

CHAPTER 10

Social Services

Article I Child Protection Citizen Review Panel Procedures and Conflict Resolution Process

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ARTICLE I

Child Protection Citizen Review Panel Procedures and Conflict Resolution Process**Sec. 10-1-10. Enabling authority.**

Enabling authority for the Citizen Review Panel and conflict resolution process is found in Article 3, Part 2, Title 19, C.R.S. ("Colorado Children's Code"). Further authority is found at 12 C.C.R. 2509-5, Section 7.400.7. (Weld County Code Ordinance 2004-4)

Sec. 10-1-20. Purpose.

The information contained in this Chapter is intended to fulfill three purposes: 1) to inform grieving parties of their rights and obligations in the Conflict Resolution Process; 2) to act as written procedures for the implementation of the Citizen Review Panel and conflict resolution process; and 3) to comply with the requirements of the legal authority and requirements cited above. (Weld County Code Ordinance 2004-4)

Sec. 10-1-30. Definitions.

The following definitions shall be applicable in the operation of the Citizen Review Panel.

Administrative Liaison means a person who has been appointed by the Board for the purpose of assisting the Citizen Review Panel in coordinating and completing its duties pursuant to these procedures and conflict resolution process.

Board means the Board of County Commissioners of Weld County.

Citizen Review Panel means an advisory body appointed by the Board to hear and make recommendations concerning grievances filed concerning the conduct of Department employees in performing their duties under Article 3 of the Colorado Children's Code.

Complainant means any person who was the subject of an investigation of a report of child abuse or neglect or any parent, guardian or legal custodian of a child who is the subject of a report of child abuse or neglect and brings a grievance against the Department in accordance with Section 19-3-211, C.R.S.

Director means the Director of the Weld County Department of Social Services.

Department means the Weld County Department of Social Services.

Grievance means a complaint filed concerning the conduct of Department employees in performing their duties under Article 3 of the Colorado Children's Code. The term does not include complaints regarding actions by the courts, attorneys, law enforcement officials, employees of the State of Colorado, foster parents or other providers of services to children, or other family members.

Recommendation means a proposed course of action that may be implemented by the Director to resolve a grievance. These proposed actions may include recommendations for case reassignment, personnel training and disciplinary action against the subject employee. If any disciplinary action is initiated against the subject employee as a result of the panel's recommendations, he or she is entitled to all applicable safeguards, including procedural rights of appeal, afforded under the provisions of Chapter 3 of this Code.

Subject employee means an employee of the Department whose conduct is the subject of a grievance. (Weld County Code Ordinance 2004-4)

Sec. 10-1-40. Membership, appointment, and terms.

A. Membership and appointment. The Citizen Review Panel shall consist of five (5) regular members and two (2) alternate members appointed by the Board without influence from the Department or the State Department of Human Services.

B. Membership qualifications. All members of the Citizen Review Panel shall be residents of the County. The panel members shall be representative of the community, shall have demonstrable personal or professional knowledge and experience with children, and shall not be employees or agents of the Department or of the State Department of Human Services. At least one (1) of the members must be a parent of a minor child at the time of his or her appointment.

C. Term of Membership. All appointments shall be for a three-year term. Members may apply for reappointment at the end of the first term, but in no event may serve more than two (2) consecutive terms.

D. Attendance. In the event that a regular member is unable to attend a meeting or meetings of the Citizen Review Panel, one (1) of the alternate members shall act in the absent member's place.

E. Vacancy. In the event that a member dies or resigns prior to the expiration of that member's term, the Board shall appoint a new member to fill the vacancy.

F. Removal. Any member, whether regular or replacement, may be removed at the sole discretion of the Board for nonperformance of duty or misconduct. (Weld County Code Ordinance 2004-4)

Sec. 10-1-50. Officers and meetings.

A. Chair and Vice Chair. A Chair and Vice Chair shall be elected annually by a majority of the membership of the Citizen Review Panel. The Chair shall be responsible for conducting all meetings. The Vice Chair shall substitute for the Chair in the absence of the Chair.

B. Role of administrative liaison. The Administrative Liaison shall attend all meetings of the Citizen Review Panel and provide needed assistance, including but not limited to providing notice of meetings, arranging for meeting space, making materials available to members and maintaining records of the proceedings. The Administrative Liaison shall also act as secretary to the Citizen Review Panel.

C. Time and place of meetings. The Citizen Review Panel shall determine a time and place for meetings. Meetings shall be called as needed by the Chair.

D. Quorum and vote. Three (3) members shall constitute a quorum of the Citizen Review Panel. All official actions of the Citizen Review Panel shall be taken by vote, with a majority of those members present needed to approve a vote. (Weld County Code Ordinance 2004-4)

Sec. 10-1-60. Conflicts of interest.

No member shall participate in, or vote with respect to, any matter, if the member has a financial, personal or official interest in, or conflict with, the matter of such nature that it prevents or may prevent that member from acting on the matter in an impartial manner. Any member having such an interest or conflict shall reveal such fact, to the extent possible, prior to any Citizen Review Panel meeting or action on the matter, and shall refrain from sitting and participating with the Panel in its consideration of, and decision on, such matter. Moreover, no such member shall testify before the Citizen Review Panel on any such matter, in order to avoid any appearance of undue influence on the other panel members (Weld County Code Ordinance 2004-4)

Sec. 10-1-70. Grievance Process.

A. Filing the grievance.

1. Written Grievance. The grievance must be submitted to the Administrative Liaison in writing no later than sixty (60) calendar days of the alleged incident of employee conduct which is complained of, and must state the following information.

- a. The complainant's full name and mailing address.
- b. A short, specific statement of the complainant's grievance.
- c. The applicable case name and number (if known).
- d. The resolution desired by the complainant.

When a writing is received, within two (2) working days of such receipt, the Administrative Liaison shall determine whether the writing is a *grievance* as that term is defined in Section 10-1-130 of this Code, filed according to the time requirements set forth in this Section. If the writing sets forth a grievance and is timely filed, the Administrative Liaison shall transmit the grievance to the Department's Social Services Administrator, who shall attempt to resolve it informally. If the grievance is not resolved to the complainant's satisfaction, it shall be transmitted within ten (10) working days of its receipt by the Department to the Director for resolution. If the Administrative Liaison determines that the writing is not a *grievance*, the complainant may appeal such determination to the Board of County Commissioners, pursuant to the procedures set forth in Section 2-4-10 of this Code, with the exception that the written appeal must be received by the Clerk to the Board no later than thirty (30) calendar days following the Administrative Liaison's determination.

2. Director action. The Director shall act upon the grievance within twenty (20) calendar days after he or she receives it. He or she shall issue a written decision. If the grievance is resolved to the complainant's satisfaction, the grievance is considered closed. If the grievance is not resolved to the complainant's satisfaction within said twenty (20) calendar days, the Director shall refer the grievance to the Citizen Review Panel for consideration.

3. Transmittal to Citizen Review Panel. The grievance shall then be transmitted within five (5) working days to the Citizen Review Panel, together with the Director's proposed resolution.

4. Citizen Review Panel to convene hearing. Within thirty (30) calendar days after receipt of the grievance from the Director, the Citizen Review Panel shall convene a hearing and send its written recommendation regarding the grievance, together with the basis for its recommendation, to the Director, complainant and subject employee.

B. Citizen Review Panel hearing procedures. Hearings of the Citizen Review Panel shall be conducted in an informal and efficient manner, while observing principles of fundamental fairness with respect to all interested parties. The following guidelines shall apply:

1. Who may address Citizen Review Panel. Only the complainant and the subject employee, or one (1) nonlegal representative of each, may directly address the Citizen Review Panel.

2. Presentations. The complainant shall be allowed one-half (½) hour in which to present his or her grievance, including any pertinent documentation. The subject employee shall then be allowed one-half (½) hour in which to respond to the grievance, including any pertinent documentation. The members of the Citizen Review Panel may ask questions at any time during the presentations. At the conclusion of the presentation,

members of the Panel may ask either the complainant or the subject employee to respond to further questions or to provide further documentation. The Citizen Review Panel may not receive any documentation unless the documentation is directly related to a grievance properly referred.

3. Testimony. At the request of the complainant or the subject employee, the Citizen Review Panel may, as part of its review, take informal testimony submitted voluntarily and without oath or fee by experts or other individuals, including Department personnel. Such testimony is not subject to cross-examination or objection by the parties to the grievance, but Citizen Review Panel members may ask any pertinent questions of witnesses who appear. The Panel may also request and receive information from any other county or city and county that may be pertinent to the grievance. The Citizen Review Panel may not receive any testimony unless the testimony is directly related to a grievance properly referred.

4. Attendance. No persons other than members of the Citizen Review Panel, complainant, his or her nonlegal representative, subject employee, his or her nonlegal representative and Administrative Liaison may attend the hearing. All other persons who are asked to testify may be present only while giving testimony. No legal representatives of either the complainant or the subject employee may attend the hearing.

5. Deliberation. At the conclusion of the presentations by the complainant and the subject employee, the Citizen Review Panel shall discuss alternative methods of resolving the grievance and vote concerning the Panel's recommendation. This deliberation shall proceed with only the members of the Citizen Review Panel and the Administrative Liaison present. If desired by the Citizen Review Panel, it may consult with the County Attorney for legal advice concerning the grievance or the Panel's recommendation.

6. Record of proceedings. The Citizen Review Panel shall keep a record of all of its proceedings. All hearings shall be tape recorded. At the conclusion of the hearing, the complainant may listen to the tape recording, but shall not be allowed a copy thereof because of the confidential nature of the proceedings.

7. Citizen Review Panel recommendations. Within thirty (30) days after its receipt of the grievance, the Citizen Review Panel shall submit a written recommendation concerning the grievance, along with the basis of its recommendation, to the Director, complainant and subject employee. If the Director, complainant or subject employee has questions concerning the Panel's written recommendation, he or she may submit them to the Citizen Review Panel in written form, within five (5) working days of receiving the recommendation, with a copy to the other parties. The Citizen Review Panel shall then respond, in writing, to such inquiry within two (2) calendar weeks to the Director, complainant and subject employee.

C. Finality of review.

1. Further inquiry. Once the Citizen Review Panel has made a recommendation concerning a grievance, or the time for making such a recommendation has expired, the Citizen Review Panel may not inquire further into the grievance.

2. Additional grievance. Once the Citizen Review Panel has reviewed a grievance, it shall not review any additional grievance filed by the same complainant concerning the same facts at a later date.

3. No inquiry. The Citizen Review Panel may not inquire into actions of a Department employee if no grievance concerning that employee has been filed and such grievance has not been properly referred to the Panel for review. Furthermore, the Citizen Review Panel may not inquire into the conduct of courts, attorneys, law

enforcement officials, employees of the State Department of Human Services, foster parents or other providers of services to children, or other family members.

D. Post review procedures.

1. Director review. Within thirty (30) calendar days of receipt of the final recommendation of the Citizen Review Panel, the Director shall review the recommendation and indicate whether or not he or she is in agreement. If a request for clarification has been made to the Panel, the thirty (30) days does not begin to run until receipt of the written response from the Citizen Review Panel. If the Director is in agreement with the recommendation, the Director shall issue a written final decision as to the recommended course of action, which shall be provided to the complainant and subject employee. If the complainant is in agreement with the Director's final written decision, the grievance is considered closed.

2. Referral to the Board. If either the complainant or Director disagrees with the recommendation of the Citizen Review Panel, the grievance shall be referred to the Board for review. Notice of such disagreement must be in writing and be received by the Administrative Liaison within ten (10) calendar days after the receipt of the Director's final written decision. Such referral must be made by the Director within thirty (30) calendar days of receiving the final recommendation of the Citizen Review Panel, and by the complainant within five (5) working days of receiving the Director's final decision. All referrals to the Board must be in writing.

3. Board recommendation. Within thirty (30) calendar days of receiving the grievance, the Board shall submit its written recommendation, and basis for such recommendation, to the Director, complainant and subject employee.

4. Director's final written decision. The Director shall then issue a final written decision that shall include the Director's plan for implementation of the recommendation. This final decision of the Director shall be provided to the complainant and subject employee. Such decision is final and may not be appealed by the complainant. If, by the Director's decision, disciplinary action is initiated against the subject employee, he or she is entitled to all applicable safeguards, including procedural rights of appeal afforded under the provisions of Chapter 3 of this Code.

5. Director's final report to Citizen Review Panel. The Director shall prepare and send a written report, which details the disposition of the grievance, to the Citizen Review Panel within thirty (30) calendar days after he or she issues the final written decision. The complainant and subject employee shall both be provided a copy of the Director's written report to the Citizen Review Panel. (Weld County Code Ordinance 2004-4)

Sec. 10-1-80. Scope of recommendation.

A. Recommendation within scope of authority. Recommendations made by the Citizen Review Panel and/or the Board shall be limited to actions which will resolve the grievance and which may be implemented by the Director. The recommendation may include recommendations for case reassignment, personnel training and disciplinary action against the subject employee. If any disciplinary action is initiated against the subject employee as a result of the Panel's recommendation, he or she is entitled to all applicable safeguards, including procedural rights of appeal afforded under the provisions of Chapter 3 of this Code.

B. Recommendation beyond scope of authority. Recommendations that are beyond the authority of the Citizen Review Panel and cannot be made include, but are not limited to, the following:

1. Recommendation as to whether abuse or neglect should or should not be substantiated.

2. Recommendation as to whether or not an incident of abuse or neglect should result in a listing on the Central Registry.
3. Recommendation as to whether or not dependency or neglect or criminal charges should be filed.
4. Recommendation as to what orders should be entered in any legal action, including but not limited to orders concerning child custody, placement or visitation.
5. Recommendation as to an appropriate treatment plan for a child or family.
6. Recommendation regarding the removal of a child from his or her parent, guardian or custodian. (Weld County Code Ordinance 2004-4)

Sec. 10-1-90. Access to records and confidentiality.

A. Meetings closed to public. Because the work of the Citizen Review Panel deals with information concerning child abuse and neglect investigations and personnel matters, which by statute are confidential (see Section 19-1-120 and 24-6-402(4)(c), C.R.S.), meetings of the Citizen Review Panel shall be closed to the public.

B. Access to records and reports. Pursuant to Section 19-3-211(1)(f), C.R.S., the Citizen Review Panel shall have access to those reports of child abuse or neglect and information from the complete case file which the Board believes is pertinent to the grievance. All identifying information concerning any person who reported child abuse or neglect will be redacted from such reports. Additionally, no participant in the conflict resolution process, including the complainant, may divulge or make public any confidential information contained in a report of child abuse or neglect or in any other case file record to which he or she has been provided access. Each member of the Citizen Review Panel shall be required, as a condition of membership, to sign an affirmation acknowledging the confidential nature of the information concerning abuse and neglect investigations and all other information from the Department files to be shared with the Citizen Review Panel, and pledging not to further disseminate, divulge or make public any confidential information to which he or she has been provided access as part of his or her duties as a panel member.

C. Statistical information. Statistical information which does not disclose the names of complainants or subject employees may be released to the public. (Weld County Code Ordinance 2004-4)

Sec. 10-1-100. Reports.

A. Annual report to State Department of Human Services. On or before June 30 of each year, the Administrative Liaison shall submit to the State Department of Human Services an annual report which includes the following information.

1. The number of grievances received by the Director.
2. The number of grievances referred to the Citizen Review Panel.
3. The number of grievances referred to the Board.
4. The actual time frames for resolving grievances at each level.
5. A brief description of the disposition of the grievances, including the following:
 - a. The number resolved without action taken.
 - b. The number resolved by case reassignment.

- c. The number resolved by requiring additional training.
- d. The number resolved by imposing disciplinary action against a Department employee.
- e. The number resolved in other ways. (Weld County Code Ordinance 2004-4)

Sec. 10-1-110. Applicability.

The Citizen Review Panel procedures and conflict resolution process set forth herein shall apply to complaints concerning the conduct of Department personnel in performing their duties pursuant to Article 3 of the Colorado Children's Code for such conduct occurring after August 11, 2004, the date of adoption by the Board. (Weld County Code Ordinance 2004-4)

