIDENTIALITY FOR
- 17 CHILDREN'S OR PARENTS' PERSONAL DATA PURSUANT TO THE FEDERAL
- 18 "CHILD ABUSE PREVENTION AND TREATMENT ACT", PUB.L. 93-247, AND
- 19 STATE PRIVACY LAWS.
- 20 (5) THE RECORDS OF THE BOARD AND THE OFFICE ARE SUBJECT TO
- 21 THE PROVISIONS OF PART 2 OF ARTICLE 72 OF TITLE 24, C.R.S.

22

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23 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-103, **amend**  
24 (1) (a) (I) (A), (2) (b), (2) (e), (3), and (5) as follows:

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

1 minimum:

2 (a) (I) (A) To receive complaints concerning child protection  
3 services made by or on behalf of a child relating to any action, inaction,  
4 or decision of any public agency or any provider that receives public  
5 moneys that may adversely affect the safety, permanency, ~~and~~ OR  
6 well-being of the child. The ombudsman may, INDEPENDENTLY AND  
7 IMPARTIALLY, investigate and seek resolution of such complaints, which  
8 resolution may include, but need not be limited to, referring a complaint  
9 to the state department or appropriate agency or entity and making a  
10 recommendation for action relating to a complaint.

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

12 (b) To review and evaluate the effectiveness and efficiency of any  
13 existing grievance resolution mechanisms and to make recommendations  
14 to the GENERAL ASSEMBLY, executive director, and any appropriate  
15 agency or entity for the improvement of the grievance resolution  
16 mechanisms;

17 (e) To recommend to the GENERAL ASSEMBLY, THE executive  
18 director, and any appropriate agency or entity statutory, budgetary,  
19 regulatory, and administrative changes, including systemic changes, to  
20 improve the safety of and promote better outcomes for children and  
21 families receiving child protection services in Colorado.

22 (3) ~~An agency or organization that is awarded the contract for the~~  
23 ~~operation of the program~~, The ombudsman, employees of the program  
24 OFFICE, and any persons acting on behalf of the program OFFICE shall  
25 comply with all state and federal confidentiality laws that govern the state  
26 department or a county department with respect to the treatment of  
27 confidential information or records and the disclosure of such information



1 and records.

2 (5) IN THE PERFORMANCE OF HIS OR HER DUTIES, the ombudsman  
3 shall act independently of the divisions within the state department that  
4 are responsible for child welfare, youth corrections, or child care, and of  
5 the county departments in the performance of his or her duties OF HUMAN  
6 OR SOCIAL SERVICES, AND OF ALL JUDICIAL AGENCIES, INCLUDING, BUT  
7 NOT LIMITED TO, THE OFFICE OF THE CHILD'S REPRESENTATIVE, THE OFFICE  
8 OF THE RESPONDENT PARENTS' COUNSEL, THE OFFICE OF STATE PUBLIC  
9 DEFENDER, THE OFFICE OF ALTERNATE DEFENSE COUNSEL, AND THE OFFICE  
10 OF ATTORNEY REGULATION COUNSEL. Any recommendations made by the  
11 ombudsman or positions taken by the ombudsman do not necessarily  
12 reflect those of the state department, JUDICIAL DEPARTMENT, or of the  
13 county departments OF HUMAN OR SOCIAL SERVICES.

14

15 **SECTION 3.** In Colorado Revised Statutes, **amend** 19-3.3-106  
16 as follows:

17 **19-3.3-106. Award of contract - extension - repeal.**

18 (1) (a) Subject to the provisions of subsection (2) of this section, the  
19 executive director, in accordance with the "Procurement Code", articles  
20 101 to 112 of title 24, C.R.S., shall issue the request for proposals for the  
21 administration of the program OFFICE. The proposal submission period,  
22 the review of submissions, and the award of the contract shall be  
23 completed within sixty days after the issuance of the request for  
24 proposals.

25 (b) The request for proposals shall include language prohibiting  
26 the award of the contract to a contractor who will continue to be involved  
27 in providing child protection services or involved in the legal

1 representation of children after the award of the contract or who has any  
2 other conflict of interest or who is unable to independently and  
3 impartially perform the duties of the program OFFICE.

4 (2) Notwithstanding any provisions of this article to the contrary,  
5 the executive director shall not award a contract for the operation of the  
6 program OFFICE until such time as the executive director determines that  
7 sufficient moneys are available or have been committed for the operation  
8 of the program OFFICE.

9 (3) THE EXECUTIVE DIRECTOR MAY EXTEND A CONTRACT  
10 AWARDED PURSUANT TO THIS SECTION UNTIL DECEMBER 31, 2015. THE  
11 CONTRACT EXTENSION MAY BE REVOKED UPON THE AGREEMENT OF ALL  
12 PARTIES, BUT NO SOONER THAN THE EFFECTIVE DATE OF THE  
13 MEMORANDUM OF UNDERSTANDING BETWEEN THE JUDICIAL DEPARTMENT  
14 AND THE OFFICE, DEVELOPED PURSUANT TO SECTION 19-3.3-102 (3) (e).

15 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

16 **SECTION 4.** In Colorado Revised Statutes, 19-3.3-107, **amend**  
17 (4); and **add** (5) as follows:

18 **19-3.3-107. Child protection ombudsman program fund -**  
19 **created - repeal.** (4) Any moneys in the fund not expended for the  
20 purposes of this article may be invested by the state treasurer as provided  
21 by law. All interest and income derived from the investment and deposit  
22 of moneys in the fund shall be credited to the fund. Any unexpended and  
23 unencumbered moneys remaining in the fund at the end of a fiscal year  
24 shall remain in the fund and AS OF JANUARY 1, 2016, shall not revert or be  
25 credited or BE transferred to the general fund. or to another fund.

26 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

27 **SECTION 5.** In Colorado Revised Statutes, 19-3.3-108, **amend**

1 (2) and (3) as follows:

2 **19-3.3-108. Office of the child protection ombudsman - annual**  
3 **report.** (2) The ombudsman shall transmit the annual report to the  
4 executive director for review and comment. The ~~executive director~~  
5 OMBUDSMAN shall distribute the WRITTEN report to the ~~governor, THE~~  
6 ~~CHIEF JUSTICE,~~ and ~~to the health and human services committees of the~~  
7 ~~house of representatives and of the senate, or any successor committees~~  
8 THE GENERAL ASSEMBLY. The ombudsman shall present the report to the  
9 health and human services committees of the house of representatives and  
10 of the senate, or any successor committees. ~~upon request of those~~  
11 ~~committees.~~

12 (3) The ~~state department~~ OMBUDSMAN shall post the annual report  
13 ~~issued by the ombudsman to the web site of the state department~~ ON THE  
14 OFFICE OF THE CHILD PROTECTION OMBUDSMAN'S WEB SITE AND THE  
15 GENERAL ASSEMBLY'S WEB SITE.

16 **SECTION 6.** In Colorado Revised Statutes, **add** 19-3.3-110 as  
17 follows:

18 **19-3.3-110. Funding recommendations.** THE OMBUDSMAN  
19 SHALL MAKE FUNDING RECOMMENDATIONS TO THE JOINT BUDGET  
20 COMMITTEE OF THE GENERAL ASSEMBLY FOR THE OPERATION OF THE  
21 OFFICE OF THE CHILD PROTECTION OMBUDSMAN. THE GENERAL ASSEMBLY  
22 SHALL MAKE ANNUAL APPROPRIATIONS, IN SUCH AMOUNT AND FORM AS  
23 THE GENERAL ASSEMBLY DETERMINES APPROPRIATE, FOR THE OPERATION  
24 OF THE OFFICE.

25 **SECTION 7.** In Colorado Revised Statutes, 19-3.3-108, **amend**  
26 (1) introductory portion and (1) (a) as follows:

27 **19-3.3-108. Office of the child protection ombudsman - annual**

1 **report.** (1) On or before September 1 of each year, commencing with the  
2 September 1 following the first fiscal year in which the **program is**  
3 **implemented** OFFICE WAS ESTABLISHED, the ombudsman shall prepare a  
4 written report that shall include, but need not be limited to, information  
5 from the preceding fiscal year and any recommendations concerning the  
6 following:

7 (a) Actions taken by the ombudsman relating to the duties of the  
8 **program** OFFICE set forth in section 19-3.3-103;

9 **SECTION 8.** In Colorado Revised Statutes, **amend** 19-3.3-109  
10 as follows:

11 **19-3.3-109. Review by the state auditor's office.** The state  
12 auditor shall conduct or cause to be conducted a performance and fiscal  
13 audit of the **program** OFFICE at the beginning of the third year of operation  
14 of the **program** OFFICE. Thereafter, at the discretion of the legislative audit  
15 committee, the state auditor shall conduct or cause to be conducted a  
16 performance and fiscal audit of the **program** OFFICE.

17 **SECTION 9.** In Colorado Revised Statutes, 24-37-302, **amend**  
18 (3) (b) as follows:

19 **24-37-302. Responsibilities of the office of state planning and**  
20 **budgeting.** (3) (b) The department of state, the department of the  
21 treasury, the department of law, the judicial department, the office of state  
22 public defender, the office of alternate defense counsel, the independent  
23 ethics commission, **and** the office of the child's representative, **AND THE**  
24 **OFFICE OF THE CHILD PROTECTION OMBUDSMAN** shall use the state agency  
25 budget submissions described in paragraph (a) of this subsection (3) as a  
26 guideline for the submission of their budgets to the joint budget  
27 committee.

1           **SECTION 10.** In Colorado Revised Statutes, 24-37.5-105,  
2 **amend** (11) (b) (I), (11) (b) (II), (11) (b) (IV), (11) (b) (VI), and (11) (c)  
3 (II) as follows:

4           **24-37.5-105. Office - responsibilities - rules.** (11) (b) The  
5 electronic budgeting system should, at minimum:

6           (I) Allow access by the principal departments of the executive  
7 branch of state government, as specified in section 24-1-110, the  
8 legislative branch agencies, the judicial department, the office of state  
9 public defender created in section 21-1-101, C.R.S., the office of alternate  
10 defense counsel created in section 21-2-101, C.R.S., the independent  
11 ethics commission established in section 24-18.5-101 (2) (a), the office  
12 of the child's representative created in section 13-91-104, C.R.S., THE  
13 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION  
14 19-3.3-102, C.R.S., the office of state planning and budgeting, and the  
15 joint budget committee staff;

16           (II) Allow for the confidential development of the governor's  
17 annual budget request and the annual budget requests of the legislative  
18 branch agencies, the judicial department, the office of state public  
19 defender created in section 21-1-101, C.R.S., the office of alternate  
20 defense counsel created in section 21-2-101, C.R.S., the independent  
21 ethics commission established in section 24-18.5-101 (2) (a), and the  
22 office of the child's representative created in section 13-91-104, C.R.S.,  
23 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN  
24 SECTION 19-3.3-102, C.R.S.;

25           (IV) Allow for the electronic communication of the governor's  
26 annual budget request and the annual budget requests of the legislative  
27 branch agencies, the judicial department, the office of state public

1 defender created in section 21-1-101, C.R.S., the office of alternate  
2 defense counsel created in section 21-2-101, C.R.S., the independent  
3 ethics commission established in section 24-18.5-101 (2) (a), and the  
4 office of the child's representative created in section 13-91-104, C.R.S.,  
5 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN  
6 SECTION 19-3.3-102, C.R.S., to the joint budget committee staff;

7 (VI) Allow the joint budget committee staff to view the final  
8 version of the governor's annual budget requests and the budget requests  
9 of the legislative branch agencies, the judicial department, the office of  
10 state public defender created in section 21-1-101, C.R.S., the office of  
11 alternate defense counsel created in section 21-2-101, C.R.S., the  
12 independent ethics commission established in section 24-18.5-101 (2) (a),  
13 and the office of the child's representative created in section 13-91-104,  
14 C.R.S., AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED  
15 IN SECTION 19-3.3-102, C.R.S.;

16 (c) The feasibility and requirements study should also assess the  
17 cost and feasibility to implement the following potential system  
18 components:

19 (II) A web-based interface that will allow the legislative branch  
20 agencies, the judicial department, the office of state public defender  
21 created in section 21-1-101, C.R.S., the office of alternate defense  
22 counsel created in section 21-2-101, C.R.S., the independent ethics  
23 commission established in section 24-18.5-101 (2) (a), and the office of  
24 the child's representative created in section 13-91-104, C.R.S., AND THE  
25 OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION  
26 19-3.3-102, C.R.S., to upload and submit budget documents and requests  
27 to the joint budget committee staff;

1           **SECTION 11.** In Colorado Revised Statutes, 2-7-202, **amend** (5)  
2 (a); and **add** (13.5) as follows:

3           **2-7-202. Definitions.** As used in this part 2, unless the context  
4 otherwise requires:

5           (5) (a) "Department" means the judicial department, the office of  
6 state public defender, the office of alternate defense counsel, the office  
7 of the child's representative, THE OFFICE OF THE CHILD PROTECTION  
8 OMBUDSMAN, the public employees' retirement association, the Colorado  
9 energy office, the office of economic development, and the principal  
10 departments of the executive branch of state government as specified in  
11 section 24-1-110, C.R.S., including any division, office, agency, or other  
12 unit created within a principal department.

13           (13.5) "OFFICE OF THE CHILD PROTECTION OMBUDSMAN" MEANS  
14 THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN CREATED IN SECTION  
15 19-3.3-102, C.R.S.

16           **SECTION 12.** In Colorado Revised Statutes, 2-7-204, **amend** (1)  
17 (c) and (3) (b) as follows:

18           **2-7-204. Performance management systems.** (1) (c) No later  
19 than August 1, 2013, and no later than August 1 of each year thereafter,  
20 the department of state, the department of the treasury, the department of  
21 law, the office of state public defender, the office of alternate defense  
22 counsel, the Colorado energy office, the office of economic development,  
23 ~~and~~ the office of the child's representative, AND THE OFFICE OF THE CHILD  
24 PROTECTION OMBUDSMAN shall each publish their components of the  
25 performance management systems for their respective department, office,  
26 or commission. These instructions must be posted on the official web  
27 sites administered by the respective departments, offices, and

1 commissions.

2 (3) (b) Each department's performance plan shall be posted on the  
3 official web sites of the department and the office of state planning and  
4 budgeting. The state treasurer, the attorney general, the secretary of state,  
5 the state court administrator for the judicial department, the office of state  
6 public defender, the office of alternate defense counsel, the public  
7 employees' retirement association, the Colorado energy office, the office  
8 of economic development, and the office of the child's representative,  
9 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN shall ensure the  
10 office of state planning and budgeting receives the information required  
11 to be posted on the office of state planning and budgeting's web site  
12 pursuant to this paragraph (b). The office of state planning and budgeting  
13 shall not have access to edit any information provided by the state  
14 treasurer, the attorney general, the secretary of state, the state court  
15 administrator for the judicial department, the office of state public  
16 defender, the office of alternate defense counsel, the public employees'  
17 retirement association, the Colorado energy office, the office of economic  
18 development, or the office of the child's representative, OR THE OFFICE OF  
19 THE CHILD PROTECTION OMBUDSMAN.

20 **SECTION 13.** In Colorado Revised Statutes, 2-7-205, **amend** (1)  
21 as follows:

22 **2-7-205. Annual performance report.** (1) (a) (I) Except as  
23 provided in subparagraph (II) of this paragraph (a), no later than  
24 November 1, 2014, and no later than November 1 of each year thereafter,  
25 the office of state planning and budgeting shall publish an annual  
26 performance report for each department except the department of state,  
27 the department of the treasury, the department of law, the judicial



1 department, the office of state public defender, the office of alternate  
2 defense counsel, the Colorado energy office, the office of economic  
3 development, and the office of the child's representative, AND THE OFFICE  
4 OF THE CHILD PROTECTION OMBUDSMAN. The annual performance report  
5 must include a summary of each department's performance plan and most  
6 recent performance evaluation. The annual performance report must be  
7 clearly written and easily understood and must be limited to a maximum  
8 of four pages per department.

9 (II) The office of state planning and budgeting shall prepare the  
10 section of the annual performance report for the department of higher  
11 education by reviewing the institutions of higher education's progress  
12 towards the goals set forth in the institution of higher education's  
13 performance contract described in section 23-5-129, C.R.S., and the  
14 outcomes of the recommended performance funding plan required in  
15 section 23-1-108 (1.9) (b), C.R.S.

16 (b) No later than November 1, 2014, and no later than November  
17 1 of each year thereafter, the department of state, the department of the  
18 treasury, the department of law, the judicial department, the office of state  
19 public defender, the office of alternate defense counsel, the Colorado  
20 energy office, the office of economic development, and the office of the  
21 child's representative, AND THE OFFICE OF THE CHILD PROTECTION  
22 OMBUDSMAN shall each publish an annual performance report including  
23 a summary of its performance plan and most recent performance  
24 evaluation. The annual performance reports must be clearly written and  
25 easily understood and must each be limited to a maximum of four pages.

26 **SECTION 14.** In Colorado Revised Statutes, 19-3.3-101, **amend**  
27 (2) introductory portion as follows:

1           **19-3.3-101. Legislative declaration.** (2) The general assembly  
2 further finds and declares that the establishment of the OFFICE OF THE  
3 child protection ombudsman program will:

4           **SECTION 15.** In Colorado Revised Statutes, 19-3.3-103, amend  
5 (1) (a) (I) (B) and (1) (c) as follows:

6           **19-3.3-103. Office of the child protection ombudsman - powers  
7 and duties - access to information - confidentiality - testimony -  
8 judicial review.** (1) The ombudsman has the following duties, at a  
9 minimum:

10           (a) (I) (B) The ombudsman shall treat all complaints received  
11 pursuant to sub-subparagraph (A) of this subparagraph (I) as confidential,  
12 including the identities of complainants and individuals from whom  
13 information is acquired; except that disclosures may be permitted if the  
14 ombudsman deems it necessary to enable the ombudsman to perform his  
15 or her duties and to support any recommendations resulting from an  
16 investigation. Records relating to complaints received by the program  
17 OFFICE and the investigation of complaints are exempt from public  
18 disclosure pursuant to article 72 of title 24, C.R.S.

19           (c) To report at least annually, pursuant to section 19-3.3-108,  
20 concerning the actions taken by the ombudsman with respect to the goals  
21 and duties of the program OFFICE.

22           **SECTION 16.** In Colorado Revised Statutes, amend 19-3.3-104  
23 as follows:

24           **19-3.3-104. Qualified immunity.** The ombudsman and employees  
25 or persons acting on behalf of the program shall be OFFICE ARE immune  
26 from suit and liability, either personally or in their official capacities, for  
27 any claim for damage to or loss of property, or for personal injury or other

1 civil liability caused by or arising out of any actual or alleged act, error,  
2 or omission that occurred within the scope of employment, duties, or  
3 responsibilities pertaining to the ~~program~~ OFFICE, including but not  
4 limited to issuing reports or recommendations; except that nothing in this  
5 section shall be construed to protect such persons from suit or liability for  
6 damage, loss, injury, or liability caused by the intentional or willful and  
7 wanton misconduct of ~~any such~~ THAT person.

8 **SECTION 17. Appropriation - adjustments to 2015 long bill.**

9 (1) To implement this act, the general fund appropriation made in the  
10 annual general appropriation act for the 2015-16 state fiscal year to the  
11 department of human services for the child protection ombudsman is  
12 decreased by \$270,372.

13 (2) For the 2015-16 state fiscal year, \$351,086 is appropriated to  
14 the judicial department. This appropriation is from the general fund and  
15 is based on an assumption that the department will require an additional  
16 2.2 FTE. To implement this act, the department may use this  
17 appropriation as follows:

18 (a) \$10,000 for general courts administration, which amount is  
19 based on an assumption that the department will require an additional 0.2  
20 FTE;

21 (b) \$133,812 for courthouse capital and infrastructure  
22 maintenance; and

23 (c) \$207,274 for the office of the child protection ombudsman,  
24 which amount is based on an assumption that the office will require an  
25 additional 2.0 FTE.

26 **SECTION 18. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.