

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 21-0995.02 Alana Rosen x2606

HOUSE BILL 21-1313

HOUSE SPONSORSHIP

Benavidez and Gonzales-Gutierrez,

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PERMITTING THE OFFICE OF THE CHILD PROTECTION**
102 **OMBUDSMAN TO INITIATE INVESTIGATIONS ON BEHALF OF**
103 **UNACCOMPANIED IMMIGRANT CHILDREN WHO ARE HOUSED IN**
104 **STATE-LICENSED RESIDENTIAL CHILD CARE FACILITIES, AND, IN**
105 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Under current law, the office of the child protection ombudsman (ombudsman) has a duty to receive complaints made by or on behalf of

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

a child relating to the child protection system. Once the ombudsman receives a complaint, the ombudsman may investigate and seek resolution of the complaint. The bill extends the scope of the ombudsman's duties to self-initiate impartial and independent investigations and ongoing reviews of the safety and well-being of unaccompanied immigrant children who live in a state-licensed residential child care facility (facility) and who are in the custody of the office of refugee resettlement of the federal department of health and human services. The ombudsman may seek resolution of such investigations and ongoing reviews by referring an investigation and ongoing review to the state department of human services (department) or the appropriate agency or entity and making a recommendation for action relating to the investigation and ongoing review of the facility. The ombudsman may request, review, and receive copies of information, records, or documents that the ombudsman deems necessary to conduct a thorough and independent investigation and ongoing review of the facility. The ombudsman shall report the results of the investigation and ongoing review in the ombudsman's annual report.

The bill requires the facility to notify the ombudsman and the department within 3 days after the arrival of an unaccompanied immigrant child.

The bill permits the department and the ombudsman to coordinate site visits to investigate and review a facility. The department and the ombudsman may share final reports based on their site visits.

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

2 **SECTION 1.** In Colorado Revised Statutes, 19-3.3-103, **add**
3 (1)(a.5) as follows:

4 **19-3.3-103. Office of the child protection ombudsman - powers**
5 **and duties - access to information - confidentiality - testimony -**
6 **judicial review - definitions.** (1) The ombudsman has the following
7 duties, at a minimum:

8 (a.5) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
9 THE CONTRARY, THE OMBUDSMAN MAY SELF-INITIATE AN INDEPENDENT
10 AND IMPARTIAL INVESTIGATION AND ONGOING REVIEW OF THE SAFETY
11 AND WELL-BEING OF AN UNACCOMPANIED IMMIGRANT CHILD WHO LIVES
12 IN A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY, AS DEFINED IN

1 SECTION 26-6-102, AND WHO IS IN THE CUSTODY OF THE OFFICE OF
2 REFUGEE RESETTLEMENT OF THE FEDERAL DEPARTMENT OF HEALTH AND
3 HUMAN SERVICES AS SET FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE
4 OMBUDSMAN MAY SEEK RESOLUTION OF SUCH INVESTIGATION AND
5 ONGOING REVIEW, WHICH MAY INCLUDE, BUT NEED NOT BE LIMITED TO,
6 REFERRING AN INVESTIGATION AND ONGOING REVIEW TO THE STATE
7 DEPARTMENT OR APPROPRIATE AGENCY OR ENTITY AND MAKING A
8 RECOMMENDATION FOR ACTION RELATING TO AN INVESTIGATION AND
9 ONGOING REVIEW.

10 (II) (A) IN SELF-INITIATING AN INVESTIGATION AND ONGOING
11 REVIEW OF THE SAFETY AND WELL-BEING OF AN UNACCOMPANIED
12 IMMIGRANT CHILD WHO LIVES IN A STATE-LICENSED RESIDENTIAL CHILD
13 CARE FACILITY, THE OMBUDSMAN HAS THE AUTHORITY TO REQUEST,
14 REVIEW, AND RECEIVE COPIES OF ANY INFORMATION, RECORDS, OR
15 DOCUMENTS, INCLUDING RECORDS OF THIRD PARTIES, THAT THE
16 OMBUDSMAN DEEMS NECESSARY TO CONDUCT A THOROUGH AND
17 INDEPENDENT INVESTIGATION AND ONGOING REVIEW AS DESCRIBED IN
18 SUBSECTION (1)(a.5)(I) OF THIS SECTION, WITHOUT COST TO THE
19 OMBUDSMAN.

20 (B) A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY SHALL
21 NOTIFY THE OMBUDSMAN AND THE STATE DEPARTMENT WITHIN THREE
22 DAYS AFTER THE ARRIVAL OF AN UNACCOMPANIED IMMIGRANT CHILD.

23 (C) THE OMBUDSMAN MAY CREATE AND DISTRIBUTE OUTREACH
24 MATERIALS TO A STATE-LICENSED RESIDENTIAL CHILD CARE FACILITY AND
25 TO INDIVIDUALS WHO MAY HAVE REGULAR CONTACT WITH AN
26 UNACCOMPANIED IMMIGRANT CHILD.

27 (III) AS USED IN THIS SUBSECTION (1)(a.5), "UNACCOMPANIED

1 IMMIGRANT CHILD" MEANS A CHILD UNDER THE AGE OF EIGHTEEN YEARS,
2 WITHOUT LAWFUL IMMIGRATION STATUS IN THE UNITED STATES, WHO HAS
3 BEEN DESIGNATED AN UNACCOMPANIED CHILD AND TRANSFERRED TO THE
4 CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT OF THE FEDERAL
5 DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO FEDERAL
6 LAW.

7 **SECTION 2.** In Colorado Revised Statutes, 19-3.3-108, **amend**
8 (1) introductory portion; and **add** (1)(c) as follows:

9 **19-3.3-108. Office of the child protection ombudsman - annual**
10 **report.** (1) On or before September 1 of each year, commencing with the
11 September 1 following the first fiscal year in which the office was
12 established, the ombudsman shall prepare a written report that ~~shall~~ **MUST**
13 include, but need not be limited to, information from the preceding fiscal
14 year and any recommendations concerning the following:

15 (c) RESULTS OF THE OMBUDSMAN'S SELF-INITIATED INVESTIGATION
16 AND ONGOING REVIEW OF THE SAFETY AND WELL-BEING OF AN
17 UNACCOMPANIED IMMIGRANT CHILD WHO IS HOUSED IN A STATE-LICENSED
18 RESIDENTIAL CHILD CARE FACILITY, AS DESCRIBED IN SECTION 19-3.3-103.

19 **SECTION 3.** In Colorado Revised Statutes, 26-6-107, **add** (5) as
20 follows:

21 **26-6-107. Investigations and inspections - local authority -**
22 **reports - rules.** (5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE
23 DEPARTMENT AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN
24 SHALL COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW
25 RESIDENTIAL CHILD CARE FACILITIES THAT HOUSE UNACCOMPANIED
26 IMMIGRANT CHILDREN WHO ARE IN THE CUSTODY OF THE OFFICE OF
27 REFUGEE RESETTLEMENT OF THE FEDERAL DEPARTMENT OF HEALTH AND

1 HUMAN SERVICES AS SET FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE
2 DEPARTMENT AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN
3 MAY SHARE FINAL REPORTS BASED ON THEIR SITE VISITS.

4 **SECTION 4. Appropriation.** For the 2021-22 state fiscal year,
5 \$90,600 is appropriated to the judicial department for use by the office of
6 the child protection ombudsman. This appropriation is from the general
7 fund and is based on an assumption that the office will require an
8 additional 0.9 FTE. To implement this act, the office may use this
9 appropriation for program costs.

10 **SECTION 5. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, or safety.