Notice of Founded Finding [Date] [PRAN First and Last Name] [PRAN Address Line 1] [PRAN Address Line 2] Dear [PRAN First and Last Name]: [County] County Department of Human/Social Services (County Department) completed an assessment of child abuse and/or neglect. You have been identified as a person responsible for the incident of child abuse or neglect shown below. Date Reported to County: [Date] Date of Finding: [Date of Finding] Child(ren): Severity\Category\Type of Incident: [Victim] [Severity\Category\Type of Incident] Your name will be kept in the state database as a person responsible for the child abuse or neglect noted above. In Colorado, the law refers to that database as “Trails.” Trails may be used by County Departments, the Colorado Department of Human Services (State Department), or other agencies allowed by law. These agencies can use the information when making decisions about child protection. Also, certain employers and agencies are required, or allowed, by law to ask for a check of Trails when screening for positions that involve the care, treatment, or supervision of children. You have the right to appeal the finding. You have 90 calendar days to request an appeal. If your appeal is not received by the State Department by [Auto-populate 90 calendar days from the date of this notice], your appeal will not be accepted. Your name will remain reportable as a person responsible for the incident of child abuse or neglect noted above. When an appeal has been accepted by the State Department, you have a right to a copy of the record used by the County Department to make the finding. In order to receive a copy, you must ask for it from the staff person assigned to your appeal. Your use of the county record for any purpose other than proceeding with your appeal is prohibited unless otherwise authorized by law. In order to provide the county record, the State Department will send your appeal to the Office of Administrative Courts (OAC). The OAC will assign the appeal for hearing and issue a protective order. The Office of the Attorney General will redact confidential information in the county record before sending you a copy. You and the State Department have up to 120 calendar days to resolve the appeal. The 120 days is from the date the State Department receives your appeal. If both you and the State Department agree, the time frame may be extended. This will only occur if it is likely extra time will result in a fully executed settlement agreement or resolution of the appeal. You have the right to appeal, even if a court action or criminal prosecution is pending as a result of the mistreatment. While there is court action or criminal prosecution, the State Department may hold the appeal in abeyance. This may be at your request. Or, the State Department may place the appeal in abeyance if it is determined to be in the best interest of the parties. If you object to the abeyance, it will remain in place, but will not exceed 180 calendar days without you having the chance to seek a review of the continuance by an administrative law judge. The pending status of other court proceedings will be considered good cause to extend the continuance of the appeal past the 180 day time frame.This is a civil administrative proceeding and not a criminal charge. You can choose to hire a lawyer to represent you for this appeal, but it is not required. More information about the founded finding and the appeal process is explained in the attached forms. If you have questions about the appeal process, please call 303.866.4546. You may be able to request a local dispute resolution. You must contact the county named above to find out if there is a local process that is available to you.INFORMATION ABOUT FOUNDED REPORTS OF CHILD ABUSE OR NEGLECT What is child abuse? Child abuse is an act or omission that threatens the health or welfare of a child including, but not limited to: - Causing physical injuries, such as bruises, broken bones, and burns; - Not providing children with enough food, clothing, shelter, medical care, or supervision; - Unlawful sexual behavior with a child; - Emotional abuse that harms a child's intellectual or psychological functioning; or, - Other actions that endanger the health or safety of a child The full definition of child abuse is found in section 19-1-103(1), C.R.S. Who investigates reports of child abuse or neglect? County departments of social/human services are required to investigate reports of child abuse or neglect. Sometimes, local law enforcement agencies (such as a police department) will also investigate these reports. What is a "confirmed" report of child abuse or neglect? If a county department of social/human services determines that a report of child abuse or neglect is more likely than not true, it will "confirm" the report. What happens to confirmed reports of abuse or neglect? Findings are maintained in a statewide automated database known as “Trails”. The reports are permanent records and may be used in decision making regarding child protection matters and for employment background screens for jobs related to the care, treatment, and supervision of children. Additionally, courts may use the information if it is relevant to a determination of an issue that is before the court. Who can find out about confirmed reports of child abuse or neglect? By statute (§ 19-1-307, C.R.S) these reports are confidential and the public cannot access them. In general, access to the reports or the information within them is limited to: - People who are investigating a report of child abuse or neglect, such as police departments and county departments of social/human services employees; and, - People who are licensed to care for children, such as day care centers, adoption agencies, and child placement agencies, when the individual consents to the release of the information. The complete list of individuals and agencies that may access child abuse reports can be found in section 19-1-307, C.R.S. What if I disagree with the county department's decision to confirm a report? You may ask for a state level hearing (appeal) if you would like to dispute the county department’s finding. The scope of an appeal is limited to challenging whether the finding was supported by a preponderance of the evidence, or whether the actions confirmed as child abuse or neglect meet the statutory or regulatory definition of child abuse or neglect. To request an appeal, you may fill out and submit the paper form included in this packet or request an appeal online at: bit.ly/cw-appea l . Please note that the following information must be included in the request for the appeal: ● The appeal request form (provided with this packet or the online appeal form) ● A statement detailing the basis for the appeal; and ● A copy of the Notice of Founded Finding (the first page of this packet)If submitting your appeal request using the paper form, please mail all documents to: Child and Adult Mistreatment Dispute Review Section (CAMDRS) 3550 W. Oxford Ave Denver, CO 80236 How long do I have to request an appeal? This form must be received by the Colorado Department of Human Services (CDHS) no more than 90 calendar days after the date on the attached Notice of Founded Finding (the first page of this packet). In your request, make sure to fill out the form completely and include: (1) the name of the county that made the finding that you are appealing; (2) the reason that you are appealing; (3) your current address and telephone number, and (4) you must include a copy of the Notice of Founded Finding. If your request is not received by the CDHS program above within the 90 calendar day period, your appeal will not be accepted and you have lost your chance to appeal. What is a state level hearing? A state level hearing is an administrative civil proceeding heard by an administrative law judge at the Office of Administrative Courts. At the hearing, the State Department will have to prove that the county’s finding was supported by evidence which showed it is more likely than not that you were responsible for an incident of child abuse or neglect. The State Department may call witnesses to testify under oath and offer exhibits which support the county department’s finding. At the hearing, you have the right to cross-examine the State Department's witnesses, call your own witnesses, testify on your own behalf, and offer any exhibit you think the administrative law judge should consider. The administrative law judge will consider the evidence and testimony and write an initial decision either upholding, overturning, or modifying the finding. The Office of Appeals within the Colorado Department of Human Services will mail to you a copy of the initial decision along with a notice that explains how you or the State Department can challenge the initial decision if you do not agree with it. The Office of Appeals will then review the initial decision, and any challenge submitted, and write a final decision that either affirms, overturns, or modifies the initial decision. What is the purpose of an appeal? An appeal provides you with the opportunity for the State Department to review information you submit as well as the evidence relied upon by the county department to make sure that there was enough evidence to support the finding. State Department staff will review the county record and your information and discuss settlement options with you that may allow you and the State Department to resolve the appeal without a hearing. If you and the State Department are unable to settle the matter, you have the opportunity to have your case heard by an administrative law judge at the Office of Administrative Courts. What happens if I ask for a State level hearing? The State Department staff will send you information on the appeal process, including timelines and contact information. If your appeal is not resolved at the State Department level, you will have the option of a hearing before an administrative law judge. It is important to realize that there will be steps in the process where you must respond to important instructions or your appeal will be dismissed. What happens if the final decision is that the confirmed report should be overturned? The Trails system will show that the county finding was overturned. The abuse or neglect finding will not show up if an employer or an agency conducts or requests a Trails background check that is permitted to do so by law. However, a record of the report will still be kept in the statewide automated database, and county departments of social/human services can still use the report in the future for risk and safety assessments in child protection matters. What happens if the final decision is that the confirmed report should be upheld? The county department’s determination will be maintained and the finding may be used in decision making regarding child protection matters, child placements, and employment in child related jobs. Additionally, judges may use the information in cases involving parental rights and responsibilities. Will I need to hire an attorney? You do not need to be represented by an attorney. However, you may hire an attorney at your own expense if you choose to. Neither the state nor the county provides an attorney for you in these cases. What if I don’t ask for a state level hearing? If you don’t appeal the county determination, the confirmed finding will remain in Trails and will be available for state and county departments of social/human services staff to use in the future if there are other child protection issues, as background for employment screening for child related employment, for child placement decisions, and for other purposes allowed by law.Are there other conflict resolution processes? Some county departments of social/human services have a process for reviewing these types of determinations. Please contact your local county department of social/human services to learn what, if any, alternatives may be available to you. Using an alternative dispute process does not change the 90 day time period to seek a state level hearing. Where can I find more information about confirmed reports of child abuse or neglect? This information is only a summary. More specific information can be found in the Colorado Children's Code – Title 19 of the Colorado Revised Statutes (C.R.S) and the rules of the Colorado Department of Human Services found in the Colorado Code of Regulations at 12 CCR 2509-1, 2, and 3. Here is a list of some of the relevant parts of the Colorado Children's Code: Definition of child abuse or neglect - § 19-1-103(1), C.R.S. (2019) Child Abuse Reporting Procedures – § 19-1-307, C.R.S. (2019) Investigations of child abuse or neglect - § 19-3-308, C.R.S. (2019) Confirmed reports of child abuse and neglect; notice and appeals process - § 19-3-313.5, C.R.S. (2019) Confidentiality of child abuse reports and information - § 19-1-307, C.R.S. (2019) The Colorado Department of Human Services rules can be found at the Secretary of State’s website: Short URL: bit.ly/sos-volume7 QR Code for the above website: Full URL: https://www.sos.state.co.us/CCR/NumericalCCRDocList.do?deptID=9&deptName=500,1008,2500%20Department%20of%20Human%2 0Services&agencyID=107&agencyName=2509%20Social%20Services%20Rules%20(Volume%207;%20Child%20Welfare,%20Child%20Care %20Facilities) REQUEST FOR STATE LEVEL FAIR HEARING REGARDING A COUNTY DEPARTMENT CONFIRMATION OF CHILD ABUSE OR NEGLECT To request a state level fair hearing regarding the decision of a county department of human/social services to find you responsible for an incident of child abuse or neglect, you may request an appeal by fully completing this form and mailing it to: ATTN: Child and Adult Mistreatment Dispute Rev iew Section 3550 W . Oxford Ave Denver , Color ado 80236 OR by submitting an appeal request form online at: bit.ly/cw-appeal IMPOR TANT! All paperwork must be received by CDHS within 90 days from the date of the County Notice to appeal this action. If your appeal is not received within 90 days of the County Notice, your appeal will be considered untimely and it will be returned to you. Full Name (Please P rint): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date of Birth: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ City, State & Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Home P hone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Work Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Cell P hone/Other P hone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Child(ren) Involved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ How do you wish to receive correspondence from CDHS staff in regards to this appeal (check one)? \_\_\_\_Email \_\_\_\_\_ Standard Mail Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Preferred Language: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Will you have an attorney representing you in this matter? \_\_\_ Yes \_\_\_ No Attorney Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Attorney Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Attorney P hone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Attorney Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ I am appealing the decision of the County Department of Human/Social Services to confirm me as responsible for child abuse or neglect. The basis for my appeal is as follows (Please use extra sheets if needed): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Please list the County Department that made the confirmation and attach a copy of the notice you received from the County Department. This is required to process your appeal. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County Department of Social/Human Services I understand that if my mailing address, email address or phone number changes during this process, I will immediately notify the CDHS department at the above address or at telephone number 303.866.4546. I understand that my appeal may be dismissed if the CDHS department is unaware of my current contact information. Today's Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ For Official Use Only: Appeal #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date R eceived: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Referral #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ P rior R eferral(s) #: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Please use this page for additional documentation if needed.