

NAVIGATE INVESTIGATE ILLUMINATE REFORM

OFFICE OF COLORADO'S
CHILD PROTECTION
OMBUDSMAN

INVESTIGATION REPORT
CPO Case ID: 2018-3050



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TABLE OF CONTENTS

INTRODUCTION	3
CPO FINDINGS, RECOMMENDATIONS AND AGENCY RESPONSE LOCATOR	4
COMPLAINT SUMMARY	5
SCOPE AND METHODOLOGY	6
CPO ANALYSIS	8
Finding One: Ongoing Issues with MCDSS’ Case Practices	8
Finding Two: Systemic Issues Impacting Service Delivery	13
CONCLUSION	19
APPENDICES	
Appendices A-O: Office of the Colorado’s Child Protection Ombudsman (CPO) Case Specific Analysis and Corresponding Agency Response	
Appendix P: Montezuma County Department of Social Services (MCDSS) Response to Recommendations and Response to the Violations listed in the Appendices A-O	
Appendix Q: Colorado Department of Human Services – Office of Children, Youth and Families (CDHS-OCYF) Response to Recommendations and Response to the Violations listed in the Appendices A-O	

INTRODUCTION

On February 2, 2018, the Montezuma County Department of Social Services (MCDSS) received a report that a child had been sexually assaulted. More than two months later, a MCDSS caseworker contacted the child for the first time. During the two months between when the report was made to the MCDSS and the caseworker met with the child, law enforcement was not notified of the allegation. The MCDSS' handling of this report, and of others like it, prompted two concerned Montezuma County citizens to contact the Office of Colorado's Child Protection Ombudsman (CPO). Those phone calls initiated what would become a nine-month investigation by the CPO into the MCDSS' child welfare case practices.

The CPO's investigation revealed that the MCDSS' case practices not only impacted the safety of the child in the above case, but at least a dozen other children.

This report captures the two main areas of analysis by the CPO. The first section details the CPO's review of 23 referrals and assessments handled by the MCDSS between June 2014 and December 2018. To review those referrals and assessments, the CPO opened 15 cases. In total, the MCDSS violated state law and regulations 67 times in the handling of 21 of the referrals and assessments reviewed by the CPO. The violations demonstrate concerning gaps in the MCDSS' case practices that have impacted the safety and well-being of children and families. The three most concerning issues with the MCDSS' case practices are:

1. Delayed response to reports of abuse and neglect.
2. Non-compliance with state law requiring information sharing with law enforcement.
3. Inadequate supervision of child welfare cases.

The second section of this report outlines systemic issues identified by citizens and child protection stakeholders in Montezuma County. The CPO's review of these issues found that they are impacting how the MCDSS delivers services to children and families. Interviews with 23 Montezuma County residents revealed the following four systemic issues:

1. Lack of responsiveness to children and families' needs.
2. Lack of objectivity in the assessment of child abuse and neglect cases.
3. Lack of transparency surrounding MCDSS case practices.
4. Lack of trauma-informed practices.

Without significant intervention and guidance from the Colorado Department of Human Services (CDHS), which serves as the MCDSS' supervising entity, the issues identified above – and the correlating violations – are likely to continue. To address the issues detailed in this report, the CPO issued six recommendations to the MCDSS and the CDHS. The recommendations are designed to help the MCDSS identify ways to improve its case practices, ensure compliance with state law and regulations and improve its relationship with citizens and child protection stakeholders.

CPO FINDINGS, RECOMMENDATIONS AND AGENCY RESPONSE LOCATOR

CPO Finding One	Page 8
CPO Recommendation 1	Page 11
Agency Response	Page 11
CPO Recommendation 2	Page 12
Agency Response	Page 12
CPO Recommendation 3	Page 12
Agency Response	Page 12

CPO Finding Two	Page 13
CPO Recommendation 4	Page 16
Agency Response	Page 16
CPO Recommendation 5	Page 17
Agency Response	Page 17
CPO Recommendation 6	Page 18
Agency Response	Page 18

COMPLAINT SUMMARY

On April 28, 2018, the Office of Colorado's Child Protection Ombudsman (CPO) received a call from a concerned citizen regarding the Montezuma County Department of Social Services (MCDSS). The citizen stated that the MCDSS had recently undergone a series of personnel changes, including the resignation of the executive director, that were causing poor morale and staff turnover. The personnel changes had also revealed concerns about the quality of practice within the MCDSS' division of child welfare.¹ The citizen became concerned about the actions of the MCDSS after a senior staff member disclosed to several community members that a caseworker had recently left the agency after failing to assess 28 child abuse and neglect cases.² Two of these cases involved allegations of sexual assaults on children. The citizen stated that while the sexual assault cases were now being reviewed by law enforcement there was still a concern about whether children in Montezuma County were being adequately protected. The citizen asked the CPO to review this concern.

During the next several days, the CPO was contacted by additional members of the child protection community with concerns regarding the 28 cases.

On May 9, 2018, the CPO contacted the MCDSS about all the cases that were alleged to have been mishandled. A senior staff member at the MCDSS stated that there were not 28 cases, but rather 11 cases that were in question. Of those 11 cases, only two cases – both involving allegations of sexual assault – were out of compliance with the Code of Colorado Regulations (state regulations), according to the senior manager. The senior manager stated that the remaining nine cases were being assessed by current MCDSS staff to ensure the cases were handled appropriately. This individual also stated that MCDSS staff were nearly done reviewing all the cases and that there were no further concerns.

The CPO, however, continued to receive calls regarding the MCDSS. In response to those calls, the CPO reviewed the MCDSS' engagement with 15 children and families.³ That review centered on case-specific concerns about the MCDSS' practices.⁴ **(The CPO's findings for each of these cases are contained in appendices A through O.)** The CPO's preliminary review of these 15 cases revealed that concerns regarding the MCDSS extended beyond its handling of individual cases. As such, on August 1, 2018, the CPO opened a systemic investigation – Case 2018-3050 – to review both the case-specific concerns and systemic issues presented. This report details the findings of this investigation.

¹ "Director of Montezuma County Social Services resigns amid questions," *Durango Herald*, April 2, 2018.

² For the purposes of this report, the term "case" implies either a referral, assessment, ongoing and closed cases handled by the MCDSS. A referral is a report made to a county human service department which alleges abuse or neglect of a child. A referral is then assessed for determination as to whether a case should be opened. An assessment is any situation in which a county department assigns a caseworker to a referral to determine what actions or services, if any, are necessary. An open case is a situation when a county human service department provides ongoing services for a child and family. During initial conversations with complainants they referred to a "referral" as a "case" even though the county human service agency was not providing services to a family or child.

³ The CPO opened 15 cases in order to complete its review of the 23 referrals and assessments handled by the MCDSS. The 15 cases opened by the CPO are: 2018-3075, 2018-3082, 2018-3085, 2018-3110, 2018-3111, 2018-3112, 2018-3113, 2018-3114, 2018-3115, 2018-3116, 2018-3117, 2018-3214, 2018-3216, 2018-3217 and 2018-3218.

⁴ A *case-specific* concern is an issue specific to a complainant's actual case.

SCOPE AND METHODOLOGY

Given the seriousness of the complaints filed with the CPO, the Ombudsman determined that a site visit was necessary to learn more about the broader child welfare community in Montezuma County and the citizens who interact with the MCDSS. The Ombudsman and Deputy Ombudsman spent three days – June 18 to June 20, 2018 – in Cortez, Colorado. The CPO interviewed more than a dozen citizens, including members of law enforcement, the district attorney's office, child protection advocates, parents, grandparents, foster parents and former caseworkers. During the weeks that followed, the CPO contacted additional citizens and child protection stakeholders who had direct experiences with the MCDSS. In total, the CPO conducted more than 40 hours of in-person and telephonic interviews with 23 people. Repeatedly, citizens and stakeholders detailed experiences with the MCDSS that signaled concerning systemic practices.

During the summer of 2018, the CPO continued its investigation and identified a list of preliminary findings. On October 18, 2018, the CPO conducted a second site visit to meet with MCDSS' executive director and senior staff, as well as two county attorneys who represent the agency. Prior to the meeting, the CPO supplied a letter to the MCDSS detailing its preliminary findings in the investigation. The goal of sharing this information and holding the meeting was to allow the MCDSS an opportunity to respond to the findings and for the CPO to gain a better understanding of the relationships between the MCDSS and key stakeholders. The information provided by the MCDSS was helpful as it provided context for some of the systemic concerns that were raised by citizens and stakeholders. As required by law, the CPO did not disclose the identifying information of any of the complainants throughout this investigation.

Following the CPO's October meeting with the MCDSS, the CPO continued to receive information from citizens and stakeholders regarding the agency. This information contained additional concerns regarding both past and present cases with the MCDSS. The CPO reviewed this information as part of its investigation.

In total, the CPO identified 58 violations of state regulations and 9 violations of state law. The Colorado Children's Code and state regulations, primarily Volume 7, make up the minimum guiding principles to which all county human services departments (county departments) are held to ensure child safety.

The CPO does not detail every case that it reviewed in this report. However, when appropriate, details of specific cases are used to highlight concerning trends and practices.

One of the primary challenges in completing this investigation was the lack of complete and accurate documentation by the MCDSS in the statewide child welfare database, Trails. Without complete documentation, it was difficult to conclude whether a violation occurred, or whether the MCDSS simply failed to document its work. However, best practice has established that documentation in Trails should demonstrate all actions and decisions made in a case.

In addition to its in-person and telephonic interviews, the CPO conducted substantial research in this case. All relevant state regulations and law are cited in detail throughout this report.

The CPO's review included:

- Colorado Courts Database
- Colorado Children's Code
- Code of Colorado Regulations, Volume 7⁵
- Colorado Department of Human Services C-Stat Data
- Colorado Department of Human Services Child Welfare Grievance and Citizen Review Panel Annual Reports (FY 2014-15, FY 2015-16, FY 2016-17)

⁵ The CPO's analysis required review of multiple versions of Volume 7 to ensure that the appropriate regulation was identified at the time the violation occurred.

- Trails documents for relevant cases, including:
 - o Referral/Assessment Narratives
 - o Referral/Assessment Red Team Frameworks
 - o Assessment Findings
 - o Assessment Interview/Contact Notes
 - o Assessment Closure Summaries
 - o Case Record of Contact (ROC) Notes
 - o Case Safety Assessments
 - o Case Service Provider (Removal, Service Authorizations)
 - o Case Family Service Plans
 - o All relevant reviews by the CDHS' Administrative Review Division

CDHS serves as the MCDSS' supervising entity.⁶ The CDHS stated to the CPO that it had been made aware of the concerns regarding the unaddressed cases in early May 2018. The CDHS further reported that they had a telephone call with two senior MCDSS staff members who stated they had reviewed all the cases and re-investigated them as needed. The CDHS offered to review a workload sample for MCDSS but the MCDSS declined help, stating that this was not a widespread problem. Additionally, the CDHS stated that it had received minimal complaints regarding the MCDSS in the past five years and, as such, would not be involved further.

The CPO is required by law to conduct an independent and objective review of citizen complaints and cannot rely upon assurances from other agencies to resolve matters. As such, the CPO continued to review the case.

Notification to CDHS

Due to the number of concerns raised, the CPO contacted the Colorado Department of Human Services (CDHS) on June 13, 2018. The

⁶ See C.R.S. §26-1-111 and C.R.S. §26-1-119.

CPO ANALYSIS

Finding One

Violations of law and regulations reveal ongoing issues with the MCDSS' case practices and impact the agency's ability to deliver services to children and families.

The MCDSS violated state regulations and/or law in 13 of the 15 cases opened by the CPO.

During the meeting between the CPO and the MCDSS on October 18, 2018, the MCDSS stated that C-Stat data demonstrates that the agency's child welfare practices are meeting performance metrics set by the CDHS.⁷ The CPO reviewed C-Stat data for the MCDSS and learned that the performance measures cited by the agency are limited and are not designed to capture violations of all state regulations or law. By comparison, the CPO's investigation was based on a comprehensive analysis of all applicable regulations and law.

Documentation in Trails revealed that MCDSS repeatedly violated state regulations intended to ensure child safety, parental involvement in cases and accurate and thorough assessments. For example, the CPO found that the MCDSS failed to complete risk and safety assessments in a timely manner and ensure all required information was included in the assessments. **(See appendices G, D, M and O.)**

Admittedly, the number of cases, assessments and referrals reviewed by the CPO represents a sampling of the MCDSS' child welfare cases. However, the number of regulation and law violations identified were troubling, as they raise serious concerns about the sufficiency of services and protection being offered to children and families in Montezuma County. In total, the MCDSS violated state regulations 58 times and state law 9 times in the handling of these child welfare cases. More concerning, however, was the MCDSS' inadequate supervisory structure, which repeatedly allowed errors to go unnoticed.

Delayed response to reports of abuse and neglect

While the CPO found several concerning violations, the most troubling was the MCDSS' repeated failure to properly respond to reports of abuse and neglect in a timely fashion. Specifically, the MCDSS did not assign appropriate deadlines for caseworkers to contact children and families in five of the 23 referrals and assessments reviewed by the CPO. **(See appendices G, H, I, J and M.)** Examples of the MCDSS' failure to assign proper response times include:

- The MCDSS incorrectly assigned a five-day working response time in a case in which a mandatory reporter stated that a 6-year-old child had a red mark on her face and stated that her father had "smacked" her. Per regulation, the MCDSS should have assigned either a three-day or immediate response time to the case. **(See Appendix C for additional details.)**
- A 6-year-old boy came to school with what appeared to be a handprint on his face. The child reported that his mother had slapped and kicked him. The MCDSS incorrectly assigned a five-day working response on this case. Per regulation, the MCDSS should have assigned either a three-day or immediate response time to the case. **(See Appendix H for additional details.)**

Additionally, the CPO found that the MCDSS repeatedly failed to interview child victims within required timeframes. In nine of the 23 referrals and assessments reviewed by the CPO, the MCDSS violated state law and regulations for required timeframes 18 times. **(See**

⁷ See information about C-Stat at: <https://www.colorado.gov/pacific/cdhs/c-stat>

appendices A, B, C, D, E, I, J and M.) Examples of these types of violations include:

- A mandatory reporter called the MCDSS concerned that an 11-year-old child was fighting at school, had threatened suicide and had been exposed to domestic violence. A face-to-face interview with the child was required to be completed by February 15, 2018, but was not conducted until April 18, 2018 – more than two months after the required response time. **(See Appendix C for additional details.)**
- The MCDSS received a report that a 13-year-old child had missed 35 days of school, the family was homeless, the child’s parents were suspected of using drugs and the child often came to school tired and hungry. The MCDSS conducted an interview with the child on April 25, 2018, rather than March 8, 2018, which was required by regulation. **(See Appendix E for additional details.)**

Non-compliance with state law requiring information sharing with law enforcement

At the time the complaint was filed with the CPO, the MCDSS was not in compliance with Colorado law that requires information sharing between the MCDSS and law enforcement agencies.⁸ The purpose of this statute is to ensure that all child protection partners are aware, in real-time, of child abuse allegations. The CPO recognized this error after reviewing two cases involving reports of child sex abuse, both which went unaddressed by the MCDSS for weeks. The CPO found violations of state regulations and law in both cases.

CASE ONE – The MCDSS was notified on January 24, 2018, that a 12-year-old child may have been sexually abused by a non-relative caregiver. The MCDSS responded to interview the child on April 18, 2018 – nearly two-and-a-half months after the required response time. **(See Appendix A for additional details.)**

CASE TWO – The MCDSS was notified on February 2, 2018, that a 15-year-old girl was being sexually assaulted in her home. The

MCDSS did not attempt to interview the victim until April 24, 2018, nearly two-and-a-half months after the initial call was placed to the MCDSS. **(See Appendix B for additional details.)**

Ultimately, the MCDSS determined there was not sufficient information in either case to meet the definition for abuse and neglect. However, the delayed response by the MCDSS in these two cases could have severely compromised child safety under a different set of circumstances. Had these reports of child abuse been turned over to law enforcement, as required by law, the cases could have been immediately acted upon by law enforcement irrespective of the MCDSS’ delay.

In October 2018, the CPO spoke with the MCDSS about the lack of compliance with the law. MCDSS staff stated that there have been inconsistent practices in this area for years. The MCDSS admitted that it decides what information is shared with law enforcement, and that it is shared on a “more personal level and not a formal level.”

MCDSS staff explained that they refer all reports to law enforcement that involve “criminal exposure” but not “dirty house” cases – as one MCDSS staff member referred to them. The CPO and the MCDSS discussed how difficult it is to efficiently share large amounts of information. However, the parties discussed the importance of ensuring multiple reviews of child abuse and neglect reports. The parties also discussed the necessity of creating a memorandum of understanding between the MCDSS and all its law enforcement partners. Such agreements would help ensure that all agencies understand how information will be shared, ensuring the appropriate and thorough review of each child abuse and neglect allegation.

The MCDSS stated to the CPO that it was working with the local district attorney’s office to come into compliance with Colorado law in this area. It is the CPO’s understanding that the district attorney’s office now receives these child abuse and neglect reports. As of October 2018, the sheriff’s office and police department were not receiving all reports of child abuse and neglect.⁹

⁸ See C.R.S. §19-3-307(3)(a) and §19-3-308(4)(a).

⁹ Per information provided by the Cortez Police Department and Montezuma County Sheriff’s Office during interviews conducted during October 2018.

Inadequate Supervision of Child Welfare Cases

The frequency and severity of the violations identified by the CPO highlight a broader concern regarding the adequacy of staff supervision at the MCDSS. Repeatedly, violations of regulations and law went unnoticed by MCDSS supervisors and, in some instances, the cases were approved for closure by a supervisor without correcting the errors. In particular, the CPO was concerned regarding the two cases involving allegations of child sex abuse and how the cases went unnoticed by management for so long. The CPO posed this question to the MCDSS. A MCDSS senior manager stated to the CPO that the problems were not related to poor supervision. The senior manager attributed the problems to a single caseworker who was no longer with the agency.

The CPO found the senior manager's response to be concerning. Despite the seriousness of the issues, it was clear that in the nearly five months since the neglected sexual assault cases were identified, there had been no meaningful analysis completed by the MCDSS to determine how the practice lapses occurred, no discussion on how to remedy the problems and no acceptance of responsibility for the errors that transpired.

Concerns from Foster Parents

Finally, the CPO met with several foster parents in Montezuma County who reported concerns about how the MCDSS handles cases in which foster parents file court motions to intervene in

child welfare cases.¹⁰ If such a motion is granted, foster parents are allowed by law to provide input regarding the care and permanency of foster children in their homes. However, two families stated that after being granted permission by the court to intervene, the MCDSS excluded them from critical meetings and ignored their input regarding the child's well-being. While the CPO could not confirm the MCDSS excluded the families, the CPO determined the concern was worth mentioning in this report because it raises potential issues regarding the treatment of foster parents and the care being provided to the children in their homes.

The CPO asked the MCDSS about their relationships with foster parents who have intervened in a legal proceeding. The MCDSS stated that such cases can be adversarial, but the agency believes their interactions with all foster parents have been professional. However, the agency noted that conflicts can arise between the MCDSS and foster parents in these cases. A senior manager stated to the CPO that the MCDSS is in the process of securing additional child welfare staff who would help mitigate tensions between parties in such cases. The CPO would encourage the MCDSS to continue to dedicate staff and agency resources to improving these relationships.

¹⁰ See C.R.S. §19-3-507.

CPO Recommendation: The CDHS should conduct an on-site audit of the MCDSS' child welfare cases. This audit should be done independent of the CDHS' C-Stat program. At a minimum, the audit should assess the MCDSS' adherence to state regulations requiring:

- a. Face-to-face interviews with child victims in a timely manner.
- b. Assigning correct response timeframes for reports of child abuse and neglect.
- c. Conducting thorough and accurate risk and safety assessments.

The audit should also assess whether the MCDSS has established effective mechanisms to ensure:

- a. Accurate and thorough documentation in cases.
- b. MCDSS supervisors are accurately and effectively reviewing and verifying information in cases prior to closing them.

Data collected in the CDHS' audit should be used to identify any trends in the MCDSS' practice that need to be addressed and/or improved. The CDHS should work with the MCDSS to develop any necessary improvement plans to address the MCDSS' child welfare practices.

That information and any correlating trends and improvement plans should be compiled in a report and provided to the CPO. Additionally, the CDHS should prepare and release a public report summarizing its findings.

CDHS-OCYF Response: The Department agrees to conduct a time-limited desk review of the MCDSS' child welfare referrals, assessments and cases. The desk review will include referrals, assessments, and cases from January 1, 2019 to July 1, 2019. At a minimum, the desk review will assess the MCDSS' adherence to state regulations requiring: a) face-to-face interviews with child victims in a timely manner; b) assigning correct response timeframes for reports of child abuse and neglect; and c) conducting thorough and accurate risk and safety assessments. The Department will also ensure the MCDSS has processes and protocols in place to ensure a) accurate and thorough documentation in cases; and b) MCDSS supervisors are accurately and effectively reviewing and verifying information in cases prior to closing them. Data collected during the desk review will be used to identify trends in MCDSS' practice that are strengths and areas of improvement. The Department will work with the MCDSS to develop improvement plans deemed necessary to address the MCDSS' child welfare practices.

The Department disagrees with providing information, correlating trends, and improvement plans to the CPO. The Department also disagrees with preparing and releasing a public report summarizing the Department's findings. County performance data, including trends, is available to the CPO and the public in ROM. Additionally, Volume I requires a CORA request be made for any performance improvement plans in place for counties. The current MOU between the CPO and the CDHS does not require the CDHS to provide this type of information to the CPO following an investigation, nor is there such a statutory obligation on the part of the CDHS. Data regarding a county's performance for face-to-face interviews with child victims in a timely manner can be found on the CDHS Community Performance Center website at <http://www.cdhsdatamatters.org>.

Recommendation 2

Agency Addressed: **CDHS**

CPO Recommendation: The CDHS should provide the MCDSS technical assistance in developing protocols and ensure the MCDSS is in compliance with C.R.S. §19-3-307, which requires cross reporting of child abuse allegations between county departments and local law enforcement agencies.

CDHS-OCYF Response: The Department has received the law enforcement agreement from MCDSS which meets the statutory obligation of C.R.S. §19-3-307. The Department is willing to provide more technical assistance in regard to sharing information with law enforcement and the district attorney's office per C.R.S. §19-3-307, if deemed necessary, as a result of the desk review noted in Recommendation #1.

Recommendation 3

Agency Addressed: **CDHS**

CPO Recommendation: The CDHS should provide technical assistance to MCDSS staff to ensure they can demonstrate a clear understanding of state regulations and requirements for:

- a. Initial response and assessment of reports of child abuse and neglect.
- b. Requirements for handling ongoing cases.

CDHS-OCYF Response: The Department agrees to provide technical assistance to MCDSS staff to ensure a demonstrated understanding of state regulations and requirements for (a) initial response and assessment of reports of child abuse and neglect; and (b) requirements for handling ongoing cases.

Finding **Two**

Citizens and child protection stakeholders identified several systemic issues that impact how the MCDSS delivers services to children and families.

The CPO spoke with parents, mandatory reporters, former caseworkers, administrators, foster parents, relative caregivers, law enforcement officers and members of the legal community about their experiences with the MCDSS.

Interviews revealed a variety of different opinions about the MCDSS and its relationship with the broader community. The CPO is cognizant that statements which are critical of the MCDSS do not represent the opinions of all citizens in Montezuma County. However, the number of statements made in this regard were significant and specific enough that they merit discussion in this report.

The individuals the CPO spoke with were intelligent, thoughtful and measured in their comments. They spoke only of their own experiences and did so without malice or exaggeration. Most importantly, many of their concerns were corroborated by documentation obtained by the CPO during its investigation.

Citizens that held unfavorable opinions about the MCDSS indicated that their only goal in speaking with the CPO was to provide constructive feedback on how to make the agency more effective for children and families.

The CPO interviewed court personnel, legal advocates and local law enforcement – including members of the police department and sheriff's office. These individuals said they have a favorable working relationship with the MCDSS. Law enforcement specifically stated that they routinely collaborate with the MCDSS and felt that the parties worked well together. They described an atmosphere where everyone in these agencies knows one another and where they can operate informally and with flexibility.

Other citizens and stakeholders described their interactions with the MCDSS as less positive and, in some cases, described interactions as disrespectful and uncollaborative. These concerns fell into four categories:

- Lack of responsiveness to children and families' needs
- Lack of objectivity in the assessment of child abuse and neglect cases
- Lack of transparency surrounding case practices
- Lack of trauma-informed practices

1. Lack of responsiveness to the needs of children and families

The CPO spoke with citizens who expressed that they do not believe the MCDSS is adequately protecting the community's children. While this is a seemingly broad assertion, citizens' claims often paralleled the 67 violations of law and regulations identified by the CPO. The cases reviewed by the CPO involved mandatory reporters who expected timely responses to their reports of child abuse, citizens who expected that caseworkers would interview children in need of protection in a timely manner and foster parents who relied on the MCDSS to help provide support for the children in their care. None of these individuals believe the MCDSS met their expectations. While the CPO is unclear whether these violations are an aberration or part of a broader systemic practice concern, if citizens do not see the MCDSS as conducting their work in the most thorough and expeditious way possible, it creates community perceptions that the MCDSS is not adequately protecting children.

2. Bias in Assessing Child Abuse and Neglect Cases

Citizens articulated concerns that the MCDSS does not always conduct its work objectively. They stated that, at times, some MCDSS staff members exhibit bias in determining whether allegations of abuse or neglect are founded. Several individuals indicated that this bias has been exhibited during the MCDSS' Child Protection Team (CPT) meetings. During these multidisciplinary meetings, stakeholders review the MCDSS' handling of child welfare cases.¹¹

¹¹ The responsibilities of the team are defined in statute although each jurisdiction utilizes their teams differently. See C.R.S. §19-3-308.

The CPT serves as an advisory board only and provides additional expertise on these cases to make sure that the child and family's needs have been fully addressed. Under Colorado law, the use of CPT teams by county departments is optional.

CASE EXAMPLE – At a CPT meeting held in August 2018, the MCDSS presented a case involving two children who admitted to sexually assaulting a third child. All the children were under 10 years of age. According to documentation completed by the MCDSS, all three children confirmed that sexual abuse occurred. Several meeting participants reported to the CPO that the MCDSS did not want to make a finding of child abuse on the two children who perpetrated the sexual abuse because of the potential impact on the children's futures. According to the participants, MCDSS staff stated multiple times during the meeting that they knew the perpetrators' families and did not want to ruin the children's lives by imposing such a finding. Other participants disagreed and stated the MCDSS should make a finding that acknowledged the victim had been sexually assaulted.¹²

The MCDSS' decision in this case has far reaching implications for child safety. Specifically, the failure to substantiate a finding of sexual abuse means that none of the children involved will be required to receive treatment to address the abuse that occurred.

Those who participate in the CPT meetings stated that MCDSS staff should be required to disclose and document the nature and extent of their prior relationships with families before making child abuse findings. The CPO determined that while the MCDSS has a conflict of interest policy, it does not require a process for employees to follow when possible conflicts arise. As such, there are no records to demonstrate instances of bias or conflicts of interests. This lack of documentation only furthers perceptions that the MCDSS is making

decisions based upon their personal opinions about families and not the specific facts of a case.

During the CPO's meeting with MCDSS staff in October 2018, the CPO asked the MCDSS to respond to allegations of bias. A senior manager stated that they do take into consideration factors other than what is required to determine whether abuse or neglect occurred, including whether a parent is employed and the impact that a child abuse finding could have on their employment. The senior manager acknowledged that such determinations may be "against the rules," but found the process justified as it allows MCDSS employees to be more "empathetic" to parents.

The statement made by the senior manager is concerning and initially confirmed stakeholders' concerns about the presence of biased decision making – the extent of which could not be determined by the CPO in this investigation. MCDSS staff are required to consider facts that demonstrate whether child abuse or neglect occurred. The practice described by the MCDSS senior manager could negate what is supposed to be an unbiased and fair process for all citizens and if continued could serve to further decrease citizens' confidence in the MCDSS.

3. Lack of Transparency

Some citizens described the MCDSS as an insular agency that is not amenable to problem solving. As demonstrated throughout this report, citizens were concerned that some MCDSS employees were not fulfilling their responsibilities to children under state regulations and law. The CPO asked citizens if they had utilized the MCDSS' conflict resolution process. State law requires county departments to establish a conflict resolution process, which includes a citizen review panel tasked with reviewing complaints about caseworker conduct.¹³ Some citizens stated the MCDSS did not notify them of the conflict resolution process. Others stated that the process was not available because a citizen review panel had not been in operation for months. Per state regulations and

¹² See Trails ID: [REDACTED]. It should be noted that law enforcement does not have jurisdiction in the case because all the participants are under the age of 10.

¹³ This panel is required to be staffed with objective community volunteers who are required to review citizen's concerns regarding county employee actions, specifically caseworker conduct. The panel is required to follow a specific process for reviewing a complaint and for notifying the parties of the final outcome in a case. See C.R.S. §19-3-211 and Volume 7, 7.606.

law, the MCDSS is responsible for forming the citizen review panel in Montezuma County.¹⁴

The CPO was unable to find a publicly available grievance policy, or any public information related to the citizen review panel. The CPO reviewed three years of data from the CDHS, which tracks county human services departments' compliance with the Colorado law that requires a conflict resolution process. The CDHS reports confirm that the MCDSS was not in compliance with the law during Fiscal Year 2014-15 and Fiscal Year 2015-16. While CDHS' data shows the MCDSS was in compliance during Fiscal Year 2016-17, the MCDSS confirmed it fell out of compliance and did not have a panel for at least four months during Fiscal Year 2017-18.

The CPO was contacted by a citizen who alleged that the MCDSS was not properly carrying out the conflict resolution processes outlined in law and regulations. In late 2018, the citizen used the available grievance process to file a complaint. The citizen received a two-sentence letter stating that the panel determined their complaint had no merit. However, the letter failed to explain the panel's rationale for its decision. Failing to provide such rationale may be a violation of state law.¹⁵

The failure of the MCDSS to provide citizens with information about the citizen review panel and a clear articulation of its decision-making process does little to instill confidence in the community about the work of the MCDSS. The MCDSS would be well served to educate the community regarding its grievance policy, practices and decisions. The agency should provide this information to the public.

4. Lack of Trauma-Informed Practices

Several child protection stakeholders stated they believe that some MCDSS staff do not provide adequate trauma-informed care to children and families.¹⁶ Some stakeholders described a culture of insensitivity on the part of the MCDSS,

stating that some staff are unfairly critical of the parents and children they serve. The CPO was provided the following case as an example of such behavior by MCDSS staff. Details of the case were independently corroborated by the CPO through a review of Trails documentation.

CASE EXAMPLE – An 8-year-old boy's caregiver beat him with a belt. The child reported the abuse to staff at his school. School employees observed bruises on the child and contacted the MCDSS, who later interviewed the child. The child told the MCDSS that his caregiver beats him after drinking alcohol. He also stated that his caregiver beat him the month before. Documentation in Trails show that a relative witnessed the child's beating and the child's caregiver eventually admitted to causing his injury.

After disclosing the abuse, the child frequently stated that he did not feel well, and he started staying home from school. The MCDSS caseworker met with the child to discuss his absence from school, according to documentation in Trails. The caseworker asked the child if he knew what a "hypochondriac" was. The child stated he did not understand the word. The caseworker proceeded to define the word and went on to ask the child if he knew the story of The Little Boy Who Cried Wolf. The caseworker and the child discussed the story and the caseworker concluded the conversation by telling the child how it is important to tell the truth. The caseworker's notes in Trails reflect this conversation and state that the child is "manipulating the dynamics" to stay home from school.¹⁷

Child protection stakeholders familiar with the case said they were extremely concerned about how the child was treated. Specifically, stakeholders said the caseworker minimized the child's trauma when they assumed his actions – including his statement that he didn't feel well – were deceitful.

¹⁴ Per information provided to the CPO by MCDSS, the panel was seated in October 2018.

¹⁵ See C.R.S. §19-3-211.

¹⁶ Trauma-informed care means treating all aspects of a person, considering their past trauma and the resulting coping mechanisms when attempting to understand behaviors and treat the person.

¹⁷ See Trails Assessment ID: ██████████

Recommendation 4

Agency Addressed:
CDHS and MCDSS

CPO Recommendation: The CDHS should ensure the MCDSS is in compliance with every provision of C.R.S. §19-3-211. This law requires all county departments to have a conflict resolution process. The CDHS should work with the MCDSS to develop policies for ensuring the public is aware of the resolution process and their right to submit concerns about MCDSS employees who handle child welfare cases.

CDHS-OCYF Response: The Department, through the Client Services Unit, agrees with ensuring the MCDSS remains in compliance with every provision of C.R. S. §19-3-211. The Department's Client Services Unit, who oversees all complaints received by the Department, including those involving a citizen review panel, has reported that the MCDSS is in compliance with C.R.S. §19-3-211.

The Department is willing to provide more technical assistance to MCDSS in regard to their conflict resolution process, as required in 12 CCR 2509-7, 7.606, if deemed necessary, as a result of the desk review noted in Recommendation #1.

MCDSS Response: The Montezuma County Department of Social Services (MCDSS) currently has a Citizen Review Panel as required by C.R.S. 19-3-211. Montezuma County's grievance policy and information about the Citizens Review Panel is contained on Montezuma County's website.

CPO Recommendation: The MCDSS should expand its conflict of interest policy to incorporate the following elements:

- a. When to disclose prior or current personal relationships between MCDSS staff and individuals involved in child welfare cases.
- b. How to document reported conflicts of interest in all child welfare cases.
- c. Provide written guidance and training for employees regarding how to address conflicts of interest, including but not limited to, when an employee needs to be removed from a case.

MCDSS Response: MCDSS currently has a Conflict of Interest Policy. County employees are made aware of this policy when hired and are required to abide by this policy as stated in the Montezuma County Employee Handbook, Section 1.7; this policy has been added to the MCDSS website. In addition, MCDSS will request a conflict of interest training from the Department of Social Work at Metropolitan State University of Denver (THRIVE Project) and/or Colorado Department of Human Services (CDHS) and will develop an MCDSS policy that will address conflicts of interest as they pertain to child welfare cases.

CPO Recommendation: The MCDSS should evaluate its relationships with citizens and child protection stakeholders. To do this, the MCDSS should:

- a. Utilize an independent mediator to facilitate a meeting with citizens and child protection stakeholders that allows them to provide the MCDSS feedback regarding its practices and engagement with the community.
- b. This information should be compiled by the MCDSS and utilized to create a strategic plan to improve communication and transparency with the broader community. This plan should be made available to the public.

MCDSS Response: MCDSS would consider utilizing an independent mediator to facilitate a meeting with citizens and child protection stakeholders after utilizing all other conflict resolution processes. MCDSS hosted its first annual Meet/Greet with their community collaborators in the Fall of 2018 and will continue to host this Meet/Greet with their community partners. The purpose of the annual MCDSS Meet/Greet is to give the community and collaborators a time to meet and learn about the various resources and to further discuss ways to improve services and communication. In the Fall of 2019, the broader community will be invited.

Additional Concerns

During its nine-month investigation, the CPO became aware of one final issue that is not directly related to a case handled by the MCDSS. However, the CPO feels the incident is concerning enough that it warrants public disclosure. The CPO has serious concerns about the security of the MCDSS' confidential records and their policies surrounding inadvertent disclosures and privacy breaches. During its investigation, the CPO confirmed that a party to a legal action received documents that they had not requested. They mistakenly received hundreds of documents containing confidential information about citizens not associated with the legal case. The files included the following information:

- Names and Social Security numbers of food assistance recipients
- Confidential child abuse and neglect records (Trails) about a different family
- Extraneous documents including a cell phone instruction manual and a brochure from a local church

In October 2018, the CPO confirmed that there were approximately 971 forms with private information including 179 copies of driver's licenses and six copies of Social Security cards.

The recipient of the information notified the MCDSS in a timely manner and turned the information over to the 22nd Judicial District Attorney's office, which currently has possession of it. It is unclear how this information was disseminated to an outside party. The CPO discussed this issue with the MCDSS in October 2018. At that time, the MCDSS had not addressed the problem by notifying the impacted parties.

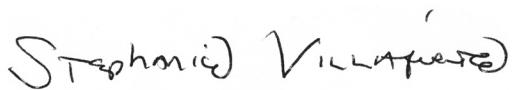
CONCLUSION

The mission of the CPO is to shed light on problems, and make recommendations, with the goal of improving outcomes for children and families within the child protection system. While the findings of this report are critical of some of the MCDSS' practices, they are intended to provide the agency with an objective lens through which it may evaluate its case practices and relationships with the broader community. It is the CPO's intention that this report prompts additional discussion and positive change for how services are delivered to children and families in Montezuma County.

The CPO would like to thank the stakeholders and families who came forward to share their experiences in the hope of creating a better system for the children who live in Montezuma County. Additionally, the CPO would like to thank the MCDSS for their time and cooperation.

Pursuant to C.R.S. §19-3.3-103(2), the CPO respectfully submits this report to the citizens of Montezuma County, the Montezuma County Department of Social Services and the Colorado Department of Human Services.

Respectfully submitted by:



Stephanie Villafuerte
Ombudsman
Office of Colorado's Child Protection Ombudsman



Jordan Steffen
Deputy Ombudsman
Office of Colorado's Child Protection Ombudsman

APPENDIX **A**

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS was notified that a 12-year-old child may have been sexually abused by a [REDACTED]. The MCDSS responded to interview the child on [REDACTED] – nearly two-and-a half months after the required response time in Volume 7. Additionally, the CPO was unable to find documentation capturing other key elements of the investigation. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 4	State Law = 1	State Regulation = 3
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ISSUE 1

MCDSS Action or Inaction - A face-to-face interview with the child was not conducted within the assigned response time. The interview was due to be completed by January 31, 2018, but did not occur until April 18, 2018. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	“The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 08/01/2017)

ISSUE 2

MCDSS Action or Inaction - The assessment was not closed within 60 calendar days of the date the referral was received. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	“High Risk Assessments (HRA) or Traditional Response Assessment shall be completed within sixty (60) calendar days of the date the referral was received.” (Rule Version 08/01/2017)

ISSUE 3

MCDSS Action or Inaction – The assessment findings were not entered into Trails within 60 calendar days of the date the referral was received. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.132(A)	"County departments shall enter a finding of founded, inconclusive or unfounded, as an outcome of all high risk or traditional assessments in the state automated case management system no later than sixty (60) days after the receipt of the referral." (Rule Version 08/01/2017)

MCDSS Response

The Department is aware that the alleged victim was not seen in a timely manner. The assigned worker told the supervisor during group supervision, as well as during individual supervision, that the child had been contacted. As soon as the supervisor determined that the worker had not made contact with the child, the supervisor contacted law enforcement and contact was made with the child. The caseworker that falsely reported that he had made contact with the child resigned from his position when confronted by his supervisor regarding the facts of the case.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

APPENDIX **B**

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter that a 15-year-old girl was being sexually assaulted in her home. The referral was accepted for assessment and assigned a five working day response time. The MCDSS met with the child on [REDACTED] – nearly two-and-a half months after the required date. Additionally, the caseworker assigned to the case failed to interview other family members and failed to document key elements of the assessment, as is required by Volume 7. The child denied the allegations and the assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 4	State Law = 1	State Regulation = 3
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ISSUE 1

MCDSS Action or Inaction – A face-to-face interview with the child was not conducted within the assigned response time. It was due to be completed by February 9, 2018, but did not occur until April 24, 2018. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	The law states in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 08/01/2017)

ISSUE 2

MCDSS Action or Inaction – The child’s father, siblings and other family members in the household were not interviewed as part of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	“The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect...” (Rule Version 02/01/2018)

ISSUE 3

MCDSS Action or Inaction - The assessment was not closed within 60 calendar days of the date the referral was received. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	"High Risk Assessments (HRA) or Traditional Response Assessment shall be completed within sixty (60) calendar days of the date the referral was received." (Rule Version 02/01/2018)

MCDSS Response

The Department is aware that the alleged victim was not seen in a timely manner. The assigned worker told the supervisor during group supervision, as well as during individual supervision, that the child had been contacted. As soon as the supervisor determined that the worker had not made contact with the child, the supervisor contacted law enforcement and contact was made with the child. The caseworker that falsely reported that he had made contact with the child resigned from his position when confronted by his supervisor regarding the facts of the case.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

APPENDIX C

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED], the MCDSS received a report from a mandated reporter regarding medical neglect of a child. The reporter was concerned that an 11-year-old boy was fighting at school which resulted in his suspension. The reporter stated the child had threatened suicide and had been exposed to domestic violence. The reporter also stated that the caregivers did not follow through with appointments at the local mental health center to address the child’s safety. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 5	State Law = 1	State Regulation = 4
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ISSUE 1

MCDSS Action or Inaction - A face-to-face interview with the child was not conducted within the assigned response time. It was due to be completed by February 15, 2018, but was not completed until April 18, 2018. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	The law states in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 02/01/2018)

ISSUE 2

MCDSS Action or Inaction – According to documentation in Trails, the caseworker does not pose questions that would help determine whether the child was safe in his home. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104(B)(1)(a)-(e)	<p>“At the point of first contact with the alleged victim child(ren), the assessment shall focus immediately on whether the child is safe, and include the following:</p> <ol style="list-style-type: none"> 1. To assess for safety, county departments shall consider: <ol style="list-style-type: none"> a. The safety threshold criteria current or impending danger of moderate to severe harm; b. The ten (10) present or impending dangers referenced in Section 7.107.13; c. Child/youth vulnerabilities/strengths; d. Caregiver strengths/protective capacities; and, e. Actions that respond to the current or impending danger.” <p>(Rule Version 02/01/2018)</p>

ISSUE 3

MCDSS Action or Inaction – According to documentation in Trails, interviews between caseworkers and the child’s siblings were incomplete. Caseworkers did not inquire about the incident at the center of the abuse and neglect report. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(2)	<p>“The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect to determine:</p> <ol style="list-style-type: none"> a. Extent of child maltreatment, to include, but not limited to: <ol style="list-style-type: none"> 1) Impact to the child; 2) Type and severity of injuries, if applicable; and, 3) Child’s explanation of the maltreatment. b. Circumstances surrounding the child maltreatment, to include, but not limited to: <ol style="list-style-type: none"> 1) Caretaker explanation of the maltreatment; 2) Environmental influences; and, 3) Contributory factors. c. Child functioning on a daily basis; d. Adults and caregiver functioning on a daily basis; and, e. Parenting practices and disciplinary practices.” <p>(Rule Version 02/01/2018)</p>

ISSUE 4

MCDSS Action or Inaction - The assessment was not closed within 60 calendar days of receipt of the referral. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	"High Risk Assessments (HRA) or Traditional Response Assessment shall be completed within sixty (60) calendar days of the date the referral was received." (Rule Version 02/01/2018)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

APPENDIX **D**

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding physical abuse of a child and injurious environment. The reporter was concerned that a 10-year-old girl was afraid to go home after school because she had been in trouble at school that day. When the girl’s mother arrived at the school to pick up the child, she was angry, aggressive and cursed at the child. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 6	State Law = 1	State Regulation = 5
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ISSUE 1

MCDSS Action or Inaction - A face-to-face interview with the child was not conducted within the assigned response time. The interview was due to be completed by March 7, 2018, but was not completed until March 14, 2018. (There is a Record of Contact (ROC) note in Trails dated March 1, 2018. However, the note does not contain any narrative information, making it unclear whether the child was contacted on that date.) This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	The law states, in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 02/01/2018)

ISSUE 2

MCDSS Action or Inaction – The child’s father and siblings were not interviewed as part of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(2)	<p>“The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect to determine:</p> <ul style="list-style-type: none"> a. Extent of child maltreatment, to include, but not limited to: <ul style="list-style-type: none"> 1) Impact to the child; 2) Type and severity of injuries, if applicable; and, 3) Child’s explanation of the maltreatment. b. Circumstances surrounding the child maltreatment, to include, but not limited to: <ul style="list-style-type: none"> 1) Caretaker explanation of the maltreatment; 2) Environmental influences; and, 3) Contributory factors. c. Child functioning on a daily basis; d. Adults and caregiver functioning on a daily basis; and, e. Parenting practices and disciplinary practices.” <p>(Rule Version 02/01/2018)</p>

ISSUE 3

MCDSS Action or Inaction – The assessment was not closed within 60 calendar days of the date the referral was received. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	<p>“High Risk Assessments (HRA) or Traditional Response Assessment shall be completed within sixty (60) calendar days of the date the referral was received.”</p> <p>(Rule Version 02/01/2018)</p>

ISSUE 4

MCDSS Action or Inaction – The Risk Assessment Tool was not completed or documented in Trails within 30 calendar days of receipt of the referral. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.107.24(A)	<p>“The completed Colorado Family Risk Assessment shall be documented in the state automated case management system within thirty (30) calendar days from the date the referral was received.”</p> <p>(Rule Version 02/01/2018)</p>

ISSUE 5

MCDSS Action or Inaction - The children's ethnicity was not properly documented in Trails. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.141(B)(1)	<p>"In a HRA or traditional response assessment, county departments shall enter the findings of abuse and/or neglect in the state automated case management system even if there is a criminal or civil proceeding pending against the person found responsible for the abuse and/or neglect arising out of the same incident. The reported data shall include the following:</p> <ol style="list-style-type: none">1. The name, address, gender, date of birth, and race of the victim child(ren)..." <p>(Rule Version 02/01/2018)</p>

MCDSS Response

The child and the family were seen by the caseworker on March 1, 2018. Thus, contact between MCDSS and the child took place within the timeframe required by law. The contact was not properly documented however, due to the fact that the assigned caseworker resigned from his employment prior to documenting his contact. After the assigned worker resigned from his employment, both an MCDSS supervisor and another caseworker made contact with the family to determine whether the child was safe.

MCDSS would also note that the child's siblings were contacted on April 25, 2018.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

APPENDIX E

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding neglect of a child and injurious environment. The referral was accepted for assessment and assigned a five working day response time. The reporter was concerned that the child had missed 35 days of school and often came to school tired and hungry. Additionally, the child had three siblings and the reporter was concerned the family was homeless and suspected the parents of abusing substances. The assessment was later closed as unfounded. Subsequently, an additional referral regarding the family was called in on [REDACTED]. As a result, the MCDSS opened a new assessment – Trails Referral ID: [REDACTED]

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 1	State Regulation = 2
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ISSUE 1

MCDSS Action or Inaction – Face-to-face interviews with the children were not conducted within the assigned response time. They were due to be completed on March 8, 2018. Interviews with the children were not completed until April 25, 2018, and May 7, 2018. (There are three ROC notes in Trails, one dated March 8, 2018, and two dated March 12, 2018. None of the notes contain any narrative information that would indicate the children were interviewed on those dates.) This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	The law states in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 02/01/2018)

ISSUE 2

MCDSS Action or Inaction – The assessment was not closed within 60 calendar days of the date the referral was received. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	“High Risk Assessments (HRA) or Traditional Response Assessment shall be completed within sixty (60) calendar days of the date the referral was received.” (Rule Version 02/01/2018)

MCDSS Response

The child and the family were seen by the caseworker on March 8, 2018. Thus, contact between MCDSS and the child took place within the timeframe required by law. The contact was not properly documented however, due to the fact that the assigned caseworker resigned from his employment prior to documenting his contact. After the assigned worker resigned from his employment, both an MCDSS supervisor and another caseworker made contact with the family to determine whether the child was safe.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report regarding neglect of children and injurious environment. The referral was accepted for assessment and assigned a five working day response time. This referral came in during the previous Trails Assessment ID: [REDACTED] and serves as a continuation of that assessment. The reporter was concerned about educational neglect, parental substance abuse and the family’s homelessness.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 1	State Law = 0	State Regulation = 1
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ISSUE 1

MCDSS Action or Inaction - There is no documentation in Trails Referral ID: [REDACTED] that the existing concerns about the parents’ substance abuse and possible educational neglect were assessed. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(4)	Assessments shall include, “Circumstances surrounding the child(ren)/youth abuse and/or neglect, to include, but not limited to: <ul style="list-style-type: none">a. Caretaker explanation of the abuse and/or neglect;b. Environmental influences; and,c. Contributory factors.d. Child(ren)/youth functioning;e. Caregiver(s) functioning; and,f. Parenting practices and disciplinary practices.” (Rule Version 03/02/2018)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department disagrees with the CPO’s finding. There was no allegation of substance abuse listed in the narrative. The identified victim was seen at school. There was no allegation about the children not attending school. A safety assessment was completed and addressed the areas listed.

APPENDIX F

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding a child having a drug screen that was positive for methamphetamine. The referral was accepted for assessment and assigned a five working day response time. The reporter stated that through a Domestic Relations case, the child’s mother, who was living out of state, was ordered to bring the child to Colorado to be placed in the MCDSS’ custody. The mother failed to do so. The assessment was later closed as inconclusive because the child never returned to Colorado. The CPO did not identify any violations of state law or regulation in this case.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS		
Total = 0	State Law = 0	State Regulation = 0

MCDSS Response
No agency response provided.

CDHS-OCYF Response
The Department agrees with the CPO’s findings.

APPENDIX G

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding physical abuse of a child. The reporter stated that a 6-year-old girl had a red mark on her face and stated that her father “smacked her in the face.” The reporter asked the MCDSS to ensure the child was safe. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as inconclusive.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 0	State Regulation = 3
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ISSUE 1

MCDSS Action or Inaction - The assignment of a five working day response was incorrect given the observed injury and vulnerability of the child. This a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.103.61(A)(1)-(3)	<p>“County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria:</p> <ol style="list-style-type: none">1. An immediate response is required when a referral indicates that:<ol style="list-style-type: none">a. There may be present danger of moderate to severe harm; or,b. The child’s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight increase the need for immediate response.c. An immediate response shall require a response within eight (8) hours from the receipt of the referral. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made every twenty-four (24) hours from the time of the initial attempted contact.2. A three (3) calendar day response is required when a referral indicates that:<ol style="list-style-type: none">a. There may be impending danger of moderate to severe harm; or,b. The alleged victim child(ren)’s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight, increase the need for intervention in the near future.

ISSUE 1 continued

Volume 7.103.61(A)(1)-(3)	<p>c. The three (3) calendar day count starts on the day following the receipt of a referral, and expires at the end of the third calendar day at 11:59 PM following receipt of the referral.</p> <p>d. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent three calendar days.</p> <p>3. A five (5) working day response is required when:</p> <p>a. A referral indicates an absence of safety concerns.</p> <p>b. The five (5) day count starts on the first business day following the receipt of a referral and expires at the end of the fifth business day at 11:59 PM following the receipt of the referral.</p> <p>c. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent five business days.”</p> <p>(Rule Version 03/02/2018)</p>
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ISSUE 2

MCDSS Action or Inaction – A safety assessment should have been completed on March 30, 2018. The caseworker did not complete the safety assessment on March 30, 2018, nor did they enter a completed safety assessment into Trails on April 12, 2018, as is required by Volume 7. The safety assessment was not completed until April 27, 2018, and was not documented in Trails until May 21, 2018. This is a violation of the regulations below.

Violation Citation	Statute or Regulation Text
7.107.11(A)	<p>“The Colorado Family Safety Assessment shall be completed:</p> <p>a. At the time of initial response with household members.”</p> <p>(Rule Version 03/02/2018)</p>
Volume 7.104.14(G)	<p>“The Colorado Family Safety Assessment tool shall be completed with household members and documented in the state automated case management system. Documentation and approval by a certified supervisor in the state automated case management system is required as soon as possible and no later than fourteen (14) calendar days from the date the alleged victim child(ren)/youth was interviewed or observed.”</p> <p>(Rule Version 03/02/2018)</p>

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the two timeliness findings made by the CPO. The Department disagrees with the response time finding made by the CPO. Rule allows county discretion regarding response time and does not require a specific response time by the county based on the age of the victim and/or an observed injury.

APPENDIX H

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding physical abuse of a child. The reporter was concerned that a 6-year-old boy came to school with what appeared to be handprint on his face. When questioned about the mark, the child reported that his mother slapped and kicked him. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as founded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 0	State Regulation = 3
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ISSUE 1

MCDSS Action or Inaction - The assignment of a five working day response was incorrect given the observed injury and vulnerability of the child. This a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.103.61 (A)(1)-(3)	<p>“County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria:</p> <ol style="list-style-type: none">1. An immediate response is required when a referral indicates that:<ol style="list-style-type: none">a. There may be present danger of moderate to severe harm; or,b. The child’s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight increase the need for immediate response.c. An immediate response shall require a response within eight (8) hours from the receipt of the referral. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made every twenty-four (24) hours from the time of the initial attempted contact.2. A three (3) calendar day response is required when a referral indicates that:<ol style="list-style-type: none">a. There may be impending danger of moderate to severe harm; or,b. The alleged victim child(ren)’s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight, increase the need for intervention in the near future.

ISSUE 1 continued

Volume 7.103.61(A)(1)-(3)	<p>c. The three (3) calendar day count starts on the day following the receipt of a referral, and expires at the end of the third calendar day at 11:59 PM following receipt of the referral.</p> <p>d. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent three calendar days.</p> <p>3. A five (5) working day response is required when:</p> <p>a. A referral indicates an absence of safety concerns.</p> <p>b. The five (5) day count starts on the first business day following the receipt of a referral and expires at the end of the fifth business day at 11:59 PM following the receipt of the referral.</p> <p>c. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent five business days.”</p> <p>(Rule Version 03/02/2018)</p>
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ISSUE 2

MCDSS Action or Inaction – The gender of one of the child’s siblings was incorrectly coded as “female.” Additionally, a sibling’s ethnicity was not identified. This a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.109(A)	<p>“In a High Risk Assessment or non-dual track counties, the county department shall enter the founded finding even if there is a criminal or civil proceeding pending against the person responsible arising out of the same incident. The reported data shall include the following:</p> <p>a. The name, address, gender, date of birth, and race of the child(ren) victim(s)...”</p> <p>(Rule Version 03/02/2018)</p>

ISSUE 3

MCDSS Action or Inaction – The child’s father was not interviewed as part of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(1)(b)	<p>“The assessment shall include; 1. Face to face interviews and/or observations with:</p> <p>a. All victim children/youth within the assigned timeframe, except as identified in 7.104.1(B)(1),(a),(b),(c) and (d); and,</p> <p>b. Household members.”</p> <p>(Rule Version 03/02/2018)</p>

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

APPENDIX

I

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report that a 2-year-old required medical attention and was living in an unsanitary home. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 1	State Regulation = 2
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ISSUE 1

MCDSS Action or Inaction - A face-to-face interview with the child was not conducted within the assigned response time. It was due to be completed on April 11, 2018, but was not completed until April 25, 2018. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	The law states in part, "The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks." (Colorado Children's Code 2017/2018)
Volume 7.104.1(C)(1)(a)	"The assessment shall include: 1. Face to face interviews and/or observations with: a. All victim children/youth within the assigned timeframe..." (Rule Version 03/02/2018)

ISSUE 2

MCDSS Action or Inaction – The assigned response time of five working days is incorrect due to the child’s age and vulnerability. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(1)(a)	<p>“County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria:</p> <ol style="list-style-type: none"> 1. An immediate response is required when a referral indicates that: <ol style="list-style-type: none"> a. There may be present danger of moderate to severe harm; or, b. The child’s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight increase the need for immediate response. c. An immediate response shall require a response within eight (8) hours from the receipt of the referral. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made every twenty-four (24) hours from the time of the initial attempted contact. 2. A three (3) calendar day response is required when a referral indicates that: <ol style="list-style-type: none"> a. There may be impending danger of moderate to severe harm; or, b. The alleged victim child(ren)’s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight, increase the need for intervention in the near future. c. The three (3) calendar day count starts on the day following the receipt of a referral, and expires at the end of the third calendar day at 11:59 PM following receipt of the referral. d. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent three calendar days. 3. A five (5) working day response is required when: <ol style="list-style-type: none"> a. A referral indicates an absence of safety concerns. b. The five (5) day count starts on the first business day following the receipt of a referral and expires at the end of the fifth business day at 11:59 PM following the receipt of the referral. c. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent five business days. <p>(Rule Version 03/02/2018)</p>

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the timeliness findings made by the CPO. The Department disagrees with the response time finding made by the CPO. It is unclear from the narrative that the two year old child required medical attention. Although the description of the home was concerning, there was information that the parents were protective of the child. There is also information that law enforcement had been to the home recently. Rule allows county discretion regarding response time and does not require a specific response time by the county based on the age of the victim.

APPENDIX

J

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter who was concerned that a mother was under the influence of substances when she dropped her 5-year-old son off at school. The reporter stated to the MCDSS that the child's mother appeared "agitated and twitches" and has stated to the reporter on three occasions that she is "high" while at the school. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 6	State Law = 1	State Regulation = 5
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ISSUE 1

MCDSS Action or Inaction - The assigned response time of five working days is incorrect due to the children's ages - both children were under 6 - and vulnerability. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.103.61(A)(1)-(3)	<p>"County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria:</p> <ol style="list-style-type: none">1. An immediate response is required when a referral indicates that:<ol style="list-style-type: none">a. There may be present danger of moderate to severe harm; or,b. The child's vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight increase the need for immediate response.c. An immediate response shall require a response within eight (8) hours from the receipt of the referral. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made every twenty-four (24) hours from the time of the initial attempted contact.2. A three (3) calendar day response is required when a referral indicates that:<ol style="list-style-type: none">a. There may be impending danger of moderate to severe harm; or,b. The alleged victim child(ren)'s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight, increase the need for intervention in the near future.

ISSUE 1 continued

Volume 7.103.61(A)(1)-(3)	<p>c. The three (3) calendar day count starts on the day following the receipt of a referral, and expires at the end of the third calendar day at 11:59 PM following receipt of the referral.</p> <p>d. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent three calendar days.</p> <p>3. A five (5) working day response is required when:</p> <p style="margin-left: 20px;">a. A referral indicates an absence of safety concerns.</p> <p style="margin-left: 20px;">b. The five (5) day count starts on the first business day following the receipt of a referral and expires at the end of the fifth business day at 11:59 PM following the receipt of the referral.</p> <p style="margin-left: 20px;">c. If the victim child(ren)/youth cannot be located within the initial timeframe, subsequent face to face contact attempts shall continue to be made within every subsequent five business days.”</p> <p>(Rule Version 03/02/2018)</p>
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ISSUE 2

MCDSS Action or Inaction – A face-to-face interview with the child was not conducted within the assigned response time. It was due to be completed by April 12, 2018, but was not completed until April 17, 2018. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	<p>The law states in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.”</p> <p>(Colorado Children’s Code 2017/2018)</p>
Volume 7.104.1(C)(1)(a)	<p>“The assessment shall include;</p> <p>1. Face to face interviews and/or observations with:</p> <p style="margin-left: 20px;">a. All victim children/youth within the assigned timeframe..”</p> <p>(Rule Version 03/02/2018)</p>

ISSUE 3

MCDSS Action or Inaction - There is no documentation in Trails demonstrating caseworkers' efforts to contact the child's father. This is a violation of the regulations listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(1)(b)	<p>"The assessment shall include;</p> <p>1. Face to face interviews and/or observations with:</p> <p style="padding-left: 20px;">a. All victim children/youth within the assigned timeframe, except as identified in 7.104.1(B)(1),(a),(b),(c) and (d); and,</p> <p style="padding-left: 20px;">b. Household members."</p> <p>(Rule Version 03/02/2018)</p>
Volume 7.104.1(C)(2)	<p>"The assessment shall include;</p> <p>2. Documentation of efforts to engage non-custodial parent(s); and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect."</p> <p>(Rule Version 03/02/2018)</p>

ISSUE 4

MCDSS Action or Inaction - Documentation in Trails does not demonstrate that caseworkers addressed the reporter's concern that the child's mother was abusing substances. None of the notes in Trails indicate that the subject was discussed with the child's mother. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(4)	<p>Assessments shall include, "Circumstances surrounding the child(ren)/youth abuse and/or neglect, to include, but not limited to:</p> <p style="padding-left: 20px;">a. Caretaker explanation of the abuse and/or neglect;</p> <p style="padding-left: 20px;">b. Environmental influences; and,</p> <p style="padding-left: 20px;">c. Contributory factors.</p> <p style="padding-left: 20px;">d. Child(ren)/youth functioning;</p> <p style="padding-left: 20px;">e. Caregiver(s) functioning; and,</p> <p style="padding-left: 20px;">f. Parenting practices and disciplinary practices."</p> <p>(Rule Version 03/02/2018)</p>

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the three violations regarding timeliness and documentation made by the CPO. The Department disagrees with the response time finding made by the CPO. Rule allows county discretion regarding response time and does not require a specific response time by the county based on the age of the victim. There is documentation that the mother is getting her child to school, she has a relationship with the school and there is a second caregiver in the home. Additionally, there are no prior referrals for the family located in Trails.

APPENDIX **K**

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED], the MCDSS received a report from a mandated reporter regarding physical abuse of a child. The referral was accepted for assessment and assigned a five working day response time. The reporter was concerned that a male child disclosed that his father became physically aggressive and violent with him. The assessment was later closed as unfounded. The CPO did not identify any violations of state law or regulation in this case.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 0

State Law = 0

State Regulation = 0

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's finding.

APPENDIX

L

Trails Referral ID: [REDACTED]

Citizen Complaint to the CPO – On June 18, 2018, the CPO received a complaint from [REDACTED]. They stated they were concerned that the MCDSS did not comply with state regulations that required them to conduct face-to-face visits with [REDACTED] child, nor did MCDSS conduct appropriate site visits of the child’s placement.

Summary of Referral – A mandated reporter called MCDSS regarding a substance exposed newborn on [REDACTED]. The caller alleged that, following the birth of the child, the biological parents left the hospital and refused to return to provide care for the child. The MCDSS was granted custody of this child and eventually placed in the care of the foster parents. The compliance concerns listed below are only related to the child (Client ID: [REDACTED]).

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 0	State Regulation = 3
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ISSUE 1

MCDSS Action or Inaction – There is no documentation in Trails to demonstrate caseworkers had face-to-face contacts with the child in August 2016, November 2016 and February 2017. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.204(B)	“...Contact shall occur at a minimum of two face-to-face visits with the child or youth during the first thirty (30) days following the out-of-home placement, at least one of which shall be in the out-of-home placement, and a minimum of monthly face-to-face contact with the child or youth after the first month. A portion of every face-to-face contact shall occur out of the presence of the provider for the child or youth. No less than every other month, contact shall occur in the out-of-home placement where the child or youth resides and shall include visual assessment of where the child or youth sleeps...” (Rule Versions 9/1/2015 and 10/01/2016)

ISSUE 2

MCDSS Action or Inaction - Caseworkers must visit the child in their current residence every other month to ensure the home is adequate for the child's needs. Between February and April 2017, caseworkers should have visited the child in her home at least once. However, during this time period, all of the visits took place outside of the child's home. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.204(B)	<p>"...Contact shall occur at a minimum of two face-to-face visits with the child or youth during the first thirty (30) days following the out-of-home placement, at least one of which shall be in the out-of-home placement, and a minimum of monthly face-to-face contact with the child or youth after the first month. A portion of every face-to-face contact shall occur out of the presence of the provider for the child or youth. No less than every other month, contact shall occur in the out-of-home placement where the child or youth resides and shall include visual assessment of where the child or youth sleeps..."</p> <p>(Rule Version 10/01/2016)</p>

ISSUE 3

MCDSS Action or Inaction - Documentation in Trails does not demonstrate that caseworkers addressed issues pertaining to the safety, permanency and well-being of the child during visits held in March and April 2017. Additionally, there is no documentation to demonstrate that the caseworker discussed case progress during these visits. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.202.1(F)	<p>"...The primary purpose for case contacts shall be to assure child safety and well-being and move the case toward achieving identified treatment goals. Documentation in the state automated case management system of at least one monthly contact shall summarize progress toward these goals. In child protection cases in which the children or youth remain in the home and in child protection cases in which the children or youth are placed out of the home, the county department shall have face-to-face and telephone contact with the children or youth and parents and relevant collateral contacts as often as needed (while meeting the minimum expectations below) to reasonably attempt to assure the safety, permanency and well-being of the children..."</p> <p>(Rule Version 10/01/2016)</p>

MCDSS Response

This case is for a child placed out of the home and has been reviewed regularly by the Administrative Review Division (ARD). ARD conducted reviews on June 24th 2016, March 14th 2017, September 20, 2017 and March 21st 2018, until case closure. The review had favorable outcomes, and this would be noted by the CPO if they had reviewed the logs for these reviews. The concerns cited here were known to the state and reported during each of these monitoring visits at the time of the review by ARD.

CDHS-OCYF Response

The Department agrees with the CPO's finding.

APPENDIX **M**

Trails Referral ID: ██████████

Citizen Complaint – On June 18, 2018, the CPO received a complaint from a citizen who was concerned that the MCDSS had not fully investigated previous reports of sexual abuse involving several children under the age of 10.

Summary of Referral – On ██████████ the MCDSS received a report from a mandated reporter concerned about intrafamilial sexual abuse of a child under 10. The reporter alleged that a child under the age of 10 had sexually abused a sibling. The MCDSS completed an assessment regarding concerns for sexual abuse, environmental neglect, failure to protect and lack of supervision. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS		
Total = 3	State Law = 0	State Regulation = 3

ISSUE 1

MCDSS Action or Inaction – The Red Team screening process was not utilized for this referral. This a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.103.4(A)	“County departments shall develop and implement a process utilizing the RED Team framework to review referrals and determine response times. The RED Team process shall be utilized for all referrals...” (Rule Version 01/01/2015)

ISSUE 2

MCDSS Action or Inaction – The referral was assigned a five working day response time despite the MCDSS citing “impending danger” to the child. (This citation was entered into Trails in the referral accept screen.) Such a designation by the MCDSS should have resulted in a three calendar day response time being assigned. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.103.4(A)	“County departments shall assign the appropriate response time for assessments based upon the date the referral is received using the following criteria: 1. An immediate and/or same day response is required when a referral indicates that: a. There may be present danger of moderate to severe harm; or,

ISSUE 2 continued

Violation Citation	Statute or Regulation Text
Volume 7.103.4(A)	<p>b. The child's vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight from one county to another county or state increase the need for immediate response.</p> <p>2. A three (3) calendar day response is required when a referral indicates that:</p> <p style="margin-left: 20px;">a. There may be impending danger of moderate to severe harm; or,</p> <p style="margin-left: 20px;">b. The alleged victim child(ren)'s vulnerability and/or factors such as drug and alcohol abuse, violence, isolation, or risk of flight from one county to another county or state, increase the need for intervention in the near future. The three (3) calendar day count expires at the end of the third calendar day following receipt of the referral.</p> <p>3. A five (5) working day response is required when a referral indicates an absence of safety concerns. The five (5) day count excludes the date the referral was received."</p> <p>(Rule Version 01/01/2015)</p>

ISSUE 3

MCDSS Action or Inaction - The father of the child who was alleged to have committed the sexual abuse was not contacted during the caseworker's assessment. Documentation in Trails does not indicate that this father was interviewed prior to the assessment's closure. This a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(B)(2)	<p>"The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect..."</p> <p>(Rule Version 01/01/2015)</p>

MCDSS Response

MCDSS would note that the CPO's Investigative Report incorrectly states that the father of the child was not interviewed. A properly documented case note indicates that the father of the child was interviewed on March 6, 2015.

CDHS-OCYF Response

The Department agrees with the violations found by the CPO regarding the RED team and lack of contact with the father. The Department disagrees with the response time finding made by the CPO. The documentation in the narrative supports a five day response.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding sexual contacts between two related children each under the age of 10. The referral was accepted for assessment and assigned a five working day response time. The MCDSS assessed concerns of relative sexual abuse. The assessment was later unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 1	State Regulation = 2
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ISSUE 1

MCDSS Action or Inaction – A face-to-face interview with the child was not conducted within the assigned response time. It was due to be completed by September 5, 2017, but was not completed until September 7, 2017. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. §19-3-308 (1)(a)	“The law states in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/ 2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 08/01/2017)

ISSUE 2

MCDSS Action or Inaction – The child’s sibling and father were not interviewed as part of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(2)	“The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect...” (Rule Version 08/01/2017)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's finding.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding sexual contacts between two related children each under the age of 10. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 4

State Law = 1

State Regulation = 3

ISSUE 1

MCDSS Action or Inaction – A face-to-face interview with the child was not conducted within the assigned response time. It was due to be completed by September 5, 2017, but was not completed until September 13, 2017. This is a violation of the law and regulation listed below.

Violation Citation	Statute or Regulation Text
C.R.S. § 19-3-308 (1)(a)	The law states in part, “The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report. The assessment shall be in accordance with rules adopted by the state board of social services to determine the risk of harm to such child and the appropriate response to such risks.” (Colorado Children’s Code 2017/2018)
Volume 7.104.1(C)(1)	“The assessment shall include an interview, with or observation of the alleged victim child(ren) within the assigned response timeframe...” (Rule Version 08/01/2017)

ISSUE 2

MCDSS Action or Inaction – The father of the child victim was not interviewed as a part of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(C)(2)	“The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect...” (Rule Version 08/01/2017)

ISSUE 3

MCDSS Action or Inaction - The father of the child victim was not notified of the outcome of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.15(B)(1)	"Regardless of the outcome of the assessment and as allowable by law, county departments shall notify: 1. The parent(s), guardian(s), custodian(s), or caregiver(s) of the alleged victim child(ren) of the outcome of the assessments. Non-custodial parent(s) shall also be notified of the outcomes of the assessments unless is not in the best interests of the child(ren)..." (Rule Version 08/01/2017)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's finding.

APPENDIX **N**

Trails Referral ID: [REDACTED]

Citizen Complaint – On June 18, 2018, the CPO received a complaint from [REDACTED] who were concerned that the MCDSS did not adequately address the safety, permanency and well-being of the foster child [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding physical abuse of a child. The referral was accepted for assessment and assigned an immediate response time. The reporter was concerned that a child was receiving treatment for life-threatening injuries at a metro-area hospital. At the time of the report, law enforcement had engaged the caregivers who were suspected of causing the injuries to the child. The assessment was later closed as founded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS		
Total = 2	State Law = 0	State Regulation = 2

ISSUE 1	
MCDSS Action or Inaction - The address of one of the perpetrators was not documented in Trails. The address is required because it is used for the Person Found to be Responsible for Child Abuse and Neglect (PRAN) notice letter. This is a violation of the regulation listed below.	
Violation Citation	Statute or Regulation Text
Volume 7.202.604(A)	“The county department shall notify the person found responsible for child abuse or neglect of the finding by first-class mail to the responsible person’s last known mailing address, using a form approved by the State Department. The county department shall retain a copy of the notice in the case file showing the date of mailing.” (Rule Version 01/01/2014)

ISSUE 2

MCDSS Action or Inaction – The assessment was not closed within 30 calendar days of receipt of the referral. Additionally, no case extension was documented in the assessment extension window in Trails. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.202.57	<p data-bbox="589 373 1419 541">“A High Risk Assessment shall be completed within thirty (30) calendar days of the date the referral was received, unless there are circumstances which have prevented this from occurring. Such circumstances shall be documented in the State automated case management system.</p> <ol data-bbox="589 554 1430 932" style="list-style-type: none"><li data-bbox="589 554 1430 722">1. The caseworker shall request and document in the assessment extension window of the State automated case management system the primary reason(s) for the extension prior to the expiration of the thirty (30) day closure requirement, and<li data-bbox="589 730 1430 932">2. The approving supervisor shall document within seven (7) calendar days in the assessment extension window of the State automated case management system the time limited extension(s) to the thirty (30) calendar days closure requirement including the rationale and the time frame for the extension(s).” <p data-bbox="589 940 932 974">(Rule Version 01/01/2014)</p>

MCDSS Response

MCDSS would note that although the address of the perpetrator (father) was not documented, the family was residing in a motel at the time of the report. The family was then kicked out of the motel and became homeless. The perpetrator (father) was eventually arrested and a letter indicating that child abuse allegations had been founded was mailed to the jail. A copy of the letter is contained in the file.

CDHS-OCYF Response

The Department agrees with the timeliness finding made by the CPO. The Department disagrees with the address documentation finding made by the CPO. Documentation shows the parents lived together at a motel where the mother worked. The address is listed in the directions box on the address section. Law enforcement reported the parents lived together in the first collateral interview.

Trails Referral ID: [REDACTED]

Summary of Referral – The MCDSS opened a case regarding this child in 2014, which was later closed as founded for physical abuse. (See Trails Referral ID: [REDACTED]) The MCDSS opened an ongoing case – Trails Case ID: [REDACTED] – after the child was placed with foster parents, allowing the agency to continue to provide the child services.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 1	State Law = 0	State Regulation = 1
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ISSUE 1

MCDSS Action or Inaction - The father of the child victim was not interviewed as a part of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.204(B)	"...Contact shall occur at a minimum of two face-to-face visits with the child or youth during the first thirty (30) days following the out-of-home placement, at least one of which shall be in the out-of-home placement, and a minimum of monthly face-to-face contact with the child or youth after the first month. A portion of every face-to-face contact shall occur out of the presence of the provider for the child or youth. No less than every other month, contact shall occur in the out-of-home placement where the child or youth resides and shall include visual assessment of where the child or youth sleeps..." (Rule Version 09/01/2015)

MCDSS Response

This case is for a child placed out of the home and has been reviewed regularly by the Administrative Review Division (ARD). ARD conducted reviews on June 24th 2015 and June 23rd 2016, until case closure. The review had favorable outcomes, and this would be noted by the CPO if they had reviewed the logs for these reviews. The single concern cited here was known to the state and reported during each of these monitoring visits at the time of the review by ARD.

CDHS-OCYF Response

The Department agrees with the CPO's finding.

APPENDIX



Trails Referral ID: [REDACTED]

Citizen Complaint – On June 18, 2018, the CPO received a complaint from a citizen who stated that the MCDSS did not provide them with appropriate services or support to safely maintain their adopted daughter in their home. They stated that MCDSS ignored early concerns of their daughter’s unsafe, sexualized behaviors exposing other children to unsafe conditions and resulting in their child’s removal from their home. The child continues to suffer from extreme behavioral health issues today and must receive a high level of care.

Summary of Referral – On [REDACTED] the MCDSS received a report regarding sexual abuse of a child. The referral was accepted for assessment and assigned a five working day response time. The reporter was concerned that an elementary-aged child was caught touching another child inappropriately at school. The reporter was also concerned that the female child had been in trouble several times at school for sexualized behavior with other children. The assessment was later closed as unfounded.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS		
Total = 2	State Law = 0	State Regulation = 2

ISSUE 1	
MCDSS Action or Inaction - The child’s adoptive father was not interviewed as part of the assessment. This is a violation of the regulation listed below.	
Violation Citation	Statute or Regulation Text
Volume 7.104.1(B)(2)	“The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect...” (Rule Version 01/01/2015)

ISSUE 2	
MCDSS Action or Inaction - The MCDSS did not properly document the child who committed the sexual abuse as the perpetrator in the assessment. This is a violation of the regulation listed below.	
Violation Citation	Statute or Regulation Text
Volume 7.104.132(C)	“A finding of “founded” may be made irrespective of whether a person alleged for the abuse and/or neglect was identified. In these circumstances, the person alleged for the abuse and/or neglect is labeled “unknown” in the state automated case management system.” (Rule Version 01/01/2015)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with lack of contact with the father finding made by the CPO. The Department disagrees with the CPO's finding that MCDSS did not properly document the child who committed the sexual abuse as the perpetrator in the assessment. Current rule allows counties the discretion to issue a founded finding against a child under the age of 10; however, the Department guides counties against making a founded finding in these instances based on Colorado Revised Statute 18-1-801 that doesn't allow a child under the age of 10 to be charged criminally. The county's decision to not make a founded finding against a child under the age of 10 does not preclude the child and/or the family from receiving any services deemed necessary during the assessment.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding the sexual abuse of a child by another child under the age of 10. The referral was accepted for assessment and assigned a five working day response time. The reporter was concerned that a female child complained that another female child had sexual contact with her on at least three occasions. The assessment was later closed as inconclusive.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 3	State Law = 0	State Regulation = 3
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ISSUE 1

MCDSS Action or Inaction - Caseworkers did not complete a safety assessment for the child victim. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.107.11(A) & (C)	"The Colorado Family Safety Assessment shall be completed: A. At the time of initial response with the family... C. As part of an assessment, including assessments of new allegations of abuse and/or neglect in open child welfare services cases..." (Rule Version 11/01/2015)

ISSUE 2

MCDSS Action or Inaction - Documentation in Trails does not demonstrate that the parents of the child victim were contacted or interviewed during the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.1(B)(2)	"The assessment shall include interviews with all children, caregivers, non-custodial parent(s), family members, and other persons identified through the assessment who may have information regarding the alleged abuse and/or neglect..." (Rule Version 11/01/2015)

ISSUE 3

MCDSS Action or Inaction - Documentation in Trails does not demonstrate that the parents of the child victim were notified of the outcome of the assessment. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.15(A) & (B)(1)	<p>"A. Notice of the outcome of an assessment shall be made as described below. Unless otherwise described below or authorized by law, no other entity shall receive notification.</p> <p>B. Regardless of the outcome of the assessment and as allowable by law, county departments shall notify:</p> <ol style="list-style-type: none">1. The parent(s), guardian(s), custodian(s), or caregiver(s) of the alleged victim child(ren) of the outcome of the assessments. Non-custodial parent(s) shall also be notified of the outcomes of the assessments unless is not in the best interests of the child(ren)..." <p>(Rule Version 11/01/2015)</p>

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter who was concerned that two elementary-aged girls complained that another female child had been sexually aggressive toward them on numerous occasions. The referral was accepted for assessment and assigned a five working day response time. The assessment was later closed as inconclusive.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 1	State Law = 0	State Regulation = 1
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ISSUE 1

MCDSS Action or Inaction - Caseworkers did not complete a safety assessment for the child victim. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.107.11(A) & (C)	"The Colorado Family Safety Assessment shall be completed: A. At the time of initial response with the family... C. As part of an assessment, including assessments of new allegations of abuse and/or neglect in open child welfare services cases..." (Rule Version 11/01/2015)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS received a report from a mandated reporter regarding physical abuse of a child. The referral was accepted for assessment and assigned a five working day response time. The reporter was concerned that the child reported that a caregiver grabbed her by the leg, pulled her over and caused her to fall and scratch her back. The reporter was also concerned that there is a history of domestic violence in the home. The assessment was later closed as inconclusive.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 5	State Law = 0	State Regulation = 5
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ISSUE 1

MCDSS Action or Inaction – The safety assessment for the child should have been documented in Trails on April 24, 2017. The safety assessment was not documented in Trails until May 26, 2017. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.14(G)	“The responses to the Colorado Safety Assessment Tool shall be documented in the state automated case management system and shall identify any safety concerns that are or were observed during the assessment. Documentation is required as soon as possible and no later than fourteen (14) calendar days from the date the alleged victim child(ren) was interviewed or observed.” (Rule Version 11/01/2016)

ISSUE 2

MCDSS Action or Inaction – The safety assessment should have been completed based on the caseworker’s meeting with the child on April 10, 2017. Rather the safety assessment is based on a meeting with the child’s family on May 8, 2017. There is not corresponding documentation in Trails demonstrating that the caseworker interviewed the family on this date. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.107.11(A) & (E)	“The Colorado Family Safety Assessment shall be completed: A. At the time of initial response with the family... E. At the time of contact with the alleged victim child(ren)/ youth or other family members and current or impending danger is identified, the entire Colorado Family Safety Assessment tool shall be completed.” (Rule Version 11/01/2016)

ISSUE 3

MCDSS Action or Inaction - The risk assessment was not completed within 30 days of the receipt of the referral. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.107.24(A)	"The completed Colorado Family Risk Assessment shall be documented in the state automated case management system within thirty (30) calendar days from the date the referral was received." (Rule Version 11/01/2016)

ISSUE 4

MCDSS Action or Inaction - The assessment was not closed within 60 calendar days of the receipt of the referral. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.131(A)	"High Risk Assessments (HRA) or Traditional Response Assessment shall be completed within sixty (60) calendar days of the date the referral was received." (Rule Version 11/01/2016)

ISSUE 5

MCDSS Action or Inaction -The assessment findings were not entered into Trails within 60 calendar days of the receipt of the referral. This is a violation of the regulation listed below.

Violation Citation	Statute or Regulation Text
Volume 7.104.132(A)	"County departments shall enter a finding of founded, inconclusive or unfounded, as an outcome of all high risk or traditional assessments in the state automated case management system no later than sixty (60) days after the receipt of the referral." (Rule Version 11/01/2016)

MCDSS Response

No agency response provided.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

Trails Referral ID: [REDACTED]

Summary of Referral – On [REDACTED] the MCDSS opened a case for the child in order to provide services to the child and her family.

The analysis below is based on documentation contained in Trails. The information was last verified by the CPO on June 14, 2019.

VIOLATIONS

Total = 2

State Law = 0

State Regulation =2

ISSUE 1

MCDSS Action or Inaction - There is no documentation in Trails of contact with the child during the follow months: January 2016, February 2016, August 2018 and January 2019. This is a violation of the regulations listed below.

Violation Citation	Statute or Regulation Text
Volume 7.202.1(F)(3)	"The primary purpose for child or youth contacts is to assure the child's safety and wellbeing regardless of the reason the case is open with the county department. For in-home cases, the county department shall have at least monthly face-to-face contact with children or youth participating as a child in the case." (Rule Version 09/01/2015, 12/01/2017, 12/01/2018)
Volume 7.204(A)	"Program Areas 4, 5, and 6 In-Home Services The county department shall have at least monthly face-to-face contact with the child or youth. The county department shall have at least monthly face-to-face or telephone contact with the parent, parent surrogate or guardian, with face-to-face contact occurring at least every other month." (Rule Version 09/01/2015, 12/01/2017, 12/01/2018)

MCDSS Response

This case is for a child placed out of the home and has been reviewed regularly by the Administrative Review Division (ARD). ARD conducted a review in March 2019 and will continue to monitor until closure. The review had favorable outcomes, and this would be noted by the CPO if they had reviewed the logs for these reviews. The remaining visits missed are documentation errors that will be remedied with strategies to increase documentation. The concerns cited here was known to the state and reported during each of these monitoring visits at the time of the review.

CDHS-OCYF Response

The Department agrees with the CPO's findings.

APPENDIX

P

Montezuma County Department of Social Services' Response to CPO Report

After thoroughly reviewing the Investigation Report (Case 2018-3050) produced by the Office of the Colorado Child Protection Ombudsman (CPO), the Montezuma County Department of Social Services responds as follows:

I. Introduction

As an agency, the Montezuma County Department of Social Services (MCDSS) strives to act in the best interests of the children of Montezuma County. Staff members attend countless hours of training, work tirelessly to provide support to families, and do everything in their power to ensure that cases conclude with positive outcomes.

Like any agency, MCDSS is not without faults and shortcomings. MCDSS acknowledges that it has made mistakes and MCDSS does not dispute portions of the CPO's Investigative Report. What is clear after reviewing the CPO's report is that MCDSS has room to improve its practices and enhance its techniques.

That said, MCDSS remains steadfast in asserting that it has served the best interests of the children in Montezuma County. MCDSS will continue to strive for perfection in all of its cases while recognizing that mistakes are sometimes made and improvement is always possible.

II. Audits of MCDSS

MCDSS is a county administered, state supervised agency that is continually audited in child welfare cases, foster care cases, and cases in which children are placed in kinship care. MCDSS is consistently audited by CDHS's Administrative Review Division (ARD) and MCDSS receives C-STAT scores.

Foster parents, Guardian *ad litem*s for adults and children, parents of children involved in the CDHS system, and service providers are invited to ARD reviews as required by state statute. CDHS continues to monitor and supervise the Department through a variety of annual reviews. Such reviews have consistently reflected favorably on MCDSS and scores for MCDSS have been consistent with other similarly-sized social services departments across the state.

III. Concerns with CPO report

After reviewing the CPO's Investigation Report (Case 2018-3050), MCDSS has several concerns. Such concerns should not be interpreted as MCDSS's failure to recognize many of the issues raised by the CPO's Investigation Report. After reviewing the Investigation Report, MCDSS is cognizant of the fact that its agency must improve. MCDSS is concerned by certain aspects of the report, however, and such concerns are detailed below.

A. Report fails to consider the vast majority of cases handled by MCDSS

Between June 2014 and December 2018, MCDSS conducted 1,207 assessments and served 111 children in out-of-home placements. The CPO report only identified 20 assessments and 3 out of home cases that raised concerns. Seventeen of the assessments reviewed by the CPO were assigned to the same staff member. That staff member resigned prior to the initiation of the CPO's investigation after his supervisor confronted him after discovering the shortcomings in his job performance that are identified in the CPO's report.

In addition to identifying 20 assessments and 3 out-of-home placements that raised concerns, the CPO's Investigation Report reported 67 violations of regulations and/or state law. Twenty-three of the violations identified by the CPO's report were technical violations that had no impact on child safety, permanency, or children's well-being. In other words, 23 of the violations that the CPO's report identified were technical violations that did not impact child safety, permanency, or the well-being of children. Such technical violations included MCDSS's failure to properly document a child's gender as required by applicable regulations.

While MCDSS does not dispute the CPO's assertion that violations took place, MCDSS would note that the number assessments and out-of-home placements detailed in the CPO's Investigation Report were small in comparison to the number of cases handled by MCDSS. In other words, the CPO's report is based on a very small sample size and many of the cases in that sample size were handled by the same worker.

MCDSS is confident in the fact that the vast majority of its work with children and families has been handled in accordance with applicable legal and regulatory standards. As stated earlier in this document, MCDSS is cognizant of the fact that improvements must be made. MCDSS remains concerned, however, by the fact that the CPO's Investigation Report failed to adequately consider the vast number of cases handled by MCDSS.

B. Report fails to illuminate relevant legal standards that govern MCDSS

Throughout the CPO's Investigation Report, an insulation is made that MCDSS failed to protect children in Montezuma County by removing those children from the home and/or requiring families to participate in treatment. What the CPO's Investigation Report fails to recognize, however, is that MCDSS is legally mandated to leave children in their home whenever possible. Furthermore, the CPO's Investigation Report failed to recognize that MCDSS cannot mandate families to receive any treatment absent an order from the court.

To ensure that children remain in their homes, MCDSS provides core services such as day treatment, intensive family therapy, home-based therapy, family

preservation services, and case management. MCDSS has TANF contracts with a local domestic violence shelter (RENEW), a local family resource center (The Pinon Project), and a local substance abuse treatment center (The Recovery Center).

Ultimately, it must be recognized that the work conducted by MCDSS is far from black and white. Child protection workers must consider a breadth of information when assessing cases and subsequently make judgment calls based on the totality of the circumstances. Due to applicable legal standards and philosophical beliefs, it is always the prerogative of MCDSS to allow children to remain in their homes unless those homes compromise the safety of the children that they house.

C. CPO fails to consider relevant information when developing its report

When conducting investigations of state agencies such as MCDSS, the CPO is required by law to conduct an independent and objective review of citizens' complaints. After reviewing the CPO's Investigation Report, MCDSS is concerned by the fact that a relatively small number of community stakeholders were consulted by the CPO prior to releasing its Investigation Report.

Notably, the CPO's Investigation Report indicates that 23 Montezuma County stakeholders were interviewed prior to the release of the report. During the timeframe covered by the CPO's Investigation Report, MCDSS was involved to some extent with 1,207 families. MCDSS referred families to scores of treatment providers that were not consulted, numerous attorneys who represent parents involved with MCDSS were not consulted, and an extremely small number of the 26,140 citizens who reside in Montezuma County were interviewed.

While the CPO's Investigation Report did note that legal advocates, court personnel, and members of law enforcement who were interviewed all had favorable statements regarding their work with MCDSS, the CPO's mention of such sentiments was made in only one sentence of the 54-page Investigation Report.

Ultimately, the CPO's decision to interview an extremely small number of stakeholders and give very little credence to the positive opinions of numerous stakeholders raises questions as to how much relevant information was actually considered by the CPO prior to developing its Investigation Report.

D. Report fails to consider the totality of the circumstances before raising a concern that MCDSS excludes foster families

While the CPO's Investigation Report raises a concern as to the treatment of foster parents by MCDSS, the Investigation Report fails to consider the nature of its sources before raising its concern.

MCDSS would note that foster parents who become involved in court proceedings often do so for the purpose of attempting to adopt the child/children in their care. Because MCDSS is legally mandated to make efforts to reunify children with their parents however, the interests of foster parent that become involved in court ceases and MCDSS are often adversarial.

While MCDSS strives to maintain positive and professional relationships with foster parents who intervene in court cases, the fact that the court system is adversarial should not be ignored. As a result of the adversarial court process, foster parents often begin to perceive MCDSS negatively and relationships become strained.

Ultimately, MCDSS is concerned that the CPO's Investigation Report failed to consider the sometimes adversarial nature of the court process before raising a concern as to the relationships between MCDSS and foster parents.

E. Report fails to report relevant changes and improvements made by MCDSS

While the CPO's Investigation Report raises several concerns regarding MCDSS's practices, the Report fails to note that MCDSS made several significant changes prior to the Report's release.

Among such changes was the development of thirty-day checklists with specific tasks and timelines that are now distributed to all caseworkers involved in investigations and case management. Also implemented was a policy that requires caseworkers to submit required documentation by the Friday of the same week on which the contacts were made.

Also implemented by MCDSS was a document-sharing process through which the District Attorney's Office and law enforcement agencies can receive information regarding child abuse allegations.

IV. Response to specific referrals and cases

After reviewing the CPO's Investigation Report, MCDSS believes that it is vital to provide further information regarding specific cases that were referenced. Such information is as follows:

- A. Referral ID: [REDACTED]** – The Department is aware that the alleged victim was not seen in a timely manner. The assigned worker told the supervisor during group supervision, as well as during individual supervision, that the child had been contacted. As soon as the supervisor determined that the worker had not made contact with the child, the supervisor contacted law enforcement and contact was made with the child. The caseworker that falsely reported that he had made contact with the child resigned from his position when confronted by his supervisor regarding the facts of the case.

- B. Referral ID: [REDACTED]** – The Department is aware that the alleged victim was not seen in a timely manner. The assigned worker told the supervisor during group supervision, as well as during individual supervision, that the child had been contacted. As soon as the supervisor determined that the worker had not made contact with the child, the supervisor contacted law enforcement and contact was made with the child. The caseworker that falsely reported that he had made contact with the child resigned from his position when confronted by his supervisor regarding the facts of the case.
- C. Referral ID: [REDACTED]** – The child and the family were seen by the caseworker on March 1, 2018. Thus, contact between MCDSS and the child took place within the timeframe required by law. The contact was not properly documented however, due to the fact that the assigned caseworker resigned from his employment prior to documenting his contact. After the assigned worker resigned from his employment, both an MCDSS supervisor and another caseworker made contact with the family to determine whether the child was safe.
- MCDSS would also note that the child’s siblings were contacted on April 25, 2018.
- D. Referral ID: [REDACTED]** – The child and the family were seen by the caseworker on March 8, 2018. Thus, contact between MCDSS and the child took place within the timeframe required by law. The contact was not properly documented however, due to the fact that the assigned caseworker resigned from his employment prior to documenting his contact. After the assigned worker resigned from his employment, both an MCDSS supervisor and another caseworker made contact with the family to determine whether the child was safe.
- E. Referral ID: [REDACTED]** – MCDSS would note that the CPO’s Investigative Report incorrectly states that the father of the child was not interviewed. A properly documented case note indicates that the father of the child was interviewed on March 6, 2015.
- F. Referral ID: [REDACTED]** – MCDSS would note that although the address of the perpetrator (father) was not documented, the family was residing in a motel at the time of the report. The family was then kicked out of the motel and became homeless. The perpetrator (father) was eventually arrested and a letter indicating that child abuse allegations had been founded was mailed to the jail. A copy of the letter is contained in the file.
- G. Case ID: [REDACTED]** – This case is for a child placed out of the home and has been reviewed regularly by the Administrative Review Division (ARD). ARD conducted reviews on June 24th 2016, March 14th 2017, September 20, 2017 and March 21st 2018, until case closure. The review had favorable outcomes, and this would be noted by the CPO if they had reviewed the logs for these reviews. The

concerns cited here were known to the state and reported during each of these monitoring visits at the time of the review by ARD.

H. Case ID: [REDACTED] – This case is for a child placed out of the home and has been reviewed regularly by the Administrative Review Division (ARD). ARD conducted reviews on June 24th 2015 and June 23rd 2016, until case closure. The review had favorable outcomes, and this would be noted by the CPO if they had reviewed the logs for these reviews. The single concern cited here was known to the state and reported during each of these monitoring visits at the time of the review by ARD.

I. Case ID: [REDACTED] – This case is for a child placed out of the home and has been reviewed regularly by the Administrative Review Division (ARD). ARD conducted a review in March 2019 and will continued to monitor until closure. The review had favorable outcomes, and this would be noted by the CPO if they had reviewed the logs for these reviews. The remaining visits missed are documentation errors that will be remedied with strategies to increase documentation. The concerns cited here was known to the state and reported during each of these monitoring visits at the time of the review.

V. Response to additional concerns

To date, MCDSS has not received any evidence indicating that confidentiality was breached. Documents referenced in the CPO’s report were never provided to MCDSS by either the CPO, the District Attorney’s office, or the attorney who allegedly received the documents. MCDSS has been unable to obtain any information through an internal investigation that would indicate that confidentiality was breached.

In the event that MCDSS receives further information indicating that a breach of confidentiality took place, MCDSS will act to address the issue.

VI. Conclusion

While MCDSS is concerned by aspects of the CPO’s Investigation Report, MCDSS is cognizant of the fact that some of the issues raised by the Investigation Report warrant attention. MCDSS is hopeful that the CPO’s investigation and the Investigation Report has led to positive changes within MCDSS and the broader community. MCDSS believes that there are always ways to improve practice and MCDSS will continue to implement strategies to do so.

Montezuma County Department of Social Services Responses to CPO Recommendations #4, #5, and #6

Recommendation #4:

The Montezuma County Department of Social Services (MCDSS) currently has a Citizen Review Panel as required by C.R.S. 19-3-211. Montezuma County's grievance policy and information about the Citizens Review Panel is contained on Montezuma County's website.

Recommendation #5:

MCDSS currently has a Conflict of Interest Policy. County employees are made aware of this policy when hired and are required to abide by this policy as stated in the Montezuma County Employee Handbook, Section 1.7; this policy has been added to the MCDSS website. In addition, MCDSS will request a conflict of interest training from the Department of Social Work at Metropolitan State University of Denver (THRIVE Project) and/or Colorado Department of Human Services (CDHS) and will develop an MCDSS policy that will address conflicts of interest as they pertain to child welfare cases.

Recommendation #6:

MCDSS would consider utilizing an independent mediator to facilitate a meeting with citizens and child protection stakeholders after utilizing all other conflict resolution processes. MCDSS hosted its first annual Meet/Greet with their community collaborators in the Fall of 2018 and will continue to host this Meet/Greet with their community partners. The purpose of the annual MCDSS Meet/Greet is to give the community and collaborators a time to meet and learn about the various resources and to further discuss ways to improve services and communication. In the Fall of 2019, the broader community will be invited.

APPENDIX





COLORADO

**Office of Children,
Youth & Families**

Division of Child Welfare

Ann M. Rosales, MSW, Director

Ms. Stephanie Villafuerte
Office of Colorado's Child Protection Ombudsman
1300 Broadway, Suite 430
Denver, CO 80203

July 26, 2019

Dear Ms. Villafuerte,

Below please find the Colorado Department of Human Services' responses to the Child Protection Ombudsman's (CPO) investigation report in regard to the child welfare practice of the Montezuma County Department of Social Services (MCDSS). This document contains the Department's responses to the four recommendations made by the CPO and responses to the violations found by the CPO that are listed in each of the appendices.

Responses to Recommendations

Recommendation 1	ID: 2018-3050-F1(R1)	Agency: CDHS
<p>CPO Recommendation: The CDHS should conduct an on-site audit of the MCDSS' child welfare cases. This audit should be done independent of the CDHS' C-Stat program. At a minimum, the audit should assess the MCDSS' adherence to state regulations requiring:</p> <ul style="list-style-type: none"> a. Face-to-face interviews with child victims in a timely manner. b. Assigning correct response timeframes for reports of child abuse and neglect. c. Conducting thorough and accurate risk and safety assessments. <p>The audit should also assess whether the MCDSS has established effective mechanisms to ensure:</p> <ul style="list-style-type: none"> a. Accurate and thorough documentation in cases. b. MCDSS supervisors are accurately and effectively reviewing and verifying information in cases prior to closing them. <p>Data collected in the CDHS' audit should be used to identify any trends in the MCDSS' practice that need to be addressed and/or improved. The CDHS should work with the MCDSS to develop any necessary improvement plans to address the MCDSS' child welfare practices.</p> <p>That information and any correlating trends and improvement plans should be compiled in a report and provided to the CPO. Additionally, the CDHS should prepare and release a public report summarizing its findings.</p> <p>Agency Response: The Department agrees to conduct a time-limited desk review of the MCDSS' child welfare referrals, assessments and cases. The desk review will include referrals, assessments, and cases from January 1, 2019 to July 1, 2019. At a minimum, the desk review will assess the MCDSS' adherence to state regulations requiring: a) face-to-face</p>		



interviews with child victims in a timely manner; b) assigning correct response timeframes for reports of child abuse and neglect; and c) conducting thorough and accurate risk and safety assessments. The Department will also ensure the MCDSS has processes and protocols in place to ensure a) accurate and thorough documentation in cases; and b) MCDSS supervisors are accurately and effectively reviewing and verifying information in cases prior to closing them. Data collected during the desk review will be used to identify trends in MCDSS' practice that are strengths and areas of improvement. The Department will work with the MCDSS to develop improvement plans deemed necessary to address the MCDSS' child welfare practices.

The Department disagrees with providing information, correlating trends, and improvement plans to the CPO. The Department also disagrees with preparing and releasing a public report summarizing the Department's findings. County performance data, including trends, is available to the CPO and the public in ROM. Additionally, Volume I requires a CORA request be made for any performance improvement plans in place for counties. The current MOU between the CPO and the CDHS does not require the CDHS to provide this type of information to the CPO following an investigation, nor is there such a statutory obligation on the part of the CDHS. Data regarding a county's performance for face-to-face interviews with child victims in a timely manner can be found on the CDHS Community Performance Center website at <http://www.cdhsdatamatters.org>.

Recommendation 2	ID: 2018-3050-F1(R2)	Agency: CDHS
<p>CPO Recommendation: The CDHS should provide the MCDSS technical assistance in developing protocols and ensure the MCDSS is in compliance with C.R.S. §19-3-307, which requires cross reporting of child abuse allegations between county departments and local law enforcement agencies.</p> <p>Agency Response: The Department has received the law enforcement agreement from MCDSS which meets the statutory obligation of C.R.S. §19-3-307. The Department is willing to provide more technical assistance in regard to sharing information with law enforcement and the district attorney's office per C.R.S. §19-3-307, if deemed necessary, as a result of the desk review noted in Recommendation #1.</p>		

Recommendation 3	ID: 2018-3050-F1(R3)	Agency: CDHS
<p>CPO Recommendation: The CDHS should provide technical assistance to MCDSS staff to ensure they can demonstrate a clear understanding of state regulations and requirements for:</p> <ul style="list-style-type: none"> a. Initial response and assessment of reports of child abuse and neglect. b. Requirements for handling ongoing cases. <p>Agency Response: The Department agrees to provide technical assistance to MCDSS staff to ensure a demonstrated understanding of state regulations and requirements for (a) initial response and assessment of reports of child abuse and neglect; and (b) requirements for handling ongoing cases.</p>		



Recommendation 4	ID: 2018-3050-F2(R1)	Agency: CDHS and MGDSS
<p>CPO Recommendation: The CDHS should ensure the MCDSS is in compliance with every provision of C.R.S. 519-3-211. This law requires all county departments to have a conflict resolution process. The CDHS should work with the MCDSS to develop policies for ensuring the public is aware of the resolution process and their right to submit concerns about MCDSS employees who handle child welfare cases.</p>		
<p>Agency Response: The Department, through the Client Services Unit, agrees with ensuring the MCDSS remains in compliance with every provision of C.R.S. 519-3-211. The Department's Client Services Unit, who oversees all complaints received by the Department, including those involving a citizen review panel, has reported that the MCDSS is in compliance with C.R.S. 519-3-211.</p> <p>The Department is willing to provide more technical assistance to MCDSS in regard to their conflict resolution process, as required in 12 CCR 2509-7, 7.606, if deemed necessary, as a result of the desk review noted in Recommendation #1.</p>		

Response to the Violations listed in the Appendices

The CPO reviewed a total of 23 assessments and cases during the investigation and found nine state law violations and 58 state regulation violations. The Department agrees with all nine of the state law violations found by the CPO regarding MCDSS' child welfare practice. The Department agrees with 50 of the 58 state regulation violations found by the CPO. The table below provides details as to the Department's findings regarding state regulation violations in the 23 assessments and cases reviewed by the CPO.

Trails ID	State Regulation Violations found by CPO	CDHS Agree or Disagree
	3	The Department agrees with the CPO's findings.
	3	The Department agrees with the CPO's findings.
	4	The Department agrees with the CPO's findings.
	5	The Department agrees with the CPO's findings.
	2	The Department agrees with the CPO's findings.
	1	The Department disagrees with the CPO's finding. There was no allegation of substance abuse listed in the narrative. The identified victim was seen at school. There was no allegation about the children not attending school. A safety assessment was completed and addressed the areas listed.
	0	The Department agrees with the CPO's finding.
	3	The Department agrees with the two timeliness findings made by the CPO. The Department disagrees with the response time finding made by the CPO. Rule allows county discretion regarding response time and does not require a specific response time by the county based on the age of the victim and/or an observed injury.



	3	The Department agrees with the CPO's findings.
	2	The Department agrees with the timeliness findings made by the CPO. The Department disagrees with the response time finding made by the CPO. It is unclear from the narrative that the two year old child required medical attention. Although the description of the home was concerning, there was information that the parents were protective of the child. There is also information that law enforcement had been to the home recently. Rule allows county discretion regarding response time and does not require a specific response time by the county based on the age of the victim.
	5	The Department agrees with the three violations regarding timeliness and documentation made by the CPO. The Department disagrees with the response time finding made by the CPO. Rule allows county discretion regarding response time and does not require a specific response time by the county based on the age of the victim. There is documentation that the mother is getting her child to school, she has a relationship with the school and there is a second caregiver in the home. Additionally, there are no prior referrals for the family located in Trails.
	0	The Department agrees with the CPO's finding.
	3	The Department agrees with the CPO's finding.
	3	The Department agrees with the violations found by the CPO regarding the RED team and lack of contact with the father. The Department disagrees with the response time finding made by the CPO. The documentation in the narrative supports a five day response.
	2	The Department agrees with the CPO's finding.
	3	The Department agrees with the CPO's finding.
	2	The Department agrees with the timeliness finding made by the CPO. The Department disagrees with the address documentation finding made by the CPO. Documentation shows the parents lived together at a motel where the mother worked. The address is listed in the directions box on the address section. Law enforcement reported the parents lived together in the first collateral interview.
	1	The Department agrees with the CPO's finding.
	2	The Department agrees with lack of contact with the father finding made by the CPO. The Department disagrees with the CPO's finding that MCDSS did not properly document the child who committed the sexual abuse as the perpetrator in the assessment Current rule allows counties the discretion to issue a founded finding against a child under the age of 10; however, the Department guides counties against making a founded finding in these instances based on Colorado Revised Statute 18-1-801 that doesn't allow a child under the age of 10 to be charged criminally. The county's decision to not make a founded finding against a child under the age of 10 does not preclude the child and/or the family from receiving any services deemed necessary during the assessment.
	3	The Department agrees with the CPO's findings.
	1	The Department agrees with the CPO's finding.



	5	The Department agrees with the CPO's findings.
	2	The Department agrees with the CPO's findings.

The Department values the work of the CPO and appreciates the time dedicated to this investigation. I hope you find this information to be helpful and responsive to your request. Please do not hesitate to contact me if you have any other questions. Thank you.

Respectfully



Minna Castillo Cohen, M.ED

Director, Office of Children, Youth and Families

Colorado Department of Human Services

