



BUILDING PARTNERSHIPS IN SUPPORT OF CHILDREN'S WELFARE

Stephanie Villafuerte, Office of Colorado's Child Protection Ombudsman

The “child protection system” encompasses a great number of public entities that serve children and families in crisis. Each node in this vast network of agencies and providers works to resolve agonizing situations with very high stakes. In crafting an intervention, each must balance multiple aspects of a child's well-being, including physical safety, mental health, education, and permanency. Like any complex system, the child protection system works best when all of its parts are operating in coordination. Unfortunately, in Colorado, different agencies have very few opportunities to convene and move the system forward together. Those opportunities that do exist have historically coalesced in response to scandal or crisis. The Office of Colorado's Child Protection Ombudsman (CPO) envisions a more proactive alternative.

Colorado is, by design, a local-control state. In the field of child protection, this means that responsibility and authority are largely dispersed to local law enforcement, school boards, county courts and county human service departments. Across the state—and especially in rural jurisdictions—these various entities must manage service delivery, personnel, budgeting, political pressures and occasional crises with very little guidance and limited funding.

Local control has many advantages for child protection. In a state as vast and regionally diverse as Colorado, different communities sometimes have different needs and resources. A county-administered human services system, for example, enables rural families to be served by officials who understand their background better than Denver policymakers. Additionally, local budgeting can incentivize more effective cost control. But local “flexibility” can also pose challenges. When serious problems are identified in systems, the fix must be formulated, implemented, and monitored many times over. Traditional policy making, whereby new regulations are handed down unilaterally by central state entities, is not well suited to a system administered by independent local actors. The gaps in communication, experience, and culture are too large.

Local control also creates logistical impediments to collaboration since those with decision-making authority are so spread out. If and when local agencies desire more guidance or coordination, they often join together through internal meetings to resolve internal issues. These groups do not address the impact of a problem or view solutions through the lens of other child serving agencies. In the past 20 years, the only exceptions have come following moments of political crisis: Governor Owens' Task Force on Child Welfare (1999-2000), Governor Ritter's Child Welfare Action Committee (2007-2009), and

the 2013-2015 legislative sessions. During each of these periods, state-supported study and deliberation were precipitated by specific child abuse tragedies that received heavy coverage by news media. In some instances, collaboration yielded impressive reforms. The problem is that collaboration was a temporary response to exceptional political circumstances, not a new norm.

These regulatory and logistical challenges do not give cause for abandoning or even weakening local control. Strong local governance is an essential part of Colorado's political culture and heritage. However, if our diffuse system is going to work well — not to mention comply with federal law — we have to meet its attendant challenges head on. To this end, the CPO proposes a forum where state and local agencies can listen to one another and work together to address problems before they become crises and children and families are harmed.

We proposed creating and hosting a Child Protection Policy Advancement Center in the CPO, where public entities that comprise Colorado's child protection system would come together to address critical issues in collaboration. The purpose of creating this program was to ensure that important policies and laws designed to safeguard children are implemented in a more thoughtful, consistent, and coordinated way throughout the state.

As a neutral, permanent office with broad jurisdiction, the CPO is uniquely well-suited as a venue for a forum on child protection. First, the CPO provides a neutral, low-stakes setting where stakeholders can convene as equals without fear of immediate repercussions in legislation or rule. Second, the CPO's comprehensive expertise affords insight into points of friction and possible solutions that other state entities — including the legislature — may not readily identify. Third, as a permanent fixture, the CPO will compile and retain accumulating research materials related to child protection in Colorado. This body of information will serve as a central statewide resource for lawmakers, researchers, and reformers to come.

Ultimately, though, the CPO believes that this program is more than innovative policy; it is necessary for the fulfillment of the CPO's statutory duties to illuminate and reform shortcomings in the child protection system.

IN ADDITION TO INVESTIGATING COMPLAINTS CONCERNING THE CHILD PROTECTION SYSTEM, THE CPO IS CHARGED WITH THE FOLLOWING:

- Promoting best practices and effective programs relating to a publicly funded child protection system and working collaboratively with county departments, when appropriate, regarding improvement of processes; and
- Recommending to the general assembly, the executive director, and any appropriate agency or entity statutory, budgetary, regulatory, and administrative changes, including systemic changes, to improve the safety of and promote better outcomes for children and families receiving child protection services in Colorado.

In the past, the CPO has executed these duties by way of independent study and self-generated recommendations. This didactic process does not produce durable,

consensual reform. Going forward the CPO believes that, with regard to certain systemic issues, its capacity to illuminate and reform will be strengthened by engaging multiple agencies and providers within its jurisdiction in moderated, face-to-face discussions.

A survey of other state practices suggests that this proposed collaborative problem-solving model is novel in child protection. The “success” of this project will therefore be defined by the consensual participation of different agencies. This would constitute a change in process, not a particular outcome.

Two public policy projects began in June of 2018 that illustrate how the Child Protection Policy Advancement Center might operate. Both of these projects are housed in the CPO.

COLORADO ADOPTION ASSISTANCE SUBSIDY PROGRAM

In December 2017, the CPO released its investigation report regarding Colorado's adoption assistance program. The report marked the first systemic investigation completed by the agency and more than 16 months of work. The CPO worked with dozens of adoptive families and several local and state agencies in completing the investigation. The investigation revealed a fragmented program where adoptive families are unclear about how the program is administered and how subsidies to children are awarded. It also revealed deficiencies in state law, current operating structures, and funding — critical aspects of the program that hinder it from operating effectively for the children and families it is designed to serve.

The investigation resulted in one recommendation to the Colorado General Assembly and 13 recommendations to the Colorado Department of Human Services (CDHS). CDHS used those recommendations to create a two-year improvement plan for the program. Joint Budget Committee staff also used them to create legislation — which was signed into law in May 2018 — to improve how the program is funded.

From June to December 2018, the CPO held eight stakeholder meetings aimed at drafting legislation that would amend the state statute that regulates the adoption assistance program. The group worked collaboratively to bring Colorado's statute in line with federal law and to ensure that families across the state have equal opportunities to access benefits offered by the program.

Approximately 30 people attended each meeting, both in person and on the phone. Rural and metro-area entities have been represented, as well as private and public agencies. Some examples of stakeholders include county human services departments, county attorneys, CDHS, private adoption agencies, the Office of the Child Representative, and adoptive parent advocacy groups. The CPO provided meeting space, facilitation, educational speakers, record keeping, and all technical support for the project.

The outcome of these stakeholder meetings was a 14-page draft bill that repeals and amends Colorado's adoption subsidy. The bill also ensures equitable consideration for access to the program and increases the information provided to adoptive parents regarding key components of the program.

While the meetings were challenging at times, stakeholders expressed considerable enthusiasm regarding the process. Most notably, participants appreciated each other's differing roles and how all parties joined together to make improvements to the program. This bill was passed and signed by the Governor in May 2019.

SHARING OF MUNICIPAL COUNTY RECORDS TO ENHANCE CHILD SAFETY DECISION MAKING

In Colorado, there are no laws requiring the more than 200 municipalities in the state to share arrest or conviction records. What this means for children is that a police officer or social worker in Southern Colorado who is determining whether a child will be safe in their own home may not know that the family has an extensive history of domestic violence in another county. In essence, those entrusted with protecting our children are not guaranteed access to important criminal justice information when making decisions about our children's safety.

Colorado's child protection community includes a myriad of stakeholders, including police officers, prosecutors, educators, medical professionals, child protection workers, victim's advocates, legal professionals, and judges. Each of these professionals plays an integral role in protecting our communities' children.

The job is difficult. A professional is required to enter a family's life in a time of crisis, assess whether a child is safe, and, when necessary, take steps to provide the child with a protective environment and the family with necessary resources. Such decisions require that child-serving professionals have access to caretakers' relevant social and criminal justice information. But what happens when professionals cannot obtain complete information about families? Quite simply, they are required to make decisions without it. As a result, they risk not only their own safety, but the safety of a child.

Such is the case in Colorado. The gaps in Colorado's criminal justice records systems leave child protection professionals ill equipped for the job we expect them to do. Poor coordination among court information systems and lack of legal guidance are the main culprits.

In Colorado, there are approximately 215 municipal courts. These courts hear cases brought by city attorneys that involve violations of city or municipal code. Currently, there is no centralized database for the records generated by municipal courts. Nor is there standard practice for the reporting or release of such records to other state agencies that need them. In order to access information about a person's municipal charges, one must call every individual municipality where the person could have committed a crime. As a result, law enforcement, judges, prosecutors, advocates, and human services agencies are often forced to make decisions with no knowledge of or consistent access to information about an individual's municipal charges. In many cases, decisions based on incomplete information about relevant social and criminal history may seriously compromise public safety, child protection, and effective victims' advocacy.

In response to this issue, the CPO organized and hosted four stakeholder meetings from May through November 2018. The goal was to study statewide limitations to accessing municipal court criminal records. The CPO provided meeting space, facilitation, educational speakers, and overall support for the project. Approximately

30 stakeholders attended each meeting. The group uniformly agreed regarding the importance of information sharing. They then explored the challenges and obstacles that prohibit this from occurring.

In November 2018, the group held its final meeting, which examined existing state technology systems and how municipalities might be able to connect to this vast network. The group is currently exploring a pilot project that would allow stakeholders to test various information-sharing alternatives. The goal is to develop a system and corresponding protocols that can be ultimately shared with municipal courts throughout the state. It is anticipated that this pilot project will be created through legislation in 2019.



Stephanie Villafuerte
Colorado's Child Protection Ombudsman
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Stephanie Villafuerte serves as Colorado's Child Protection Ombudsman. This state agency is an independent and neutral organization that serves as a resource and systems navigator for stakeholders and the general public, reviews complaints about the child protection system, and makes recommendations to the legislature and

state government for system improvements.

"I credit the Ascend Fellowship with providing me the opportunity to form trusting and strategic relationships that have resulted in concrete, innovative policy change for Colorado's children and families. Ascend builds leaders and alliances that will benefit Coloradans for generations to come."