

CITIZEN REVIEW PANEL GUIDELINES

I. PURPOSE

A. To provide, as part of the child welfare grievance/conflict resolution process, a forum for grievances concerning the conduct of county department personnel in performing their duties under the Children's Code if the county departments' proposed internal resolution is not to the complainant's satisfaction.

B. To make a recommendation to the County Human Services Director regarding the subject of the grievance.

II. PROCESS

A. Prior to a qualifying grievance being heard by the Citizen Review Panel, an individual must have attempted to resolve the problem with the employee and their supervisor and then the Director of the Department of Human Services.

B. When bringing a grievance, an individual should submit in writing to the Director of Human Services the following:

1. A statement of the specific nature of the grievance, the specific employee whose conduct is at issue and the facts giving rise to the grievance.
2. What prior steps have been taken by the individual to resolve the grievance and what has been the prior outcome.
3. What outcome the individual bringing the grievance desires.

C. Written grievances made pursuant to the conflict resolution process shall not become part of any Larimer County Department of Human Services case file, but shall instead be kept in a separate conflict resolution grievance file maintained in the Office of the Director of Larimer County Department of Human Services. Written grievances shall be kept for a period of three (3) years, after which time they may be destroyed.

D. If the grievance involves alleged conduct occurring during the investigative stage of a report of child abuse or neglect, and that investigation is still ongoing and not yet complete, the grievance shall not be referred to the child welfare grievance/conflict resolution process, including the Citizen Review Panel.

E. Any resolution of a grievance which results in disciplinary action being taken shall remain private and confidential to the employee involved and the disciplinary action taken

EXHIBIT "A"

shall not be disclosed to the complainant or the Citizen Review Panel. The Director shall disclose to the complainant and the Citizen Review Panel whether or not disciplinary action has been initiated but may not disclose the outcome of any such proceeding. Reassignment of a case to a different employee shall not be construed as a "disciplinary action" for the purposes of the conflict resolution process.

III. MEMBERS

A. There shall be a minimum of five members on the panel.

B. The membership of the panel shall be appointed by the Board of County Commissioners without influence from the state or county department.

C. The members shall be representative of the community, shall have demonstrable personal or professional knowledge and experience with children and not be employees or agents of the state or county department. At least one member shall be the parent of a minor child. All members must be residents of Larimer County and shall be at least eighteen years of age. No person who has been convicted of a felony, convicted of child abuse or substantiated in the state Trails database for child abuse or neglect shall be eligible to serve.

D. Members of the Citizen Review Panel shall be replaced if abuse or neglect is substantiated on the member if they are convicted of a felony, convicted of child abuse, or if the member moves out of Larimer County or resigns from the Panel. Any member may resign at any time by giving written notice to the chairperson of the Panel. Such resignation shall take effect at the time accepted or specified therein, whichever is first to occur. Vacancy appointments shall fill the unexpired term of the vacant member's seat.

E. Any member may be removed at the sole discretion of the Board of County Commissioners for nonperformance of duty or misconduct.

IV. TERMS

Terms will be for three years and be staggered. For purpose of the initial appointment, at least two members shall serve a term of two years and at least three members shall serve a term of three years. Thereafter, subsequent appointees shall serve terms of three years each. The alternates shall serve three year terms.

V. OFFICERS

A. The Citizen Review Panel shall elect from among their members a Chair and Vice-Chair at the first meeting. Officers shall assume office upon election and serve for one year or until their successors are elected.

B. Duties of each of the officers are:

1. Chair: The Chair shall preside over all meetings of the Citizen Review Panel and shall be the official spokesperson for the Panel and shall prepare the written recommendations.

2. Vice-Chair: The Vice-Chair shall preside in the absence of, or at the request of the Chair.

C. The Board of County Commissioners shall be notified when a new chair is elected.

VI. MEETINGS

A. The Panel, which is advisory, shall be convened by the Board of County Commissioners upon a referral by the County Director if the complainant has gone through the internal child welfare grievance/conflict resolution process without satisfaction and a determination is made by the County Attorney's office that the grievance is within the scope of the conflict resolution process.

B. Three working days prior to any hearing, the Panel shall review the grievance and the county department's proposed resolution. They shall then convene a hearing and issue a written recommendation to the County Director and the complainant within thirty (30) days after the receipt of the referral.

C. Upon the request of the complainant, the county department, or the subject of a grievance, the Citizen Review Panel may receive testimony from experts or other witnesses. Such testimony must be provided voluntarily and without a fee. Further, such testimony will be provided without an oath, will not be subject to objections from parties to the grievance process, and the witness will not be subject to cross examination. Members of the Citizen Review Panel, however, may ask questions of the witness.

D. The Panel will allow no more than forty-five minutes for each side to present their case which includes any witnesses and the time the Panel is asking questions. Each side will then have an additional five minutes for rebuttal or summation. After this, the complainant and county employee will leave. The Panel will review the matter and issue a written recommendation with the basis of the recommendation to the Director and the complainant within thirty days of having received the grievance.

E. The Panel shall have access to child abuse or neglect reports and information from the file that is pertinent to the grievance at any time except identifying information of the reporting party. The Citizen Review Panel may not access records or receive testimony unless the record or testimony is directly related to a grievance properly referred to the Panel.

F. Meetings/hearings of the Citizen Review Panel shall not be open to the public. The Panel shall not divulge or make public the confidential information from the child abuse/neglect records, reports or the hearing.

G. The Citizen Review Panel shall only inquire into grievances as presented by a complainant. Recommendations shall be limited to action within the authority of the County Director including case reassignment, personnel training or disciplinary action. Once the Panel has made a recommendation concerning a grievance, or the time for making such a recommendation has expired, the Panel may not inquire further into the grievance. The Panel may not inquire into the conduct of courts, attorneys, law enforcement officials, employees of the state, foster parents or other providers of services to children, or other family members, nor may the Panel inquire into matters which are within the jurisdiction of the courts, or the conduct of a county department employee if no grievance concerning that employee or that conduct has been properly referred to the Panel.

H. 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 allegations should or should not be investigated and/or substantiated.
2. Recommendation as to whether or not an incident of abuse or neglect should result in a listing in the State database.
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 (family services plan) for a child or family.
6. Recommendation regarding the removal of a child from his/her parent, guardian or custodian.

I. The Panel shall keep a record of its proceedings. All hearings shall be tape recorded. The tape shall be kept in accordance with Section II(C). The tape may be reviewed by the employee and complainant but copies shall not be made.

J. Each member of the Panel shall be entitled to vote on any recommendations to be made to the County Director and complainant. A Panel recommendation will not be made to the County Director and complainant without a quorum and a majority vote.

K. A quorum of the Panel shall consist of three members.

VII. CONFLICT OF INTERESTS

A. A conflict of interest occurs when any Panel member's private, personal relationships or interests diverge so that an independent observer may reasonably question whether the person's actions or decisions are determined by personal benefit, gain, or advantage.

B. Panel members shall not use their membership for private gain, and shall act impartially and not give preferential treatment to any individual.

C. A Panel member who has a personal or private interest in a matter proposed or pending shall disclose such interest to the Board of County Commissioners shall not participate in the hearing and shall not attempt to influence the decisions of the other members voting on the matter. An alternate shall replace a member with a conflict.