Office of Colorado’s Child Protection Ombudsman

LETTER OF COMPLIANCE CONCERN

Case Number 2019-3865

Stephanie Villafuerte,
Child Protection Ombudsman
December 3, 2019
Introduction

By design, the Office of Colorado’s Child Protection Ombudsman (CPO) serves as an independent, neutral problem solver that helps citizens navigate a complex child protection system in an expert and timely manner. The Ombudsman has independent access to child protection records that are not otherwise available to the public. This allows the CPO to objectively review and investigate complaints, deliver recommendations and drive systemic reform through research and education. Through objective study the CPO works to improve the delivery of services to children and families within the child protection system.

Jurisdiction

The CPO receives “complaints concerning child protection services made by, or on behalf of, a child relating to any action, inaction, or decision of any public agency or any provider that receives public moneys that may adversely affect the safety, permanency, or well-being of a child. The ombudsman may, independently and impartially, investigate and seek resolution of such complaints, which resolution may include, but need not be limited to, referring a complaint to the state department or appropriate agency or entity and making a recommendation for action relating to a complaint.” See C.R.S. §19-3.3-103(1)(a)(i)(A).

Pursuant to C.R.S. §19-3.3-101-110, the CPO does not have the authority to:

- Investigate allegations of abuse and/or neglect.
- Interfere or intervene in any criminal or civil court proceeding.
- Review or investigate complaints related to judges, magistrates, attorneys or guardians ad litem.
- Overturn any court order.
- Mandate the reversal of an agency/provider decision.
- Offer legal advice.

Identified Compliance Concerns

If, through the course of any case the CPO determines that an agency or provider may have violated any rules or laws, the CPO will issue a letter to the agency or provider outlining its compliance concerns. The agency or provider will be given 15 business days to provide a response to the CPO.

The CPO’s letter, and any response submitted by the agency or provider, will then be provided to the agency or provider’s supervising entity. The supervising entity will then make the final determination of whether a violation of law or rule occurred and provide any relevant remedies. The supervising entity will have 15 business days to make their determination and respond to the CPO. After the supervising entity submits its response, the CPO will post its letter, the agency or provider’s response and the supervising entity’s determination on the CPO’s website.
Public Disclosure

In meeting its statutory requirements to “improve accountability and transparency in the child protection system and promote better outcomes for children and families involved in the child protection system,” as stated in C.R.S. §19-3.3-101(2)(a), the CPO will provide the public and stakeholders any recommendations it makes to an agency/provider.

Impartiality

To maintain its impartiality – and in keeping with statute – the CPO will independently collect information, records and/or documents from an agency/provider when reviewing and/or investigating a complaint. “In investigating a complaint, the ombudsman shall have the authority to request and review any information, records, or documents, including records of third parties, that the ombudsman deems necessary to conduct a thorough and independent review of a complaint so long as either the state department or a county department would be entitled to access or receive such information, records, or documents.” See C.R.S. §19-3.3-103(1)(a)(II)(A)
Office of Colorado’s Child Protection Ombudsman

Letter of Compliance Concern

Case 2019 - 3865

(Delivered October 16, 2019)
To: Ms. Catherine Salazar  
Alamosa County Department of Human Services  
8900 Independence Way, Building C  
Alamosa, CO 81101

From: Amanda Pennington, Child Protection Systems Analyst  
Office of Colorado’s Child Protection Ombudsman  
1300 Broadway, Suite 430  
Denver, CO 80203

Date: October 16, 2019

Subject: Possible Compliance Concerns, CPO Case 2019 – 3865

Dear Director Salazar,

On August 30, 2019, the Office of Colorado’s Child Protection Ombudsman (CPO) was contacted by a mother regarding the handling of her child welfare case by the Alamosa County Department of Human Services (ACDHS). The mother expressed concern that service delays and lack of communication with the ACDHS led to her parental rights being inappropriately terminated. The CPO has reviewed the relevant Trails information regarding the family.\(^1\) The CPO has identified several areas in which the actions of ACDHS may not be in compliance with the assessment and ongoing case requirements in Volume 7.\(^2\)

**Case Summary**

On February 14, 2018, the ACDHS received a referral alleging abuse, neglect and domestic violence in the home. The referral was reviewed, accepted for assessment and assigned a five-working day timeframe in order to make contact with the victim children.\(^3\) The assessment was founded for neglect and closed on April 11, 2018. The children were removed from their mother’s care and placed into the custody of ACDHS. A court action for a dependency and neglect was filed.\(^4\) The children were removed from parental care and placed with a relative, where they have been able to live for the duration of this case. The parental rights for all children were terminated on August 29, 2019.\(^5\)

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1 Trails: comprehensive child welfare information system (CCWIS)  
2 Code of Colorado Regulations, 12 CCR 2509-7  
3 See Trails Referral ID: Referral Acceptance  
4 See Trails Referral ID: Closure Summary  
5 Colorado Courts Data Access: Alamosa County
The Colorado Children’s Code and Volume 7 contain the minimum guiding principles and standards to
which county human services departments are held in assessing and ensuring a child’s safety. The CPO
finds that the following rules are the most relevant to the identified compliance concerns:

**C.R.S. §19-3-308 (1)(a)** states, “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.”

**Volume 7, 7.103.61 (A)(3)** requires the county department to assign the appropriate response time for
assessments based upon the date the referral is received, using certain criteria. Specifically, a five-
working day response is required when a referral indicates an absence of safety concerns; the five-day
count starts on the first business day following the receipt of a referral; and 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.

**Volume 7, 7.104.1 (C)(2)** requires that county departments document the efforts to engage non-
custodial parents regarding the assessment. Additionally, 7.104.15 (B) requires that notification
regarding the outcome of the assessment be made to parents.

**Volume 7, 7.107.11 (A)** requires that the Colorado Family Safety Assessment to be completed at the
time of initial response with household members.

**Volume 7, 7.107.23** requires that the Colorado Family Risk Assessment Tool be completed. If the risk
assessment is high, the county department must document reasonable efforts to hold a family
engagement meeting to discuss next steps for the family.

**Volume 7, 7.202.1 (F)(1)(2)** requires that the county department meet the minimum requirements
when attempting to contact parents. It requires that the county department attempt contact with the
parents at least monthly.

**Volume 7, 7.301.21** requires the county department to create a Family Service Plan to mitigate the
concerns identified in the assessment. Additionally, it requires that the plan be created in collaboration
with the family and be created within 60 days of the county receiving the referral.

**Volume 7, 7.305** requires that the county department assess all youth in foster care over the age of 14
to determine the youth’s capacity for self-sufficiency. This assessment is utilized within the independent
living plan or Roadmap to Success, which is developed in collaboration with the youth, regardless of the
permanency goal at the time. This plan must be documented in Trails. Additionally, the county department is required to obtain an annual credit report for youth over the age of 14, this must be kept in the case record and reviewed with the youth and guardian ad litem for inaccuracies.\(^{13}\)

**Identified Compliance Concerns**

The CPO has reviewed the assessments and case in Trails along with relevant rule packages and sections of Volume 7 and the Colorado Children’s Code. The CPO last reviewed this case October 2, 2019. The CPO found several areas in which the ACDHS may not be in compliance with state regulations. Specifically, the CPO observed:

1. Documentation does not demonstrate that the victim children were interviewed within the assigned timeframe. The assessment began on February 14, 2018, was assigned a five-working day timeframe. This required them to be seen by February 21, 2018. According to documentation, the children were interviewed on February 22, 2019.\(^{14}\) If accurate, this is a violation of C.R.S. §19-3-308 (1)(a) and Volume 7, 7.103.61 (A)(3).

2. Documentation does not demonstrate that the biological fathers of the children were contacted during the assessment or notified of the outcome of the assessment.\(^{15}\) If accurate, this is a violation of Volume 7, 7.104.1 (C)(2) and 7.104.15 (B).

3. Documentation does not demonstrate that the Colorado Family Safety Assessment was completed during this assessment.\(^{16}\) The closure summary indicates that a safety assessment was not needed for the assessment but does not indicate any reasoning as to why. If accurate, this is a violation of Volume 7, 7.107.11 (A).

4. Documentation does not demonstrate that the Colorado Family Risk Assessment was completed during this assessment.\(^{17}\) If accurate, this is a violation of Volume 7, 7.107.23.

5. Documentation does not demonstrate that the county department made efforts to contact the mother during April, May, June or July of 2018. Documentation demonstrates that the biological fathers were each contacted one time during the 18-month involvement. Documentation identifies the permanency goal for the children but does not clearly identify the children’s intended long-term caregiver.\(^{18}\) If accurate, this is a violation of Volume 7, 7.202.1 (F)(1)(2).

6. Documentation does not demonstrate that the Family Service Plan was created by the required timeframe or attempted to involve parents in the development of the plan. The plan was due 60 days after the receipt of the referral, or April 15, 2018. The documentation demonstrates that the plan was created on June 15, 2018.\(^{19}\) If accurate, this is a violation of Volume 7, 7.301.21.

7. Documentation does not demonstrate that the county department completed an independent living plan (Roadmap to Success) for the youth. The youth was 14 at the time of the assessment. Documentation does demonstrate that the county department has obtained the annual credit

\(^{13}\) 12 CCR 2509-7, Rule 7.305
\(^{14}\) See Trails Referral ID: Interview
\(^{15}\) See Trails Referral ID: Interview
\(^{16}\) See Trails Referral ID: Assessments, Safety
\(^{17}\) See Trails Referral ID: Assessments, Risk
\(^{18}\) See Trails Case ID: Contacts
\(^{19}\) See Trails Case ID: FSP
report for this youth, however, documentation does not demonstrate that the report was reviewed with the youth or guardian ad litem.\textsuperscript{20} If accurate, this is a violation of Volume 7, 7.305.

8. Additionally, the CPO identified that the placement pages and custody arrangements do not reflect the children’s current circumstances.

In an attempt to obtain information that could not be located within Trails, the CPO made contact with ACDHS. The ACDHS provided an annual report for the youth, dated March 11, 2019.

**Conclusion**

Pursuant to policies 4.200 and 5.200 in the *Colorado Child Protection Ombudsman’s Case Practices and Operating Procedures*, the CPO will notify any agency or provider if it identifies potential violations of law or rule. The CPO will NOT make a final determination of whether the violation took place. Instead, the CPO will ask the relevant agency or provider to respond to the CPO’s concerns in writing.

After receiving the ACDHS’ response, the CPO will submit its original letter and ACDHS’ full response to the CDHS, which serves as the ACDHS’ supervising entity. (See C.R.S. § 26-1-111 and C.R.S. § 26-1-118.) The CDHS will then determine whether any violations occurred and any relevant remedies. The CDHS will have 15 business days to make its determination and respond to the CPO in writing. After receipt of the CDHS’ response, the CPO will post this correspondence and both responses to the CPO’s website. All child and family information will be redacted prior to the public release.

Please provide the ACDHS response to the possible violations listed in this letter no later than November 6, 2019.

Thank you for your time and please do not hesitate to contact me if you have any questions.

Sincerely,

Amanda Pennington

Amanda Pennington

Child Protection Systems Analyst

Approved by:

Stephanie Villafuerte

Stephanie Villafuerte

\textsuperscript{20} See Trails Case ID: [redacted] FSP, I/L Plan
November 6, 2019

Amanda Pennington, Child Protection Systems Analyst
Office of Colorado’s Child Protection Ombudsman
1300 Broadway, Suite 430
Denver, CO 80203

Re: Possible Compliance Concerns, CPO Case 2019-3865

Dear Ms. Pennington,

Please accept this letter as a response from Alamosa County Department of Human Services regarding the Ombudsman Letter of Compliance Concern, CPO Case 2019-3865.

For each of the eight identified compliance concerns we have provided a response below.

1. **Documentation does not demonstrate that the victim children were interviewed within the assigned timeframe.** Per review of the documentation in Trails and the case file there is no documentation noting why the five-working day response timeframe (February 21, 2018) was not met and it was documented that the children were interviewed on February 22, 2018.

2. **Documentation does not demonstrate that the biological fathers of the children were contacted during the assessment or notified of the outcome of the assessment.** Per review of the case file and Trails there is no documentation that the biological fathers of the children were contacted during the assessment. The biological fathers of the children were contacted and involved in the case during the D&N court process.

3. **Documentation does not demonstrate that the Colorado Family Safety Assessment was completed during this assessment.** Per review of the case file and Trails the Colorado Family Safety Assessment was not completed as required. There was no documentation as to why the Caseworker chose the reason of “Other” for not completing the Safety Assessment. This worker is no longer with the Department.

4. **Documentation does not demonstrate that the Colorado Family Risk Assessment was completed during this assessment.** Per review of the case file and Trails the Colorado Family Risk Assessment was not completed as required.

5. **Documentation does not demonstrate that the county department made efforts to contact the mother during April, May, June or July 2018.** Per review of Trails, documentation does not demonstrate that the county department made efforts to contact mother in April, May, June or July, 2018. The case file does indicate through court reports that the assigned Caseworker did have contact with mother at court hearings and during weekly supervised visitation between mother and the children during these months. **Documentation demonstrates that the biological fathers were each contacted one time during the 18-month involvement.** Per
review of the case file and Trails this is true. Both fathers participated in the court process either by phone at times or through representation by their attorneys. Neither father lived in Alamosa County; they lived in the Denver metro area. **Documentation identifies the permanency goal for the children but does not clearly identify the children's intended long-term caregiver.** Per review of Trails and case file we would agree that the children's intended long-term caregivers are not clearly identified. We know that some case notes in Trails do document conversations with the kinship foster care providers which indicates that they will be the adoptive family. Documentation of monthly contacts with kinship foster care providers is in Trails. We agree that there is no clear identification in Trails that the kinship foster care providers are the identified children's intended long-term caregivers.

6. **Documented does not demonstrate that the Family Service Plan was created by the required timeframe or attempted to involve parents in the development of the plan.** Per review of the case file and Trails, it appears in court reports that the assigned Caseworker did make attempts to involve the parents in the development of the Family Service Plan, but it was noted that parents were not cooperative. In Trails it is documented that the Family Service Plan was not created by the required timeframe of April 15, 2018.

7. **Documentation does not demonstrate that the county department completed an independent living plan (Roadmap to Success) for the youth.** Per review of Trails, there is an FSP 4D: Plan for Transition of Independent Living completed on 3/11/2019 for the child DB, that was 16 years old at the time. This Roadmap to Success was not completed timely. **Documentation does not demonstrate that the (credit) report was reviewed with the youth or guardian ad litem.** Per review of the case file and Trails, it was not documented that the credit reports for the youth were reviewed with the youth or guardian ad litem.

8. **Additionally, the CPO identified that the placement pages and custody arrangements do not reflect the children's current circumstances.** Trails has been updated to reflect both children's living arrangements to be with Kinship Foster Care Parent in the Client Gen Info Demographics. Trails FSP Placement screens for both children have also been updated for the child with current placement circumstances.

If there are any questions or concerns regarding our response as listed above, please contact us at your earliest convenience.

Respectfully submitted,

Laurie Rivera, MSW
Deputy Director

Approved by:

Catherine Salazar
Director
Dear Ms. Villafuerte:

I write this letter as a supplement to the Colorado Department of Human Services Response to Complaint 2019-3865 regarding Alamosa County Department of Social Services. Staff at the Division of Child Welfare (DCW) have reviewed this complaint, the county’s response, and relevant sections of the Colorado Code of Regulations (Volume 7). This letter includes responses to the points of concern that were raised by the Office of the Child Protection Ombudsman (CPO). Please note that in some cases DCW agrees that the county has violated rule, but has found a different citation for which rule has been violated. In these cases, the violation is listed according to the rule that DCW finds the county has violated.

The county did not contest any of the findings of the CPO with regard to this compliant. Similarly, DCW does not contest the CPO’s findings. DCW finds that the county is in violation of 12 CCR 2509-2, 7.103.60(A)(3)(b), as the county did not interview the victim children within the assigned timeframe. DCW also finds that the county did not document outreach to the non-custodial parent(s) of the victim children, which is a violation of 12 CCR 2509-2, 7.104.1(C)(2) and 7.104.15(B)(1). The county’s failure to complete the safety and risk assessment tools is a violation of 12 CCR 2509-2, 7.107.11(A) and 7.107.21(A)(2). The county is also in violation of 12 CCR 2509-2, 7.202.1(F)(1)(b) due to failure to complete monthly contacts with the parents. DCW finds that the county did not complete the Family Services Plan within the required timeframe, violating 12 CCR 2509-2, 7.301.21(B). Finally, the county failed to complete a Roadmap to Success or review credit reports for the participating youth, violating 12 CCR 2509-2, 7.301.21(C) and 7.305.2(E)(1).

DCW staff will follow up with the county to provide technical assistance around practice improvements regarding documentation, timelines, assessment procedures, and youth services. DCW staff will work with the county to ensure that all child welfare staff are trained on procedure and that similar problems do not occur in the future. DCW will continue to support and monitor the county’s work in these areas. Please let us know if you have any further concerns or questions.

Sincerely,

Kari Daggett, MSW
Deputy Director, Division of Child Welfare
# Grievance/Inquiry Review Form

[To be completed by the assigned Division of Child Welfare (DCW) County Intermediary]

<table>
<thead>
<tr>
<th>Unit/Intermediary: Youth Services/S. Garrett</th>
<th>County: Alamosa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Assigned (by manager): 11/7/19</td>
<td>Due Date: 12/2/19</td>
</tr>
<tr>
<td>Complaint Number: CPO 2019-3865</td>
<td>Complainant Role (Select from the following):</td>
</tr>
<tr>
<td>Comments:</td>
<td>___ Parent, Guardian, Legal Custodian</td>
</tr>
<tr>
<td></td>
<td><em>x</em> Office of Colorado’s Child Protection Ombudsman</td>
</tr>
<tr>
<td></td>
<td>___ Attorney</td>
</tr>
<tr>
<td></td>
<td>___ Other: Specify Role: _________________________</td>
</tr>
</tbody>
</table>

The basis of grievance/inquiry (mark all that apply):
___ Federal/State Statutory violation
_x_ Administrative rule violation
___ Other county practice, policy, procedure, etc. (specify): ___________________________________

DCW assessment of county disposition of grievance/inquiry:
_x_ Agree with county disposition
___ Disagree with county disposition

DCW assessment of action/s taken by county:
___ Agree with action/s taken by county
_x_ Disagree with action/s taken by county

Action/s taken by DCW:
___ DCW did not find a violation of federal/state statute and/or of the administrative rules, therefore, no further action will be taken by DCW.
_x_ DCW found the following violation federal/state statute and/or of the administrative rules: ___ DCW found concerns with county practice, policy, procedure, etc.; specify:

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7.103.60(A)(3)(b): The county did not interview the children within the assigned timeframe
7.104.1(C)(2) and 7.104.15(B)(1): The county did not contact the non-custodial parents during the assessment
7.107.11(A) and 7.107.21(A)(2): The county did not complete the safety and risk assessment tools
7.202.1(F)(1)(b): The county did not document monthly attempts to contact the parents of the children
7.301.21(C) and 7.305.2(E)(1): The county did not complete a roadmap to success or review a credit report for the youth

Based upon this finding, the following action/s will be taken by DCW:
Technical assistance (TA) and/or guidance (i.e. date, actions, next steps etc.):

DCW staff will support county staff in creating plans to prevent future problems related to documentation in these areas.

Other(specify):

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Printed Name AND Signature of DCW County Intermediary

Printed Name AND Signature of DCW County Intermediary Supervisor

Printed Name AND Signature of DCW Unit Manager

_______ Date review form sent to county and client services _____ (CPO Only) Date response sent