

# GUNNISON COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES DISPUTE RESOLUTION PROCESS

## GENERAL DISPUTE RESOLUTION PROCESS

Gunnison/Hinsdale County Department of Health and Human Services (Department) attempts to resolve disputes in an informal manner if possible. If disputes are not resolved to the complainant's satisfaction and if a grievance is initiated, the following formal process is to occur.

Anyone who wishes to file a formal complaint or who disputes actions by a Department employee shall be advised to contact the program supervisor or the Director of Gunnison/Hinsdale County Department of Health and Human Services (Director) by calling 970-641-3244 ext. 1 or by writing to Gunnison/Hinsdale County Department of Health and Human Services, 225 N. Pine, Gunnison, CO 81230.

The Complainant shall be advised that they may also contact the Colorado Department of Human Services by calling 1-800-536-5298 and working through the menu of options. Complaints related to Child Welfare may also be referred directly to the Colorado Department of Human Services Division of Child Welfare by calling 1-303-866-4511 or the Office of Colorado's Child Protection Ombudsman at (303) 864-5111 or Toll-Free at 1-855-5SAFECHILD. The Director is to be notified in writing of any complaint received by an employee no later than 10 calendar days after the complaint is received.

The Director or Supervisor will respond to the complaint or grievance within 20 calendar days after receipt by contacting the party by phone or letter. Should the Director and Supervisor be absent, the complaint may be forwarded to the Gunnison County Manager.

A record of all complaints formally filed with the Department will be retained by the Director and reported to the State Department of Human Services at the close of each State Fiscal Year.

Documentation of the complaints should be thorough and include:

- name of individual taking the complaint
- date the complaint was received
- complainants name, phone number and address
- a description of the complaint.

Actions taken shall be documented and follow-up documentation shall be provided in writing to the complainant and retained on file by the Director.

ADULT SERVICES:

For concerns about local Health & Human services programs that receive funding from Region 10 Community Living Services under the Older Americans Act, individuals may address their concerns directly to Region 10 by calling 970-249-2436 x 15 or by mail at Region 10 Community Living Services, 300 N Cascade, Suite 1, Montrose, CO 81401. Additionally complainants not satisfied may contact the State Unit on Aging at 1-303-688-2800 (ask for someone in Aging and Adult Services), Aging and Adult Services, 1575 Sherman, 10<sup>th</sup> Floor, Denver, CO 80203.

PUBLIC ASSISTANCE APPEALS:

Individuals who apply for public assistance such as Supplemental Nutrition Assistance Program or other financial or medical benefits programs may receive correspondence indicating a denial or other actions. The correspondence will include information on how to pursue an appeal through a request for an informal conference with the local Human Services office and/or by an appeal to the Office of Administrative Courts. The contact information is as follows:  
Local Department conference: 970-641-3244 ext. 1 and request to speak with the staff member assigned to the case or to the Manager.

To request a State level hearing:

Office of Administrative Courts  
633 Seventeenth St., Suite 1300  
Denver, CO 80202  
Phone # 303-866-2000  
Fax # 303-866-5909

CHILD WELFARE DISPUTE (GRIEVANCE) RESOLUTION PROCESS (In accordance with the Rules and Regulations of the Colorado Department of Human Services Volume Seven (7.200.3) )

Definitions:

"Grievance" means a complaint regarding the conduct of an employee of the Gunnison/Hinsdale County Department of Health and Human Services in performing his/her duties under Article 3 of the Children's Code. "Grievance" does not include complaints regarding conduct by the courts, attorneys, law enforcement officials, employees of the State, foster parents or other providers of services to children, or other family members.

"Citizen Review Panel" means an advisory body appointed by the Gunnison County Board of Human Services (Board) pursuant to Section 19-3-211, C.R.S. The members of such citizen review panel shall be appointed by the Board 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.

"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 the provisions of Section 19-3-211, C.R.S.

"Recommendation" means a proposed course of action that may be implemented by the Director to resolve a grievance. These proposed actions may include reassigning a case to a different employee, requiring an employee to receive training, or administering disciplinary action to an employee, subject to applicable safeguards afforded to the employee through the Gunnison County personnel system.

#### Time Frames for Resolving Grievances:

The Department shall attempt to resolve all grievances informally before using the formal grievance process. Any grievance not resolved to the satisfaction of the complainant shall be forwarded to the Director within ten working days after the grievance has been received by the Department.

The Director shall act on the grievance within twenty calendar days after s/he receives it. If the Director is able to resolve the grievance to the complainant's satisfaction, s/he will issue a written decision setting forth the resolution. If the Director is unable to resolve the grievance to the complainant's satisfaction within 20 calendar days, the Director shall immediately refer the grievance to the Citizen Review Panel, together with the Director's proposed resolution of the grievance.

Within thirty calendar days after receipt of the grievance from the Director, the Citizen Review Panel will convene a hearing on the grievance and send a written recommendation regarding the grievance, together with the basis for its recommendation, to the Director and the complainant.

If the Director agrees with the Citizen Review Panel's recommendation, s/he will issue a written decision implementing the recommendation. If the Director or the complainant disagrees with the recommendation, the grievance shall be referred to the Board.

Within thirty calendar days of receiving the grievance, the Board shall send its written recommendation regarding the grievance, together with the basis for the recommendation, to the complainant, the Director and to any county employee who is the subject of the grievance. The Director

shall issue a final decision including his/her plan to implement the Board's recommendation, and shall send a copy of this report to the complainant and to the county employee who is the subject of the grievance. Within thirty calendar days after issuing this final decision, the Director shall submit a written report to the Citizen Review Panel including a disposition of the grievance, and shall send copies of the report to the complainant and to the county employee who is the subject of the grievance.

Citizen Review Panel:

A. Access to Information and Confidentiality

A Citizen Review Panel shall have access to child abuse or neglect reports and any information from the complete case file that the Board 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.

B. Informal Testimony

Upon the request of the complainant, the Department, or the subject of a grievance, a 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 as the Panel's procedures permit.

C. Scope of Inquiry and Recommendations

The Citizen Review Panel shall only inquire into and make recommendations concerning grievances as presented by a complainant and as defined above. 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. 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 the conduct of a county department employee if no grievance concerning that employee or that conduct has been properly referred to the panel.

The authority of the Citizen Review Panel is limited to making recommendations as defined above. Specifically, the panel may only recommend actions that:

1. Will resolve a particular grievance concerning the conduct of a Department employee performing his/her duties under Article 3 of the Children's Code, and
2. Can be implemented by the Director.

#### D. Annual Reports

On or before June 30 of each year, the Department shall submit to the State Department an annual report regarding the resolution of grievances pursuant to this section. At a minimum, this report shall include:

1. The number of grievances received by the Director, the number of grievances referred to the Citizen Review Panel, the number of grievances referred to the Board, and the actual time frames for resolving grievances at each level.
2. A brief description of the disposition of the grievances, including the number that were concluded without any action taken, the number which were substantiated, the number resolved by case reassignment, the number resolved by requiring additional training, the number resolved by imposing disciplinary action against a county employee, and the number resolved in other ways.

#### E. Gunnison/Hinsdale County Department of Health and Human Services shall publicize:

1. The availability of the process for all dependency and neglect cases through the "Notice of Rights and Remedies" and by informing child welfare clients, guardians, and legal custodians of the process during the initial contacts with parties and periodically throughout the provision of services related to dependency and neglect cases.
2. The rights and remedies for families as specified in Colorado Department of Human Services Rules and Regulations Volume 7, Section 7.200.4.
3. Any other information about the process as deemed relevant by the Board.

APPEALING CONFIRMED REPORTS OF CHILD ABUSE OR NEGLECT:

Individuals determined by the Department to be responsible for abuse or neglect may appeal that decision according to the established guidelines for a State level hearing or record review.

The Request For State Level Fair Hearing or Review of County Record Regarding a County Department Confirmation of Child Abuse or Neglect form is provided to the person responsible for abuse or neglect upon notification of the Department's findings and may also be obtained at the Gunnison/Hinsdale County Department of Health and Human Services office, 225 N. Pine, Gunnison, CO 81224.

The Citizen Review Panel and other county related procedures for dispute resolution do not apply in cases of appealing findings of abuse or neglect.

GUNNISON/HINSDALE COUNTY DEPARTMENT OF HEALTH AND HUMAN  
SERVICES  
CITIZEN REVIEW PANEL

Ronda Connaway  
422 S.Taylor  
Gunnison, CO 81230  
(970) 641-2638

Retired social worker and currently serves on the Board for Habitat for Humanities, the Board of Trustees for the Gunnison Valley Health System, and member of American Association of University Women

Pastor Greg Meier  
Gunnison Community Church  
Gunnison, CO 81230  
(970) 270-5639

Representative from faith based community with Master's Degree in Biblical Studies from Trinity Theological Seminary and extensive prior human services experience.

Shawna Shidler, RN  
Lake City, CO  
(970) 944-0321

Representative from the medical community who currently works at the Hinsdale County Public Health agency and the Lake City Medical Center.