



Please Oppose Unless Amended SB15-204

Autonomy of Child Protection Ombudsman

Sponsor: Sen. Newell/Rep. Singer

Counties are opposed to SB15-204 Child Protection Ombudsman bill, which, as amended in the Senate, relocates the Ombudsman Office to the State Auditor's office of the legislative branch. Counties are seeking amendments that move the Ombudsman's office into a department in the executive branch and creates a 'type 1' oversight board.

Counties oppose SB 204 because:

- **There is no data to demonstrate that the Ombudsman's office is not autonomous.** There has not been any evidence that the current location of the Ombudsman's Office within the executive branch has in any way restricted the Ombudsman's ability to conduct an independent review of child welfare cases for which he/she has received complaints. CCI supports the creation of a type 1 board and the movement of the Ombudsman to a department like the Colorado Department of Public Health and Environment (CDPHE). Doing so addresses concerns some have raised regarding the *perception* of a conflict of interest.
- **As amended, SB 204 places the office squarely in a political position, which is not in the best interest of the children served by the child welfare system.** State and county partners have grave concerns with this office becoming politicized if it is placed in the State Auditor's office of the legislative branch. There is concern about turnover in the Legislature, which could lead to inconsistent leadership, focus, approach, etc. which ultimately will impact the children we serve. The Auditor is a political appointment that is recommended by the Legislative Audit Committee (LAC), a body consisting of eight legislators. In addition, the LAC approves the Office of State Auditor's budget, votes on whether to approve audit requests submitted by legislators and the Governor, and has subpoena power. If the Ombudsman's office is moved to the Office of State Auditor, the Legislature would presumably assume similar authority over the Ombudsman, further politicizing the office.
- **Under the proposed model there is virtually no oversight for the Ombudsman.** As amended the bill would remove any attempt at independent board oversight of the Ombudsman's office. It would also remove any attempt at making sure there are individuals with child welfare expertise informing the work of the Ombudsman's office. Under the legislative branch, it is unclear how there would be rules under which the Ombudsman and the entities it reviews must operate. Rules governing the timeliness of investigations, the release of information that may affect an ongoing criminal investigation, access to information that is unrelated to a complaint being reviewed or investigated, and many others provide accountability and consistent operating procedures for the Ombudsman's office. SB15-204 seems to create an Office that has unrestricted authority and virtually no guidance and oversight, especially because the Office of the State Auditor would no longer be in a position to audit the Ombudsman.
- **The current relationship between the Ombudsman and Counties is positive and working well.** In fact, the current Ombudsman has indicated there is not a single case where a county has not been fully cooperative in his investigations.

CCI asks for your 'NO' vote on SB15-204 unless it is amended to move the Ombudsman's office into a department in the executive branch and reports to a type 1 board.

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