

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0909.01 Jason Gelender x4330

SENATE BILL 23-210

SENATE SPONSORSHIP

Exum, Buckner, Coleman, Cutter, Fenberg, Ginal, Gonzales, Jaquez Lewis, Priola, Winter F.

HOUSE SPONSORSHIP

Ricks and Frizell, Amabile, Bacon, Bird, Duran, English, Epps, Joseph, Lindstedt, Marshall, Snyder

Senate Committees
Health & Human Services

House Committees
Public & Behavioral Health & Human Services

HOUSE
3rd Reading Unamended
April 26, 2023

A BILL FOR AN ACT

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

HOUSE
2nd Reading Unamended
April 25, 2023

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>.)

SENATE
3rd Reading Unamended
April 12, 2023

Section 2 of the bill repeals the statute that:

- Creates in each region of the division of youth services a community board to promote transparency and community involvement in division of youth services' facilities within the region, provide opportunities for youth to build positive

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

SENATE
Amended 2nd Reading
April 11, 2023

relationships with adult role models, and promote youth involvement within the community; and

- Specifies the number, manner of appointment, and required qualifications of community board members and meeting requirements for a community board.

Section 3 modifies the process for the resolution of grievances filed against county departments of human and social services (county department) concerning the conduct of county department personnel in the performance of their duties relating to children who may be neglected or dependent by:

- Repealing the requirement that a citizen review panel be created consisting of citizens who are representative of the community, have demonstrable personal or professional knowledge and experience with children, and are not employees or agents of the department of human services (state department) or any county department;
- Requiring referral of grievances that are currently referred to a citizen review panel to instead be referred to the office of the child protection ombudsman (child ombudsman) for review;
- Repealing grievance review processes and requirements relating to citizen review panels;
- Requiring each county department to post information about the grievance process on its public website or otherwise provide information concerning the grievance process to individuals involved in the county child welfare system; and
- Clarifying that the grievance resolution process allows a person who wishes to file a grievance to do so directly to the child ombudsman.

Section 4 specifies that if fewer than all the 17 members of the law enforcement community services grant program committee created in the division of local government of the department of local affairs (department) provided for by statute are appointed as of June 30, 2023, the executive director of the department shall determine the number of members of the committee; except that the committee must consist of at least 9 members.

Section 1 and **sections 5 through 15** clarify existing provisions relating to compensation and reimbursement of expenses for members of specific boards and commissions that focus on functions related to human and social services.

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

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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 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.~~

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

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

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

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

21 **19-3-211. Conflict resolution process - rules - definitions.**

22 ~~(1) (b) A citizen review panel shall be created in each county and city~~
23 ~~and county. The members of such citizen review panel shall be appointed~~
24 ~~by the governing body without influence from the state department or the~~
25 ~~county department, be representative of the community, have~~
26 ~~demonstrable personal or professional knowledge and experience with~~
27 ~~children, and not be employees or agents of the state department or any~~

1 ~~county department. At least one member of the citizen review panel in~~
2 ~~each county and city and county shall be the parent of a minor child at the~~
3 ~~time of his or her appointment to serve on such panel.~~

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

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

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

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

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

21 (V) ~~Written notification by the citizen review panel to the~~
22 ~~complainant and the county director of its recommendation concerning~~
23 ~~the grievance and the basis for its recommendation;~~

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

27 (VII) Referral of a grievance to the governing body for review if

1 ~~the county department or the complainant disagrees with the~~
2 ~~recommendation of the citizen review panel.~~

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

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

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

1 (g) ~~The county department shall prepare a final report to the~~
2 ~~citizen review panel within thirty days after the issuance of any final~~
3 ~~decision in the conflict resolution process that shall include the~~
4 ~~disposition of each grievance referred to the citizen review panel in a~~
5 ~~manner not inconsistent with applicable state and county personnel rules.~~

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

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

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

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

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

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

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

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

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

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

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

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

24 (c) A COUNTY DEPARTMENT IS NOT PRECLUDED FROM PRESENTING
25 ANY RELEVANT EVIDENCE IN A PENDING CIVIL OR CRIMINAL
26 INVESTIGATION OR PROCEEDING THAT THE COUNTY DEPARTMENT HAS
27 OBTAINED IN THE COURSE OF FULFILLING ITS DUTIES IN THE CONFLICT

1 RESOLUTION PROCESS PURSUANT TO THIS SECTION.

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

4 **24-32-124. Law enforcement community services grant**
5 **program - committee - policies and procedures - fund - rules - report**
6 **- definitions - repeal.** (3) (d) IF FEWER THAN ALL THE MEMBERS OF THE
7 COMMITTEE IDENTIFIED IN SUBSECTION (3)(a) OF THIS SECTION ARE
8 APPOINTED AS OF JUNE 30, 2023, THE EXECUTIVE DIRECTOR SHALL, IN THE
9 EXECUTIVE DIRECTOR'S SOLE DISCRETION, DETERMINE THE NUMBER OF
10 MEMBERS OF THE COMMITTEE; EXCEPT THAT THE COMMITTEE MUST
11 CONSIST OF AT LEAST NINE MEMBERS.

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

14 **25-1.5-111. Suicide prevention commission - created -**
15 **responsibilities - gifts, grants, or donations - reimbursement for**
16 **expenses - definition - repeal.** (2) (c) ~~The~~ Members of the commission
17 ~~shall serve without compensation; except that the members~~ may seek
18 reimbursement for travel expenses to and from meetings of the
19 commission.

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

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

1 necessary expenses incurred in the performance of their duties pursuant
2 to this part 8.

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

5 **26-1-107. State board of human services - reimbursement for**
6 **expenses - rules.** (3) The members of the state board ~~shall serve without~~
7 ~~compensation, with the exception of necessary~~ MAY RECEIVE
8 REIMBURSEMENT FOR actual traveling expenses.

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

11 **26-1-302. Colorado brain injury trust fund board - creation**
12 **- powers and duties - reimbursement for expenses.** (3) Board members
13 ~~shall not be compensated for serving on the board, but~~ may be reimbursed
14 for all reasonable expenses related to ~~such~~ THE members' work for the
15 board.

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

18 **26-6.8-103. Tony Grampsas youth services board - members**
19 **- duties - reimbursement for expenses.** (1) (f) (II) Adult AND YOUTH
20 members of the board ~~shall serve without compensation but~~ may be
21 reimbursed out of available appropriations for actual and necessary
22 expenses incurred in the performance of their duties. ~~Youth members of~~
23 ~~the board may receive a per diem as compensation for their service, which~~
24 ~~per diem may not exceed thirty dollars for each day upon which each~~
25 ~~youth member performs the member's duties for the board. Youth~~
26 ~~members of the board may also be reimbursed out of available~~
27 ~~appropriations for actual and necessary expenses incurred in the~~

1 ~~performance of their duties.~~

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

4 **26-11-103. Reimbursement for expenses.** ~~Except as otherwise~~
5 ~~provided in section 2-2-326, C.R.S., the Members of the commission~~
6 ~~shall not receive compensation for their services, but they shall be~~
7 reimbursed for expenses incurred ~~by them~~ in the performance of their
8 official duties.

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

11 **26-12-402. Board of commissioners of veterans community**
12 **living centers - creation - powers and duties - reimbursement for**
13 **expenses.** (5) Members of the board of commissioners ~~shall serve~~
14 ~~without pay but~~ shall be reimbursed for reasonable and necessary
15 expenses incurred in the performance of their duties.

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

18 **26-21-107.7. Colorado commission for the deaf, hard of**
19 **hearing, and deafblind grant program committee - creation -**
20 **members - duties - reimbursement for expenses.** (1) (e) Members of
21 the committee ~~shall serve without compensation but~~ are entitled to be
22 reimbursed out of available appropriations for all actual and necessary
23 expenses incurred in the performance of their duties.

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

26 **26.5-1-302. Early childhood leadership commission - created**
27 **- mission - funding - reimbursement for expenses.** (3) (b) The persons

1 appointed to the commission pursuant to subsection (2)(d) of this section:

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

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

7 **26.5-3-204. Colorado child abuse prevention board - creation**
8 **- members - terms - vacancies - reimbursement for expenses.**

9 (5) ~~Except as provided in section 2-2-326, Members serve without~~
10 ~~compensation but~~ are entitled to reimbursement for actual and necessary
11 expenses incurred in the performance of their duties.

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

14 **27-10.5-203. Establishment of state council.** (4) Members of the
15 state council ~~serve without compensation but~~ are entitled to
16 reimbursement for their expenses while attending regular and special
17 meetings of the state council.

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

20 **19-1-103. Definitions.** As used in this title 19 or in the specified
21 portion of this title 19, unless the context otherwise requires:

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

27 **SECTION 16.** In Colorado Revised Statutes, 19-1-307, **amend**

1 (2)(p) as follows:

2 **19-1-307. Dependency and neglect records and information -**
3 **access - fee - rules - records and reports fund - misuse of information**
4 **- penalty - adult protective services data system check. (2) Records**
5 **and reports - access to certain persons - agencies.** Except as set forth
6 in section 19-1-303, only the following persons or agencies have access
7 to child abuse or neglect records and reports:

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

13 **SECTION 17. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety.