

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 25-0806.01 Alana Rosen x2606

**HOUSE BILL 25-1200**

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**A BILL FOR AN ACT**

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

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**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  
3rd Reading Unamended  
March 5, 2025

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.

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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) "BOARD"** MEANS THE CHILD PROTECTION OMBUDSMAN BOARD  
7 ESTABLISHED PURSUANT TO SECTION 19-3.3-102 (2)(a).

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

12             **(3) "FACILITY"** MEANS A FACILITY ESTABLISHED AND OPERATED BY  
13 THE STATE DEPARTMENT PURSUANT TO SECTION 19-2.5-1502.

14             **(4) "OFFICE"** MEANS THE OFFICE OF THE CHILD PROTECTION

1        OMBUDSMAN ESTABLISHED PURSUANT TO SECTION 19-3.3-102 (1)(a).

2                (5) "OMBUDSMAN" MEANS THE CHILD PROTECTION OMBUDSMAN  
3                AND DIRECTOR OF THE OFFICE APPOINTED PURSUANT TO SECTION  
4                19-3.3-102 (3)(a)(I).

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

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

9                (8) "WORK PRODUCT" HAS THE SAME MEANING AS SET FORTH IN  
10                SECTION 24-72-202.

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

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

20                (2) (a) There is established an independent, nonpartisan child  
21                protection ombudsman board. referred to in this article 3.3 as the "board".  
22                The board consists of twelve members and, to the extent practicable, must  
23                include persons from throughout the state and persons with disabilities  
24                and must reflect the ethnic diversity of the state. All members must have  
25                child welfare policy or system expertise or experience.

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

27                (a) To oversee the following personnel decisions related to the

1 ombudsman:

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

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

11 **19-3.3-103. Office of the child protection ombudsman - duties**  
12 **- access to information - confidentiality - testimony - judicial review**  
13 **- definitions.** (1) The ombudsman has the following duties, at a  
14 minimum:

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

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

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

21 (H) (A) In investigating a complaint, the ombudsman has the  
22 authority to request, access, and review any information, records, or  
23 documents, including records of third parties, that the ombudsman deems  
24 necessary to conduct a thorough and independent review of a complaint  
25 so long as either the state department or a county department would be  
26 entitled to access or receive such information, records, or documents.

27 (B) In the course of investigating a complaint pursuant to

1 subsection (1)(a)(I)(A) of this section that is related to a child fatality,  
2 near fatality, or incident of egregious abuse or neglect against a child, as  
3 defined in section 26-1-139 (2), upon request, the state department of  
4 human services' child fatality review team, pursuant to section 26-1-139  
5 (5)(e), shall provide the ombudsman the final confidential, case-specific  
6 review report.

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

13 (D) The ombudsman must have access to all information, records,  
14 or documents described in subsection (1)(a)(II)(A) of this section created  
15 in an investigation of an event or incident described in subsection  
16 (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section occurring in the  
17 state from any entity, including but not limited to a coroner's office, law  
18 enforcement agency, hospital, court, the office of state registrar of vital  
19 statistics described in section 25-2-103, and a state-licensed out-of-home  
20 placement provider, as defined in section 26-5-104.

21 (E) The ombudsman shall request, review, and receive copies of  
22 records as described in subsections (1)(a)(II)(A), (1)(a)(II)(B), and  
23 (1)(a)(II)(C) of this section without cost if electronic records are not  
24 available.

25 (F) Nothing in the provisions of subsection (1)(a)(II)(A),  
26 (1)(a)(II)(B), or (1)(a)(II)(C) of this section grants subpoena power to the  
27 ombudsman for purposes of investigating a complaint pursuant to

1 subsection (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section.

2 (III) The ombudsman shall refer any complaints relating to the  
3 judicial department and judicial proceedings, including but not limited to  
4 complaints concerning the conduct of judicial officers or attorneys of  
5 record, judicial determinations, and court processes and procedures to the  
6 appropriate entity or agency within the judicial department.

7 (a) TO RECEIVE AND CONDUCT AN INDEPENDENT AND IMPARTIAL  
8 INVESTIGATION OF COMPLAINTS CONCERNING CHILD PROTECTION  
9 SERVICES, INCLUDING:

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

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

13 (III) COMPLAINTS MADE BY OR ON BEHALF OF A CHILD OR YOUTH  
14 PURSUANT TO SECTIONS 19-2.5-1502.5 (4)(c), 19-3-211 (5)(a), AND  
15 19-7-101 (2)(c)(II);

16 (IV) COMPLAINTS ABOUT AN INCIDENT OF EGREGIOUS ABUSE OR  
17 NEGLECT; NEAR FATALITY, AS DESCRIBED IN SECTION 26-1-139; OR A  
18 FATALITY OF A CHILD, AS DESCRIBED IN PART 20.5 OF TITLE 25 AND  
19 SECTION 26-1-139;

20 (V) COMPLAINTS CONCERNING SYSTEMIC ISSUES, INCLUDING, BUT  
21 NOT LIMITED TO, STATUTORY, BUDGETARY, REGULATORY, AND  
22 ADMINISTRATIVE ISSUES AFFECTING THE SAFETY OF AND OUTCOMES FOR  
23 CHILDREN, YOUTH, AND FAMILIES RECEIVING CHILD PROTECTION SERVICES  
24 IN COLORADO; AND

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

27 (a.5) (b) (I) Notwithstanding any provision of this section to the

1 contrary, the ombudsman may self-initiate an independent and impartial  
2 investigation and ongoing review of the safety and well-being of an  
3 unaccompanied immigrant child who lives in a state-licensed residential  
4 child care facility, as defined in section 26-6-903, and who is in the  
5 custody of the office of refugee resettlement of the federal department of  
6 health and human services as set forth in 8 U.S.C. sec. 1232 et seq. The  
7 ombudsman may seek resolution of such investigation and ongoing  
8 review, which may include, but need not be limited to, referring an  
9 investigation and ongoing review to the state department or appropriate  
10 agency or entity and making a recommendation for action relating to an  
11 investigation and ongoing review.

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

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

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

26 (III) As used in this ~~subsection (1)(a.5)~~ SUBSECTION (1)(b),  
27 "unaccompanied immigrant child" means a child under the age of

1       eighteen years, without lawful immigration status in the United States,  
2       who has been designated an unaccompanied child and transferred to the  
3       custody of the office of refugee resettlement of the federal department of  
4       health and human services pursuant to federal law.

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

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

11           (I)    REQUEST, ACCESS, AND REVIEW ANY INFORMATION,  
12       DOCUMENTS, OR RECORDS, INCLUDING RECORDS OF THIRD PARTIES, THE  
13       OMBUDSMAN DEEMS NECESSARY TO CONDUCT AN INDEPENDENT AND  
14       IMPARTIAL INVESTIGATION OF COMPLAINTS PURSUANT TO SECTION  
15       19-3.3-103.4;

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

20           (III)   REFER ANY COMPLAINTS RELATING TO THE JUDICIAL  
21       DEPARTMENT AND JUDICIAL PROCEEDINGS, INCLUDING, BUT NOT LIMITED  
22       TO, COMPLAINTS CONCERNING THE CONDUCT OF JUDICIAL OFFICERS OR  
23       ATTORNEYS OF RECORD, JUDICIAL DETERMINATIONS, AND COURT  
24       PROCESSES AND PROCEDURES, TO THE APPROPRIATE AGENCY OR ENTITY.  
25       NOTHING IN THIS SECTION GRANTS THE OFFICE THE AUTHORITY TO ACCESS  
26       INFORMATION, RECORDS, OR DOCUMENTS TO INVESTIGATE A COMPLAINT  
27       MADE IN REGARDS TO THE PROVISION OF LEGAL SERVICES BY AN

1 INDEPENDENT JUDICIAL AGENCY OR ITS CONTRACTORS.

2 (b) (I) NOTWITHSTANDING SUBSECTION (2)(a)(I) OF THIS SECTION

3 TO THE CONTRARY, THE OMBUDSMAN SHALL NOT HAVE ACCESS TO:

4 (A) PERSONNEL FILES;

5 (B) WORK PRODUCT;

6 (C) INFORMATION, DOCUMENTS, OR RECORDS THAT MAY BE

7 PROTECTED BY AN AGENCY'S OR ENTITY'S ATTORNEY-CLIENT PRIVILEGE;

8 OR

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

10 PROTECTED BY AN AGENCY'S DELIBERATIVE PROCESS PRIVILEGE.

11 (II) IF AN AGENCY OR ENTITY WITHHOLDS INFORMATION,

12 DOCUMENTS, OR RECORDS DESCRIBED IN SUBSECTION (2)(b)(I) OF THIS

13 SECTION FROM THE OMBUDSMAN, THE AGENCY OR ENTITY SHALL

14 COMMUNICATE TO THE OMBUDSMAN THAT THE INFORMATION,

15 DOCUMENTS, OR RECORDS WERE WITHHELD AND THE REASONS FOR

16 WITHHOLDING THE INFORMATION, DOCUMENTS, OR RECORDS.

17 (c) THE OMBUDSMAN MAY DECLINE TO INVESTIGATE A COMPLAINT

18 OR CONTINUE AN INVESTIGATION. IF THE OMBUDSMAN DECLINES TO

19 INVESTIGATE A COMPLAINT OR CONTINUE AN INVESTIGATION, THE OFFICE

20 SHALL NOTIFY THE COMPLAINANT OF THE DECISION AND THE REASON FOR

21 THE OMBUDSMAN'S ACTIONS.

22 (3) IN ADDITION TO THE DUTIES DESCRIBED IN SUBSECTION (1)(a)

23 OF THIS SECTION, THE OMBUDSMAN HAS THE FOLLOWING DUTIES:

24 (e) (a) To report, as required by the provisions of section

25 19-3.3-108, concerning the actions of the ombudsman related to the goals

26 and duties of the office;

27 (d) (b) To review the memorandum of understanding between the

1 office and the judicial department and renegotiate such memorandum of  
2 understanding at any time as the office and the judicial department  
3 mutually deem appropriate;

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

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

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

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

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

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

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

26 (d) (h) To promote best practices and effective programs relating  
27 to a publicly funded child protection system and to work collaboratively

1 with county departments, when appropriate, regarding improvement of  
2 processes; AND

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

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

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

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

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

25 (5) In the performance of the ombudsman's duties, the  
26 ombudsman shall act independently of ANY PUBLIC AGENCY OR PROVIDER  
27 THAT RECEIVES PUBLIC MONEY AND THAT MAY ADVERSELY AFFECT THE

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

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

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

1 records, or documents.

2 (II) THE OMBUDSMAN SHALL NOT HAVE ACCESS TO INFORMATION,

3 DOCUMENTS, OR RECORDS DESCRIBED IN SECTION 19-3.3-103 (2)(b)(I).

4 (b) (I) [Formerly 19-3.3-103 (1)(a)(II)(D)] The ombudsman  
5 OFFICE must have access to all information, records, or documents  
6 described in subsection (1)(a)(II)(A) of this section created in an  
7 investigation of an event or incident described in subsection (1)(a)(II)(A),  
8 (1)(a)(II)(B), or (1)(a)(II)(C) of this section THAT THE OFFICE DEEMS  
9 NECESSARY TO CONDUCT A THOROUGH AND INDEPENDENT REVIEW OF A  
10 COMPLAINT OR EVENT DESCRIBED IN SECTION 19-3.3-103 (1)(a) occurring  
11 in the state from any entity, including, but not limited to, a coroner's  
12 office, law enforcement agency, hospital, court, the office of state  
13 registrar of vital statistics described in section 25-2-103, and a  
14 state-licensed out-of-home placement provider, as defined in section  
15 26-5-104.

16 (II) THE OMBUDSMAN SHALL NOT HAVE ACCESS TO INFORMATION,

17 DOCUMENTS, OR RECORDS DESCRIBED IN SECTION 19-3.3-103 (2)(b)(I).

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

26 (II) [Formerly 19-3.3-103 (1)(a)(II)(C)] In the course of  
27 investigating a complaint pursuant to subsection (1)(a)(I)(A) of this

1       section DESCRIBED IN SECTION 19-3.3-103 (1)(a) that is related to a child  
2       fatality, upon request, the department of public health and environment's  
3       child fatality prevention review team, pursuant to section 25-20.5-405,  
4       shall provide the ~~ombudsman~~ OFFICE with the nonidentifying case review  
5       findings and recommendations.

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

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

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

15               (4) [Formerly 19-3.3-103 (1)(a)(II)(F)] Nothing in the provisions  
16       of subsection ~~(1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C)~~ of this section  
17       grants subpoena power to the ~~ombudsman~~, EMPLOYEES OF THE OFFICE,  
18       AND ANY OTHER PERSON ACTING ON BEHALF OF THE OFFICE for purposes  
19       of investigating a complaint pursuant to subsection ~~(1)(a)(II)(A),~~  
20       ~~(1)(a)(II)(B), or (1)(a)(II)(C)~~ of this section DESCRIBED IN SECTION  
21       19-3.3-103 (1)(a).

22               **19-3.3-103.5. Office of the child protection ombudsman -**  
23       **confidentiality.** (1) THE OMBUDSMAN, EMPLOYEES OF THE OFFICE, AND  
24       ANY PERSON ACTING ON BEHALF OF THE OFFICE SHALL COMPLY WITH ALL  
25       STATE AND FEDERAL CONFIDENTIALITY LAWS THAT GOVERN THE  
26       DEPARTMENT OF EARLY CHILDHOOD, THE STATE DEPARTMENT, OR A  
27       COUNTY DEPARTMENT WITH RESPECT TO THE TREATMENT OF

1 CONFIDENTIAL INFORMATION OR RECORDS AND THE DISCLOSURE OF SUCH  
2 INFORMATION AND RECORDS.

3 (2) (a) [Formerly 19-3.3-103 (1)(a)(I)(B)] The ombudsman  
4 OFFICE shall treat all complaints received pursuant to subsection  
5 (1)(a)(I)(A) of this section SECTION 19-3.3-103 (1)(a) as confidential,  
6 including the identities of complainants and individuals from whom  
7 information is acquired; except that disclosures may be permitted if the  
8 ombudsman deems it necessary to enable the ombudsman to perform the  
9 ombudsman's duties and to support any recommendations resulting from  
10 an investigation. Records relating to complaints received by the office  
11 and the investigation of complaints are exempt from public disclosure  
12 pursuant to article 72 of title 24.

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

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

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

3                   **19-3.3-112. Office of the child protection ombudsman - access**  
4                   **to state-licensed residential child care facilities and facilities -**  
5                   **education of children and youth in state-licensed residential child**  
6                   **care facilities and facilities.** (1) (a) A STATE-LICENSED RESIDENTIAL  
7                   CHILD CARE FACILITY AND A FACILITY SHALL PROVIDE PHYSICAL ACCESS  
8                   TO ITS FACILITY PURSUANT TO THIS SUBSECTION (1)(a). THE OFFICE MAY  
9                   ONLY ACCESS A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR  
10                  A FACILITY IN COORDINATION WITH THE FACILITY DIRECTORS:

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

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

15                  (III) TO DISTRIBUTE MATERIALS PURSUANT TO SUBSECTION (2)(a)  
16                  OF THIS SECTION.

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

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

24                  (d) UPON A CHILD'S OR YOUTH'S REQUEST, THE STATE-LICENSED  
25                  RESIDENTIAL CHILD CARE FACILITY OR FACILITY SHALL PROVIDE A PRIVATE  
26                  AND CONFIDENTIAL SPACE FOR THE CHILD OR YOUTH TO MEET WITH THE  
27                  OMBUDSMAN, AN OFFICE EMPLOYEE, OR A PERSON ACTING ON BEHALF OF

1       THE OMBUDSMAN.

2           (e) THE OMBUDSMAN, AN EMPLOYEE OF THE OFFICE, OR A PERSON  
3       ACTING ON BEHALF OF THE OMBUDSMAN IS SUBJECT TO THE PROTOCOL  
4       AND POLICIES OF EACH STATE-LICENSED RESIDENTIAL CHILD CARE  
5       FACILITY AND FACILITY.

6           (2) (a) THE OFFICE SHALL CREATE AND DISTRIBUTE OUTREACH  
7       MATERIALS TO STATE-LICENSED RESIDENTIAL CHILD CARE FACILITIES AND  
8       FACILITIES. THE MATERIALS MUST CONTAIN INFORMATION ON HOW TO  
9       ACCESS THE OFFICE, THE OFFICE'S SERVICES, AND HOW TO FILE A  
10      COMPLAINT WITH THE OFFICE.

11           (b) EACH STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY AND  
12       FACILITY SHALL DISPLAY THE MATERIALS DESCRIBED IN SUBSECTION (2)(a)  
13       OF THIS SECTION IN A LOCATION VISIBLE TO CHILDREN OR YOUTH  
14       RECEIVING SERVICES FROM THE RESIDENTIAL CHILD CARE FACILITY OR  
15       FACILITY.

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

20           (d) THE OFFICE SHALL COORDINATE WITH EACH STATE-LICENSED  
21       RESIDENTIAL CHILD CARE FACILITY AND FACILITY TO PROVIDE IN-PERSON  
22       EDUCATIONAL COURSES TO CHILDREN AND YOUTH RESIDING IN THE  
23       FACILITIES ON HOW TO ACCESS THE OFFICE, THE OFFICE'S SERVICES, AND  
24       HOW TO FILE A COMPLAINT WITH THE OFFICE.

25           (3) THE OFFICE AND EACH STATE-LICENSED RESIDENTIAL CHILD  
26       CARE FACILITY OR FACILITY SHALL OPERATE PURSUANT TO A  
27       MEMORANDUM OF UNDERSTANDING BETWEEN THE OFFICE AND EACH

1 RESIDENTIAL CHILD CARE FACILITY OR FACILITY. THE MEMORANDUM OF  
2 UNDERSTANDING MUST, AT A MINIMUM, REQUIRE THAT:

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

7 (b) THE STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR  
8 FACILITY PROVIDES THE OMBUDSMAN ACCESS TO A FACILITY AND A  
9 PRIVATE, CONFIDENTIAL SPACE TO MEET WITH A CHILD OR YOUTH WITHIN  
10 FIVE BUSINESS DAYS AFTER THE OFFICE RECEIVES THE CHILD'S OR YOUTH'S  
11 REQUEST TO MEET;

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

17 (d) THE STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY OR  
18 FACILITY PROVIDES THE OFFICE WITH PROOF THAT THE MATERIALS  
19 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION ARE DISPLAYED IN A  
20 LOCATION VISIBLE TO CHILDREN OR YOUTH AS REQUIRED PURSUANT TO  
21 THIS SECTION; AND

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

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

27 **SECTION 6.** In Colorado Revised Statutes, 19-3.3-108, **add**

1 (1)(d) as follows:

2           **19-3.3-108. Office of the child protection ombudsman - annual**  
3           **report.** (1) On or before September 1 of each year, commencing with the  
4 September 1 following the first fiscal year in which the office was  
5 established, the ombudsman shall prepare a written report that must  
6 include, but need not be limited to, information from the preceding fiscal  
7 year and any recommendations concerning the following:

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

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

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

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

3                   **25-20.5-405. Local review teams - duties - authority.** (2) With  
4                   respect to each child fatality reviewed, the local or regional review team  
5                   shall:

6                   (d) Report case review findings, as appropriate, to public and  
7                   private agencies that have responsibilities for children, including the  
8                   office of the child protection ombudsman ~~pursuant to section~~ AS  
9                   DESCRIBED IN SECTIONS 19-3.3-103 AND 19-3.3-103.4, and make  
10                  prevention recommendations to these agencies that may help to reduce the  
11                  number of child fatalities;

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

14                  **25-20.5-408. Access to records.** (2) **Public access to records**  
15                  **and information.** (c) **Release of information.** (I) Members of the state  
16                  review team, members of the local or regional review teams, a person  
17                  who attends a review team meeting, and a person who presents  
18                  information to a review team may release information to governmental  
19                  agencies as necessary to fulfill the requirements of this part 4, including  
20                  section 25-20.5-405 (2)(d) and ~~section 19-3.3-103 (1)(a)(II)(D)~~ SECTION  
21                  19-3.3-103.4 (1)(b).

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

24                  **26-1-139. Child fatality and near fatality prevention - process**  
25                  **- department of human services child fatality review team - reporting**  
26                  **- rules - legislative declaration - definitions.** (5) (e) The team shall  
27                  provide the final confidential, case-specific review report to the executive

1 director, the director for any county or community agency referenced in  
2 the report, the county board of human services of any county department  
3 with previous involvement, as defined in subsection (2)(c) of this section,  
4 the legislative members of the team appointed pursuant to subsection  
5 (6)(f) of this section, the department of public health and environment,  
6 and the office of the child protection ombudsman ~~pursuant to section~~  
7 ~~19-3.3-103 (1)(a)(II)(B)~~ AS DESCRIBED IN SECTION 19-3.3-103.4 (1)(c)(I).

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

10 **26-20-110. Youth restraint and seclusion working group -**  
11 **membership - purpose - repeal.** (1) There is established within the  
12 division of youth services a youth restraint and seclusion working group,  
13 referred to in this section as the "working group". The working group  
14 consists of:

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

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

20 **27-50-108. Systemwide behavioral health grievance system.**  
21 (4) On or before July 1, 2024, the BHA and state agencies shall execute  
22 formal data-sharing agreements addressing data sharing consistent with  
23 state and federal requirements, cooperation between the BHA and state  
24 agencies, and any other provisions necessary to implement this section.  
25 At a minimum, the BHA and the following entities shall execute such  
26 agreements:

27 (c) The child protection ombudsman, appointed pursuant to

1        ~~section 19-3.3-103~~ SECTION 19-3.3-102 (3)(a)(I). All data released by the  
2        ombudsman shall comply with ~~section 19-3.3-103 (1)(a)(I)(B) and (3)~~  
3        SECTION 19-3.3-103.5 (1) AND (2).

4            **SECTION 13. Act subject to petition - effective date.** This act  
5        takes effect at 12:01 a.m. on the day following the expiration of the  
6        ninety-day period after final adjournment of the general assembly; except  
7        that, if a referendum petition is filed pursuant to section 1 (3) of article V  
8        of the state constitution against this act or an item, section, or part of this  
9        act within such period, then the act, item, section, or part will not take  
10      effect unless approved by the people at the general election to be held in  
11      November 2026 and, in such case, will take effect on the date of the  
12      official declaration of the vote thereon by the governor.