Office of Colorado’s Child Protection Ombudsman

LETTER OF COMPLIANCE CONCERN

Case Number 2019-3738

Stephanie Villafuerte,
Child Protection Ombudsman
October 15, 2019
Introduction

By design, the Office of Colorado’s Child Protection Ombudsman 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 2019-3738

(Delivered July 26, 2019)
To: Ms. Angela Lytle  
Arapahoe County Department of Human Services  
14980 E. Alameda Drive  
Aurora, CO 80112

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

Date: July 26, 2019

Subject: Possible Compliance Concerns, CPO Case 2019-3738

Dear Director Lytle,

On June 20, 2019, the Office of Colorado’s Child Protection Ombudsman (CPO) was contacted regarding the handling of an Arapahoe County Department of Human Services (ACDHS) child welfare case. The contact was concerned that the parents involved in the case have not received consistent communication from ACDHS in order to achieve reunification with their children. The CPO has reviewed the relevant information in Trails and the Colorado Courts database. The CPO has identified several areas in which ACDHS may not be in compliance with Volume 7 requirements.

Case Summary

A report was made to ACDHS on June 20, 2018 regarding a child being given “vape” liquid by their caregivers. The report was founded for medical neglect. The child was removed from the home and placed with a relative. A case was opened to provide services to both the mother and father’s respective households. The child was reunified with the mother on October 15, 2018. On March 21, 2019, additional safety concerns arose, causing the child to be removed from the mother’s home and placed with the same relative. After 13 months the case remains open and the family has yet to be reunified.

Volume 7 Regulation/Children’s Code Requirements

Volume 7 and the Colorado Children’s Code collectively make up the minimum guiding principles and standards to which county human service departments are held in assessing and ensuring a child’s safety. The CPO finds the following rules as the most relevant in this case:

---

1 Trails: statewide case management system and Colorado State Courts Data Access  
2 Code of Colorado Regulations, Social Services Rules, Volume 7  
3 See Trails Referral ID:  
4 See Trails Referral ID: Findings
Volume 7, 7.202.1 (F) (1-2) requires county departments to make monthly contact with parents and/or caregivers. There should be at least one documented report per month. If the child’s permanency goal is reunification, both parents should be contacted monthly. Every other month has to be face-to-face contact between the county department and the parents. The primary purpose of the contacts is to assess the parent’s ability to provide safely for the child and make progress toward treatment plan goals.\(^5\)

**Identified Compliance Concerns**

In reviewing the case information, the CPO identified several instances in which ACDHS may not be in compliance with Volume 7 requirements. The CPO found that there was no documentation of engagement for the family or referral screening and that the parent contacts did not meet the Volume 7 requirements. Specifically, the CPO observed:

- The documentation does not demonstrate required contact between the caseworker and father since the case opened on June 20, 2018.\(^6\) If accurate, this is a violation of Volume 7, 7.202.1 as the county is required to contact the parent at least monthly.

- The documentation does not demonstrate required contact between the caseworker and mother for the months of July 2018, September 2018, November 2018, January 2019, February 2019, March 2019, April 2019 and May 2019.\(^7\) If accurate, this is a violation of Volume 7, 7.202.1 as the county is required to contact the parent at least monthly.

The CPO contacted ACDHS and the county acknowledged that the required documentation had not been entered in Trails. At this time, this compliance concern has not been resolved. ACDHS also acknowledged that case documentation does not meet the county standard.

**Conclusion**

Pursuant to policies 4.200 and 5.200 in the Colorado Child Protection Ombudsman’s (CPO) 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

---

\(^5\) See Volume 7, 7.202.1 (F) (1-2):” 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.

1. A face-to-face contact with a parent, or the guardian to whom the child or youth shall return, or with a child or youth is defined as an in-person contact for the purpose of observation, conversation, intervention or interview about substantive case issues, such as safety, risk and needs assessment, safety and treatment planning that may help to reduce future risk of abuse and neglect, service agreement development and/or progress.

2. The primary purposes for contacts with parents are to assess the parent(s) ability to provide safely for the child or youth and make progress toward treatment plan goals. When a child protection case remains open with the county department, the county department shall maintain sufficient contact with parents or the guardian to whom the child or youth shall return, or to whom the child or youth shall return, to lead to timely resolution of child safety issues and to move the case toward timely resolution of treatment plan goals. Such contact shall occur at least monthly and at least every other month there shall be face-to-face contact. Such contacts shall occur with parents at least until a motion for termination of parental rights is filed, in cases in which the child is not living in the home or in which it is no longer planned that the child will return home.”

\(^6\) See Trails Referral ID: , Interview and Trails Case ID: , Contacts

\(^7\) See Trails Case ID: , Contacts
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 August 16, 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
Child Protection Ombudsman
Arapahoe County Department of Human Services

Response Letter

Case 2019-3738

(Delivered September 27, 2019)
This response is addressing concerns brought to the Arapahoe County Department of Human Services’ (ACDHS) as a result of a complaint reviewed by your office. The first identified concern was that the documentation in Trails had indicated the caseworker had not had contact with the father since June 2018. The second concern was that the contact between the caseworker and the mother was missing for the months of: July 2018, September 2018, November 2018, January 2019, February 2019, March 2019, April 2019, and May 2019. The primary concern however, was related to the fact that the child has not yet been reunified after 13 months involved with ACDHS.

The child was removed in June 2018 due to founded medical neglect. While the child was removed in June 2018, the child has not been out of the home for the past 13 months. The child was reunified with parents on October 15, 2018. Unfortunately, new safety concerns presented themselves a few months later resulting in the child being re-removed from her parents care on March 21, 2019. The child was in parental custody and care for five of the 13 months the Department has been involved. While case closure with reunification has not occurred in 13 months, the child has been with paternal grandmother for balance of the out of home care (7 months). During this case, the child has always remained in the care of family.

The family transitioned from the intake caseworker to the permanency caseworker in July 2018. During the assessment, we recognize that the Intake Worker did not make contact with the father as they should have in order to adhere to Volume VII expectations in regards to parental contact.

In reviewing the permanency case, documentation has been updated. In regards to contact with the father, over the last 12 months there were two months that there was no contact (September 2018 and February 2019). From February 2019 until April 2019, there was phone
contact/texting only. There is certainly an opportunity to enhance the quality of contacts as some months that did not have face to face contact there was only phone contact/texting back and forth.

The final concern brought to ACDHS was regarding missing contact with the mother for several months. Of the eight months in concern, the caseworker did make face to face contact five of those months (July 2018, January, February, April, and May 2019). In March, the caseworker had contact with mom via text. There were two months that contact appears to have not occurred (September and November of 2018).

ACDHS acknowledges that some of the documentation was not entered timely, which is a concern that has been addressed with the caseworker as there is a policy in place in Arapahoe County that mandates entry of ROCs into Trails within an articulated number of days following contact. In addition, discussion has been had with the caseworker about required contact expectations. It is important to note that the ROC notes entered are quite thorough and detailed outlining well the diligent work that is ongoing between the caseworker and this family. There is a significant amount of documentation to reflect coordination of services, parenting time plans allowing the parents to have community visits, and the Department advocating for the parents to have more time in an expedited permanency case. While the child is not currently with her parents, there was reunification, then a subsequent safety issue arose which lead to the child’s re-removal. The Department remains committed to working with the family in hopes of gaining permanency for this child.

The Department believes it is also important to note that much of the information regarding parental contact, services, and progress in the case is documented in the 90 day reviews and court reports. The caseworker had timely documentation regarding seeing the child every month and ensuring the child was in a safe and appropriate environment. Additionally, the family engaged in every LINKS meeting which is a strength, as well.

If there are any further questions, please do not hesitate to call.

Sincerely,

[Name]
Arapahoe County Department of Human Services
CAPS Permanency Supervisor

[Name]
Arapahoe County Department of Human Services
CAPS Intake Administrator
Colorado Department of Human Services

Response Letter

Case 2019-3738

(Delivered October 15, 2019)
I hope you are well. We are providing this letter with the Colorado Department of Human Services, Division of Child Welfare (DCW) Response to CPS Complaint 2019-3738, regarding Arapahoe County Department of Social Services. Our office has reviewed this complaint, the county’s response, and relevant sections of Colorado Regulations (Volume 7, 7.202.1 (F) (1-2)) which are detailed below.

Concern 1: Volume 7, 7.202.1 (F) (1-2) states the purpose of monthly contacts shall be to assure child safety and well-being and move the case toward achieving family services plan goals. Furthermore, (F) (1-2) defines face to face contact and requirements for child/youth, parents, guardians, and the intended permanent caregivers. Additionally all face-to-face contacts are required to be documented in the Comprehensive Child Welfare System (CCWIS).

DCW response to concern 1: DCW is in agreement with the violation to 7.202.1 (F) (1-2). The county did not consistently meet with the biological father face-to-face monthly.

Concern 2: Volume 7, 7.202.1 (F) (1-2) states the purpose of monthly contacts shall be to assure child safety and well-being and move the case toward achieving family services plan goals. Furthermore, (F) (1-2) defines face to face contact and requirements for child/youth, parents, guardians, and the intended permanent caregivers. Additionally all face-to-face contacts are required to be documented in the Comprehensive Child Welfare System (CCWIS).

DCW response to concern 2: DCW is in agreement with the violation of 7.202.1 (F) (1-2). The county did not consistently meet with the biological mother face-to-face monthly.

DCW has developed an action plan with the Arapahoe County Department of Social Services to provide technical assistance to address quality and monthly face-to-face contacts with parent(s), guardians and prospective permanent caregivers. DCW staff will provide technical assistance by providing guidance templates for executing the following areas of concern: quality face-to-face monthly parent(s) contacts and timely completion and review of the treatment plan within 90 days (7.301.21). The templates will be provided to the county by October 4, 2019 to implement in county wide practice. DCW will follow up at the next quarterly meeting that will be scheduled for the month of October 2019 and ongoing monitoring will occur at subsequent quarterly meetings.

DCW will oversee and continue to provide supervision and guidance as needed. Please let us know if you have any further concerns or questions.

Sincerely,

Kari Daggett,
Interim Director, Division of Child Welfare

October 15, 2019

Dear Ms. Villafuerte,

I hope you are well. We are providing this letter with the Colorado Department of Human Services, Division of Child Welfare (DCW) Response to CPS Complaint 2019-3738, regarding Arapahoe County Department of Social Services. Our office has reviewed this complaint, the county’s response, and relevant sections of Colorado Regulations (Volume 7, 7.202.1 (F) (1-2)) which are detailed below.

Concern 1: Volume 7, 7.202.1 (F) (1-2) states the purpose of monthly contacts shall be to assure child safety and well-being and move the case toward achieving family services plan goals. Furthermore, (F) (1-2) defines face to face contact and requirements for child/youth, parents, guardians, and the intended permanent caregivers. Additionally all face-to-face contacts are required to be documented in the Comprehensive Child Welfare System (CCWIS).

DCW response to concern 1: DCW is in agreement with the violation to 7.202.1 (F) (1-2). The county did not consistently meet with the biological father face-to-face monthly.

Concern 2: Volume 7, 7.202.1 (F) (1-2) states the purpose of monthly contacts shall be to assure child safety and well-being and move the case toward achieving family services plan goals. Furthermore, (F) (1-2) defines face to face contact and requirements for child/youth, parents, guardians, and the intended permanent caregivers. Additionally all face-to-face contacts are required to be documented in the Comprehensive Child Welfare System (CCWIS).

DCW response to concern 2: DCW is in agreement with the violation of 7.202.1 (F) (1-2). The county did not consistently meet with the biological mother face-to-face monthly.

DCW has developed an action plan with the Arapahoe County Department of Social Services to provide technical assistance to address quality and monthly face-to-face contacts with parent(s), guardians and prospective permanent caregivers. DCW staff will provide technical assistance by providing guidance templates for executing the following areas of concern: quality face-to-face monthly parent(s) contacts and timely completion and review of the treatment plan within 90 days (7.301.21). The templates will be provided to the county by October 4, 2019 to implement in county wide practice. DCW will follow up at the next quarterly meeting that will be scheduled for the month of October 2019 and ongoing monitoring will occur at subsequent quarterly meetings.

DCW will oversee and continue to provide supervision and guidance as needed. Please let us know if you have any further concerns or questions.

Sincerely,

Kari Daggett,
Interim Director, Division of Child Welfare
Grievance/Inquiry Review Form

<table>
<thead>
<tr>
<th>Unit/Intermediary:</th>
<th>Adrianna Hernandez</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Assigned (by manager):</td>
<td>9/27/19</td>
</tr>
<tr>
<td>County:</td>
<td>Arapahoe</td>
</tr>
<tr>
<td>Due Date:</td>
<td>10/21/19</td>
</tr>
<tr>
<td>Complaint Number:</td>
<td>2019-3738</td>
</tr>
<tr>
<td>Complainant Role (Select from the following):</td>
<td></td>
</tr>
<tr>
<td>___ Parent, Guardian, Legal Custodian</td>
<td></td>
</tr>
<tr>
<td>___ Office of Colorado’s Child Protection Ombudsman</td>
<td></td>
</tr>
<tr>
<td>___ Attorney</td>
<td></td>
</tr>
<tr>
<td>___ Other: Specify Role:</td>
<td></td>
</tr>
</tbody>
</table>

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

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

DCW assessment of action/s taken by county:
___ Agree with action/s taken by county
___ 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.
___ DCW found the following violation federal/state statute and/or of the administrative rules:
___ DCW found concerns with county practice, policy, procedure, etc.; specify:

Address the following Vol. 7, 7.02.1 (F) (1-2)
Engage non custodial parents- fathers

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.):
Intermediary will devise a plan to address following rule violations.

Other(specify):

Adrianna Hernandez
Printed Name AND Signature of DCW County Intermediary
Digitally signed by Adrianna Hernandez
Date: 2019.10.15 13:13:02 -06'00'

Lisa Mayer
Printed Name AND Signature of DCW County Intermediary Supervisor
Digitally signed by Lisa Mayer
Date: 2019.10.15 14:19:14 -06'00'

Korey ELger
Printed Name AND Signature of DCW Unit Manager
Digitally signed by Korey ELger
Date: 2019.10.15 12:16:29 -06'00'

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