

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 23-210

BY SENATOR(S) Exum, Buckner, Coleman, Cutter, Ginal, Gonzales, Jaquez Lewis, Priola, Winter F., Fenberg;
also REPRESENTATIVE(S) Ricks and Frizell, Amabile, Bacon, Bird, Duran, English, Epps, Joseph, Lindstedt, Marshall, Snyder.

CONCERNING UPDATES TO ADMINISTRATIVE STATUTES FOR SPECIFIC ADMINISTRATIVE ENTITIES THAT FOCUS ON HUMAN AND SOCIAL SERVICES.

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

SECTION 1. In Colorado Revised Statutes, **repeal** 19-2.5-1403 as follows:

19-2.5-1403. Division of youth services - community boards.

~~(1) There is created in each region of the division of youth services a community board to:~~

~~(a) Promote transparency and community involvement in division of youth services' facilities within the region;~~

~~(b) Provide opportunities for youth to build positive relationships~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~with adult role models, and~~

~~(c) Promote youth involvement in the community.~~

~~(2) (a) Each community board must include six members with a diverse array of experience and perspectives related to incarcerated youth. Each member of each board must be a resident of, or work within, the region in which the member serves.~~

~~(b) The governor or the governor's designee shall appoint each member of each board to a term of three years, and each member may serve an unlimited number of terms. Members serve without compensation.~~

~~(c) A member of a community board may not be employed by the department of human services or the division of youth services.~~

~~(d) Each community board shall elect a chair and a vice-chair from among its members.~~

~~(e) Each community board shall meet at least once every three months. The chair of each community board may call such additional meetings as are necessary for the community board to accomplish its duties.~~

~~(3) (a) Leadership and staff members of the department of human services and the division of youth services, as well as representatives of an organization in Colorado that exists for the purpose of dealing with the state as an employer concerning issues of mutual concern between employees and the state, are invited to attend community board meetings to provide their perspectives.~~

~~(b) A management-level employee of each facility in each region shall attend each meeting of their regional community board. At least once every three months, a representative of the division of youth services shall update the community board regarding new policies, practices, and programs affecting the region and any issues of concern in the region during the past quarter.~~

~~(4) The division of youth services shall allow board members to have periodic access to enter facilities in their regions on at least a quarterly basis and speak with youth and staff, unless an emergency prevents such~~

access.

SECTION 2. In Colorado Revised Statutes, 19-3-211, **amend** (1)(c) introductory portion, (1)(c)(I), (1)(c)(II), (1)(c)(III), (1)(c)(IV), (4), and (5)(a); **repeal** (1)(b), (1)(c)(V), (1)(c)(VI), (1)(c)(VII), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h), (2), and (3); and **add** (5)(c) as follows:

19-3-211. Conflict resolution process - rules - definitions.

~~(1) (b) A citizen review panel shall be created in each county and city and county. The members of such citizen review panel shall be appointed by the governing body without influence from the state department or the county department, be representative of the community, have demonstrable personal or professional knowledge and experience with children, and not be employees or agents of the state department or any county department. At least one member of the citizen review panel in each county and city and county shall be the parent of a minor child at the time of his or her appointment to serve on such panel.~~

(c) The conflict resolution process shall MUST provide for the resolution of grievances as follows:

(I) Transmittal of all grievances to the county CHILD WELFARE director for internal resolution by the county department within ten working days after receipt of the grievance;

(II) Closure of the grievance and issuance of a written final decision WITHIN THIRTY-FIVE DAYS OF RECEIPT OF THE GRIEVANCE if the county department has resolved the grievance to the complainant's satisfaction;

(III) Referral of the grievance to the ~~citizen review panel~~ OFFICE OF THE CHILD PROTECTION OMBUDSMAN upon the request of the complainant if the county department has not resolved the grievance to the complainant's satisfaction;

(IV) Review by the ~~citizen review panel~~ of the grievance and the county department's proposed resolution of the grievance within thirty days after receipt of the referral OFFICE OF THE CHILD PROTECTION OMBUDSMAN IN ACCORDANCE WITH SECTION 19-3.3-103;

(V) ~~Written notification by the citizen review panel to the~~

~~complainant and the county director of its recommendation concerning the grievance and the basis for its recommendation;~~

~~(VI) Closure of the grievance and issuance of a written final decision by the county director if the county department agrees with the recommendation of the citizen review panel;~~

~~(VII) Referral of a grievance to the governing body for review if the county department or the complainant disagrees with the recommendation of the citizen review panel.~~

~~(d) The governing body shall submit a written decision containing its recommendation and the basis for its recommendation to the county director and any county department employee who is the subject of a grievance, and the county director shall issue a written final decision that shall include the county director's plan for implementation of the final decision.~~

~~(e) Any recommendations of the citizen review panel and of the governing body shall be limited to actions within the authority of the county director including, but not limited to, recommendations for case reassignment, personnel training, and disciplinary action concerning a county department employee. If disciplinary action is initiated against a county department employee as a result of recommendations, the employee shall be entitled to the rights, including procedural rights to appeal, that the employee has through the merit system or other applicable personnel system under which the employee is employed.~~

~~(f) A citizen review panel and any governing body shall have access to child abuse or neglect reports and any information from the complete case file that the governing body believes is pertinent to the grievance, which shall be reviewed solely for the purpose of resolving grievances pursuant to the provisions of this section; except that access to identifying information concerning any person who reported child abuse or neglect shall not be provided and no participant in the conflict resolution process shall divulge or make public any confidential information contained in a report of child abuse or neglect or in other case file records to which he or she has been provided access.~~

~~(g) The county department shall prepare a final report to the citizen~~

~~review panel within thirty days after the issuance of any final decision in the conflict resolution process that shall include the disposition of each grievance referred to the citizen review panel in a manner not inconsistent with applicable state and county personnel rules.~~

~~(h) The complainant or county department employee who is the subject of the grievance shall receive copies of the following:~~

~~(I) The written decision of the governing body required pursuant to paragraph (d) of this subsection (1);~~

~~(II) The final written decision of the county director required pursuant to paragraph (d) of this subsection (1);~~

~~(III) The final report of the county department required pursuant to paragraph (g) of this subsection (1).~~

~~(2) The state department shall create a system for monitoring compliance with this section that shall include annual reports prepared by each county and city and county as to the grievances received and their disposition. Such annual reports shall be made available to the citizen review panels and the state department and shall be available for public review.~~

~~(3) (a) At the request of the complainant, the county department, or the subject of the grievance, each citizen review panel, as part of its review, may take informal testimony submitted voluntarily and without fee by experts or other individuals, including county department personnel.~~

~~(b) Each citizen review panel may request and receive information from any other county or city and county that may be pertinent to the grievance.~~

~~(4) Each county department shall implement the conflict resolution process~~ POST INFORMATION ABOUT THE GRIEVANCE PROCESS ON THE COUNTY DEPARTMENT'S PUBLIC-FACING WEBSITE OR OTHERWISE PROVIDE INFORMATION CONCERNING THE GRIEVANCE PROCESS TO INDIVIDUALS INVOLVED IN THE COUNTY CHILD WELFARE SYSTEM. The state department shall promulgate rules governing the implementation of the process in the following areas:

~~(a) Procedures for making relevant information concerning the conflict resolution process public;~~

~~(b) Time frames for the citizen review panel's and the governing body's written notification of recommendations; and~~

~~(c) Procedures~~ PROCEDURES for processing grievances, for determining if a grievance is within the scope of the conflict resolution process, and for receiving ~~testimony and other~~ ADDITIONAL information from the complainant ~~the county department~~; and the subject of the grievance.

(5) (a) Nothing in this section ~~shall be construed to direct or authorize any participant in the conflict resolution process to use the process to interfere with any civil or criminal investigation or judicial proceeding, to seek relief from any court action, or to seek a remedy that is within the authority of a court having jurisdiction over a pending proceeding~~ PREVENTS A COMPLAINANT FROM MAKING A COMPLAINT DIRECTLY TO THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN.

(c) A COUNTY DEPARTMENT IS NOT PRECLUDED FROM PRESENTING ANY RELEVANT EVIDENCE IN A PENDING CIVIL OR CRIMINAL INVESTIGATION OR PROCEEDING THAT THE COUNTY DEPARTMENT HAS OBTAINED IN THE COURSE OF FULFILLING ITS DUTIES IN THE CONFLICT RESOLUTION PROCESS PURSUANT TO THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 24-32-124, **add** (3)(d) as follows:

24-32-124. Law enforcement community services grant program - committee - policies and procedures - fund - rules - report - definitions - repeal. (3) (d) IF FEWER THAN ALL THE MEMBERS OF THE COMMITTEE IDENTIFIED IN SUBSECTION (3)(a) OF THIS SECTION ARE APPOINTED AS OF JUNE 30, 2023, THE EXECUTIVE DIRECTOR SHALL, IN THE EXECUTIVE DIRECTOR'S SOLE DISCRETION, DETERMINE THE NUMBER OF MEMBERS OF THE COMMITTEE; EXCEPT THAT THE COMMITTEE MUST CONSIST OF AT LEAST NINE MEMBERS.

SECTION 4. In Colorado Revised Statutes, 25-1.5-111, **amend** (2)(c) as follows:

25-1.5-111. Suicide prevention commission - created - responsibilities - gifts, grants, or donations - reimbursement for expenses - definition - repeal. (2) (c) ~~The Members of the commission shall serve without compensation; except that the members may seek reimbursement for travel expenses to and from meetings of the commission.~~

SECTION 5. In Colorado Revised Statutes, 25-3.5-804, **amend** (5)(e) as follows:

25-3.5-804. Tobacco education, prevention, and cessation programs - review committee - grants - reimbursement for expenses. (5) (e) Except as otherwise provided in section 2-2-326, C.R.S., members of the review committee ~~shall serve without compensation~~ but shall be reimbursed from ~~moneys~~ MONEY deposited in the tobacco education programs fund created in section 24-22-117 C.R.S., for their actual and necessary expenses incurred in the performance of their duties pursuant to this part 8.

SECTION 6. In Colorado Revised Statutes, 26-1-107, **amend** (3) as follows:

26-1-107. State board of human services - reimbursement for expenses - rules. (3) The members of the state board ~~shall serve without compensation, with the exception of necessary~~ MAY RECEIVE REIMBURSEMENT FOR actual traveling expenses.

SECTION 7. In Colorado Revised Statutes, 26-1-302, **amend** (3) as follows:

26-1-302. Colorado brain injury trust fund board - creation - powers and duties - reimbursement for expenses. (3) Board members ~~shall not be compensated for serving on the board,~~ but may be reimbursed for all reasonable expenses related to ~~such~~ THE members' work for the board.

SECTION 8. In Colorado Revised Statutes, 26-6.8-103, **amend** (1)(f)(II) as follows:

26-6.8-103. Tony Grampas youth services board - members - duties - reimbursement for expenses. (1) (f) (II) Adult AND YOUTH

members of the board ~~shall serve without compensation~~ but may be reimbursed out of available appropriations for actual and necessary expenses incurred in the performance of their duties. ~~Youth members of the board may receive a per diem as compensation for their service, which per diem may not exceed thirty dollars for each day upon which each youth member performs the member's duties for the board. Youth members of the board may also be reimbursed out of available appropriations for actual and necessary expenses incurred in the performance of their duties.~~

SECTION 9. In Colorado Revised Statutes, **amend** 26-11-103 as follows:

26-11-103. Reimbursement for expenses. ~~Except as otherwise provided in section 2-2-326, C.R.S., the Members of the commission shall not receive compensation for their services, but they shall be reimbursed for expenses incurred by them in the performance of their official duties.~~

SECTION 10. In Colorado Revised Statutes, 26-12-402, **amend** (5) as follows:

26-12-402. Board of commissioners of veterans community living centers - creation - powers and duties - reimbursement for expenses. (5) Members of the board of commissioners ~~shall serve without pay~~ but shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties.

SECTION 11. In Colorado Revised Statutes, 26-21-107.7, **amend** (1)(e) as follows:

26-21-107.7. Colorado commission for the deaf, hard of hearing, and deafblind grant program committee - creation - members - duties - reimbursement for expenses. (1) (e) Members of the committee ~~shall serve without compensation~~ but are entitled to be reimbursed out of available appropriations for all actual and necessary expenses incurred in the performance of their duties.

SECTION 12. In Colorado Revised Statutes, 26.5-1-302, **amend** (3)(b)(II) as follows:

26.5-1-302. Early childhood leadership commission - created -

mission - funding - reimbursement for expenses. (3) (b) The persons appointed to the commission pursuant to subsection (2)(d) of this section:

(II) ~~Serve without compensation but~~ May receive reimbursement for reasonable expenses incurred in fulfilling their duties on the commission.

SECTION 13. In Colorado Revised Statutes, 26.5-3-204, **amend** (5) as follows:

26.5-3-204. Colorado child abuse prevention board - creation - members - terms - vacancies - reimbursement for expenses. (5) ~~Except as provided in section 2-2-326, Members serve without compensation but~~ are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

SECTION 14. In Colorado Revised Statutes, 27-10.5-203, **amend** (4) as follows:

27-10.5-203. Establishment of state council. (4) Members of the state council ~~serve without compensation but~~ are entitled to reimbursement for their expenses while attending regular and special meetings of the state council.

SECTION 15. In Colorado Revised Statutes, 19-1-103, **repeal** (27) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(27) ~~"Citizen review panel", as used in section 19-3-211, means the panel created in a county by the board of county commissioners or in a city and county by the city council that reviews and makes recommendations regarding grievances referred to the panel by the county director pursuant to the conflict resolution process.~~

SECTION 16. In Colorado Revised Statutes, 19-1-307, **amend** (2)(p) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information

- penalty - adult protective services data system check. (2) Records and reports - access to certain persons - agencies. Except as set forth in section 19-1-303, only the following persons or agencies have access to child abuse or neglect records and reports:

(p) ~~The A governing body as defined in section 19-1-103; and the citizen review panels created pursuant to section 19-3-211, for the purposes of carrying out their conflict resolution duties as set forth in section 19-3-211 and rules promulgated by the state department of human services;~~

SECTION 17. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO