AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Cooperative Agreement between Gunnison and Hinsdale County Department of Human Services and Colorado State Patrol

Action Requested: County Manager Signature

Parties to the Agreement: Gunnison County and Colorado State Patrol via Colorado Deprt. of Human Services

Term Begins: May 15, 2014 **Term Ends:** 5/14/2015 **Grant Contract #:** N/A

Summary:
This is an agreement template from CDHS for local agreements with Colordo State Patrol. The agreement should be scaned to the entity on the cover letter and a copy sent to Renee

Fiscal Impact: 0

Submitted by: Renee Brown **Submitter's Email Address:** Renee.brown@state.co.us

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 4/28/2014 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 4/28/2014

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 5/6/2014 Follow Up Agenda Date:

Revised April 2013

STATE OF COLORADO

CHILDREN, YOUTH AND FAMILIES
Julie Krow, MA, LPC, Director

1575 Sherman Street
Denver, Colorado 80203-1714
Phone 303.866.5932 Fax 303.866.5563
www.colorado.gov/cdhs

John W. Hickenlooper
Governor

Reggie Bicha
Executive Director

April 14, 2014

Dear County Directors:

The purpose of this letter is to outline the next steps for bringing counties throughout Colorado into compliance with CRS §19-3-308(5.5). This statute declares that county departments of human services must enter into cooperative agreements with law enforcement agencies to coordinate the duties of each agency in connection with the investigation of all child abuse or neglect cases.

At this time, only a handful of county departments of human services have an agreement with Colorado State Patrol (CSP) and many counties requested that the Colorado Department of Human Services (CDHS) assist in securing law enforcement agreements with CSP.

To bring Colorado into full compliance with CRS §19-3-308(5.5), CDHS has worked with CSP to create a law enforcement agreement that has been signed by the Chief of CSP, Col. Scott Hernandez, on March 31, 2014. This signed agreement is now available to be signed by a representative from each individual county department of human services.

Attached to this e-mail is an agreement in PDF format that needs to be executed by each county:

1. Download the attached PDF document
2. Fill out applicable fields for your county on the first page (Name of County, Date, etc.)
3. Have a representative from your department of human services sign where indicated on page 3
4. E-mail a copy of the signed agreement to lorendia.schmidt@state.co.us with CDHS by May 9, 2014.
5. Keep the original signed agreement on file in your county

2014-Mar-007-CSP Agreement

If you have specific questions about the agreement, please contact Lorendia Schmidt, CAPTA Administrator, Division of Child Welfare, at 303-866-4268 or 720-413-2830.

In addition, per the Child Welfare Performance Audit, please e-mail copies of any existing law enforcement agreements that have not yet been submitted. These may also be e-mailed to lorendia.schmidt@state.co.us.

Sincerely,

Julie Krow

Julie Krow
Director, Office of Children, Youth, and Families

Enclosure:
Agreement signed by Colorado State Patrol

COOPERATIVE AGREEMENT

BETWEEN

Gunnison and Hinsdale COUNTY DEPARTMENT OF HUMAN SERVICES

AND

COLORADO STATE PATROL

THIS AGREEMENT entered into this 15th Day of May 2014, by and between Gunnison/Hinsdale COUNTY DEPARTMENT OF HUMAN SERVICES, hereinafter referred to as "Human Services", and COLORADO STATE PATROL, hereinafter referred to as "Law Enforcement Agencies".

WHEREAS, abuse and neglect are community problems requiring cooperation and complementary responses by law enforcement and child protection agencies to protect endangered children; and

WHEREAS, C.R.S. §19-3-304 and §19-3-307 require that incidents of known or suspected child abuse or neglect be reported to the Human Services or local Law Enforcement Agency; and

WHEREAS, referrals and cooperation between Law Enforcement Agency and Human Services are necessary to assure prompt action, protection of the child, and actions as required by law; and

WHEREAS, CRS §19-3-308(5.5) declares that the State legislature intends that county departments of human services enter into cooperative agreements with law enforcement agencies to coordinate the duties of each agency in connection with the investigation of all child abuse or neglect cases.

NOW, THEREFORE, the agencies herein agree as follows:

1. Human Services will notify the appropriate Law Enforcement Agency of reports of known or suspected child abuse or neglect, and provide copies of the report to the respective Law Enforcement Agencies, as required by C.R.S. §19-3-307(3).

2. Law Enforcement Agencies will notify the Child Protection Services Unit of the Gunnison County Department of Human Services of any report of known or suspected child abuse or neglect received by such Law Enforcement Agencies. Such notice will be provided even where the Law Enforcement Agency will be the only entity conducting an investigation.

3. If the incident involves the death of a child, Law Enforcement Agencies shall notify Human Services.

4. Once each appropriate Law Enforcement Agency and the Child Protection Services Unit of Human Services have been notified of a particular case of known or suspected child abuse or neglect, the methods of investigation and the priority of the case shall be mutually determined

on a case-by-case basis. Joint investigations shall be conducted to the extent possible and deemed appropriate. Human Services shall coordinate the investigations of all incidents of known or suspected intrafamilial child abuse and institutional abuse.

5. Cases deemed appropriate for joint investigation between the Child Protection Services "CPS" Unit of Human Services and the Law Enforcement Agency shall include, but are not limited to, the following:

    a. Death of a child when there are surviving siblings in family;
    b. Moderate to severe physical abuse or the risk thereof;
    c. Familial and quasi-familial sexual abuse (by parents, guardian, stepparent, boyfriend, girlfriend, and other persons who reside in the child's home);
    d. Severe environmental neglect;
    e. Possibility of need for placement or protective custody;
    f. Suspected danger to investigators from threatening, belligerent parent;
    g. Nonfamilial sexual abuse when alleged perpetrator has children under 18 or there are protective issues for suspected victims;
    h. When it appears that the suspected perpetrator may flee;
    i. When parent refuses access to the children by CPS or refuses medical examination of the children;
    j. Physical or sexual abuse in institutional settings such as a foster home, group home, day care home, residential child care facility or institution;
    k. Conditions suggesting the need for an arrest or the issuance of a summons and complaint;
    l. Drug affected babies; or,
    m. Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance, is manufactured or attempted to be manufactured.

6. Cases deemed appropriate for investigation solely by the Child Protection Services Unit of Human Services shall include, but are not limited to, the following:

    a. Mild physical abuse;
    b. Fetal Alcohol Syndrome;
    c. Non-Organic Failure to Thrive;
    d. Medical neglect (including failure to provide medically indicated treatment to disabled infants with life threatening conditions);
    e. Third party abuse or neglect when alleged perpetrator under age 10;
    f. Educational neglect;
    g. Emotional abuse; or,
    h. Mild and moderate neglect, lack of supervision.

7. Cases deemed appropriate for investigation solely by law enforcement shall include, but are not limited to, the following:

    a. Third party abuse or neglect when alleged perpetrator over age 10. Third party abuse includes, but is not limited to babysitters, nannies, teachers, school personnel, neighbors, etc.;
    b. Death of a child with no surviving siblings; or,
    c. Report of immediate danger to a child when proximity and speed of law enforcement response is needed, when Child Protective Services Unit of Human Services is not available, and risk to the child indicates immediate evaluation is needed (after hours, welfare check).

8. Human Services shall be responsible for promptly notifying the Child Protection Team of all investigations completed by Human Services or by Law Enforcement Agencies, and complying with "Rights and Reports" reporting procedures. To assist this process, Law Enforcement Agencies shall promptly provide Human Services with all written reports of third party investigations.

9. The undersigned agencies agree to adopt specific procedures and protocol for the purpose of implementing the terms of this cooperative agreement, i.e. coordinate with school districts if necessary.

10. When requested by Law Enforcement Agency in third party abuse or neglect cases, Human Services will assist in interviewing victims under age 6, or older children with special needs.

11. Human Services shall be responsible for ensuring that all parents and families from whom children are removed under court order or by Law Enforcement Agency personnel are provided with a copy of *The Notice of Rights and Remedies* (Appendix D) at the time of the child's removal.

SIGNATURES

Chief of Colorado State Patrol

3/31/14
Date

County Department of Human Services Representative

Date

APPENDIX A

NOTICE OF RIGHTS AND REMEDIES FOR FAMILIES

Your children have been, OR are being removed from your home pursuant to Colorado Revised Statute, Title 19, C.R.S., the Colorado Children's Code. This notice provides you with important information. **This is an important document, please read it carefully.** If English is not your primary language, or you are hearing impaired you may request an interpreter for all proceedings. If you know or have reason to know your family is of American Indian heritage, the Indian Child Welfare Act (P.L. 95-608) applies.

The United States Constitution and State of Colorado Constitution guarantee your right to due process which includes a fair hearing.

PARENTAL RIGHTS:

1. You have a right receive this NOTICE of RIGHTS AND REMEDIES and a juvenile court order.
2. You have a right to an attorney. If the Court decides that you cannot afford to pay an attorney one will be proved for you at no cost. You are entitled to petition the court to appoint an attorney of your choosing that may or may not be granted by the Court.
3. You have a right to participate with the County Department of Social Services (referred to hereinafter a D.S.S) caseworker in developing a case plan. All parties will be requested to sign the case plan.
4. You have a right to a Detention Hearing within 48 to 72 hours to determine if your child(ren) should return home. This hearing MUST be held either within 48 to 72 hours, excluding Saturdays, Sundays and holidays. If the court decides that your child(ren) should not return home, your children may be placed with their grandparents or other appropriate relatives, or remain in foster care with County D.S.S. You have the right to testify and present witnesses in the court as to why the child(ren) should be allowed to return home, or whether they should be place with their grandparents or other relatives. You have the right to compel witnesses by subpoena, to attend all court proceedings, and ask questions of any witnesses. If the petition is granted, the child(ren) are adjudicated dependent and neglected; legal custody of your child(ren) may be given to County D.SS. Families may make later formal requests, at anytime for a hearing to regain legal custody of their child(ren).
5. You have the right to a Juvenile Judge instead of a magistrate at all proceedings of the Court except the initial Detention hearing.
6. You have a right to have the Dependency and Neglect Petition filed with the court no later than ten working days after the child(ren) are removed (Rules of Juvenile Procedure, Rule 4.A.).
7. You have a right to a jury trial.
8. You have a right to have the People prove that the allegations of the petition are true by a preponderance of the evidence. In the case of an Indian child the standard is clear and convincing evidence. If the petition is not granted, the Court can order the state to pay all your costs.
9. You have a right to appeal any final decision of the Court, unless you agree to a finding that you children are "Dependent and Neglected" (this would include an admission of "no fault of your own"). In that case you lose your rights to a jury trial, to subpoena witnesses and to appeal the Court's finding of "Dependent and Neglected."

NON-EMERGENCY REMOVAL:

If your child(ren) are being removed in a non-emergency situation, you are to receive a copy of the juvenile court order authorizing the removal and stating the reasons why your child(ren) are being removed along with a copy of this notice. (If your child is removed from some place other than the home, you are to receive the order the same day).

Specific reason for non-emergency removal: _____

_____

EMERGENCY REMOVAL:

If your child(ren) have been or are being removed under Colorado Statute 19-3-401, you will receive a copy of the court order forthwith.

Specific reason for emergency removal (reason cited from Colorado Statute 19-3-401): _____

_____

Taking children into custody: (1) A child may be taken into temporary custody by a law enforcement officer without order of the court:

(a) When the child is abandoned, lost, or seriously endangered in such child's surroundings or seriously endangers others and immediate removal appears to be necessary for such child's protection or the protection of others;
(b) When there are reasonable grounds to believe that such child has run away or escaped from such child's parents, guardian or legal custodian; or
(c) When an arrest warrant has been issued for such child's parent or guardian on the basis of an alleged violation of section 18-3-304, C.R.S. No child taken into temporary custody pursuant to this paragraph (c) shall be placed in detention or jail.
(1.5) An emergency exists and a child is seriously endangered as described in paragraph (a) subsection (1) of this section whenever the safety or well-being of a child is immediately at issue and there is no other reasonable way to protect the child without removing the child from the child's home. If such an emergency exists, a child shall be removed from such child's home and placed in protective custody regardless of whether reasonable efforts to preserve the family have been made.
(2) The taking of a child into temporary custody under this section shall not be deemed an arrest, no shall it constitute a police record.

Additional comments on removal: _____

_____

REASONABLE EFFORTS

The law requires that reasonable efforts be made before, during, and after removal to keep child(ren) with parents, as described in 19-3-101.1, C.R.S:

Definitions. As used in this article, unless the context otherwise requires:
(1) "Reasonable efforts" means the exercise of diligence and care throughout the state of Colorado for children who are in out-of-home placement, or are at imminent risk of out-of -home placement, to provide, purchase, or develop the supportive and rehabilitative services to the family that are required both to prevent unnecessary placement of children outside of such children's home and foster, whenever appropriate, the reunification of children with the families of such children. Services provided by a county or city and county in accordance with section 19-3-208 are deemed to meet the reasonable effort standard described in this subsection (1). Nothing in this subsection (1) shall be construed to conflict with federal law.

State what reasonable efforts have been made to prevent the removal of the child(ren) from the home or explain why these efforts were not made: _____

_____

_____

TERMINATIOIN OF PARENTAL RIGHTS

If you do not comply with the treatment plan ordered by the court your parental rights may be terminated at a separate hearing. The standard of evidence for termination of parental rights is clear and convincing in all cases, except in cases of Indian child(ren) where the standard is beyond a reasonable doubt. If the petition is not granted, the Court can order the State to pay all your costs.
While your child(ren) is placed out of the home you have the right to visit you child(ren) as permitted by the court and be advised of their wellbeing. There will be regular court-reviews. Periodic reviews take place at the county department of social services. Reviews in court can be requested by you or required by the court.

GRIEVANCE PROCEDURES:

If you feel you have been or are being treated unfairly by the County Department of Social Services, call you County Department of Social Services Director or grievance coordinator. Pursuant to 19-3-211 the county governing body may have established a citizen review panel to hear your grievance.

COUNTY SPECIFIC AND IMPORTANT TELEPHONE NUMBERS:

Caseworker (name and number): _____
Law Enforcement Officer (name and number): _____
County Department of Social Services Director: _____
County Grievance Coordinator: _____
Other Local Resources: _____