

**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.**

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.

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

6 ~~(f)~~ (d) 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 ~~(c)~~ (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, ~~of the divisions within the state department that are~~
4 responsible for child welfare or youth services, ~~of the county departments~~
5 of human or social services, and ~~of 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)(H)(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)(H)(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.