



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 21-0506
Prime Sponsors: Rep. Cutter

Date: April 21, 2021
Bill Status: House HHS
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Bill Topic: **SUPPORTING THE CHILD PROTECTION OMBUDSMAN**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill provides the Office of the Child Protection Ombudsman with additional access to information for investigations, and exempts them from subpoena or testifying in a civil or criminal proceeding in which they are not a legal party. The bill affects workload for state and local government on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill provides the Office of the Child Protection Ombudsman (Ombudsman) in the Judicial Department with additional access to information for investigations, and exempts the Ombudsman from subpoena or testifying in a civil or criminal proceeding in which they are not a legal party.

Investigative authority for the Ombudsman. Under current law, the Ombudsman investigates any report or complaint made by or on behalf of a child relating to any action, inaction, or decision of any public agency, or any provider that receives public money, that may affect the safety or well-being of a child. This bill gives the Ombudsman additional authority to access information, records or documents necessary to conduct an investigation into a complaint, without cost if electronic records are not available. Upon request, all entities in the state must provide the Ombudsman with access to information related to an investigation, including but not limited to:

- the Division of Youth Services in the Department of Human Service (DHS);
- the Child Fatality Prevention Review Team in the Department of Public Health and Environment (CDPHE);
- the Office of the State Registrar of Vital Statistics in the CDPHE;
- coroner's offices;
- law enforcement agencies;

- hospitals;
- courts; and,
- state licensed out-of-home placement providers.

The bill also requires the Child Fatality Review Team in the DHS and child fatality local review teams under the CDPHE to provide their final reports and findings to the Ombudsman.

Legal protections for the Ombudsman. The bill exempts the Ombudsman and any employee or person acting on their behalf from providing oral and written testimony in a civil or criminal proceeding in which the Ombudsman is not a legal party. The bill also protects information, records and documents that have been requested and reviewed by the Ombudsman from subpoena, discovery or introduction into evidence in a civil or criminal proceeding in which the Ombudsman is not a legal party.

State Expenditures

Starting in FY 2021-22, the bill will affect workload in the Office of the Child Protection Ombudsman, the CDPHE, the DHS, and trial courts. This impact is discussed in more detail below.

Office of the Child Protection Ombudsman. The bill will reduce the workload and possible expenditures for the Ombudsman to access data necessary for investigations and for legal services to address subpoenas for documents. This reduction is not expected to require a change in appropriations.

Department of Public Health and Environment. The department will have an increase in workload to provide additional information to the Ombudsman from the Child Fatality Prevention System and the Office of the State Registrar. The department will also provide the Ombudsman with information on behalf of local public health agencies. The increased workload from responding to these requests can be accomplished within existing appropriations.

Department of Human Services. The bill codifies the department's current practice of information sharing with the Ombudsman, so does not reflect an increase in workload.

Trial Courts. The bill requires courts to provide information, records and documents as requested to the Ombudsman. This workload is absorbable within the trial court current appropriations.

Local Government

The bill increases workload for local review teams and governments to provide information and reports to the Ombudsman. This information is already reported to other entities, and this fiscal note assumes that providing it to the Ombudsman will create a minimal fiscal impact.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Child Protection Ombudsman
County Coroners
Information Technology
Local Affairs
Public Health and Environment
Sheriffs

Counties
Human Services
Judicial
Municipalities
Public Safety