

Joint Select Committee on Child Welfare

Summary Report

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Table of Contents

	Page
Committee Charge	1
Committee Activities	1
Committee Recommendations	4

Summary Report

Committee Charge

Pursuant to Joint Rule 41 of the Senate and House of Representatives, the President of the Senate and Speaker of the House of Representatives jointly created the Joint Select Committee on Child Welfare. The committee consisted of three members of the Senate and three members of the House of Representatives. The committee was charged with examining issues concerning the child welfare system.

Committee Activities

The committee held two meetings, one on April 16, 2010, and one on April 23, 2010. The committee heard from various stakeholders involved with the child welfare system, including: child welfare providers and organizations; county commissioners; parents; and government departments. The committee's primary focus was to educate the committee members regarding child protective services, the child welfare system's strengths and weaknesses, and areas for improvement. In doing so, the committee began with a brief overview of how the child welfare system is administered in Colorado. It also received an overview of the recommendations from the Governor's Child Welfare Action Committee (CWAC) which was tasked to evaluate the entire child welfare system in 2008. In addition to reviewing the CWAC recommendations, the committee heard testimony regarding challenges to the child welfare system and possible solutions to those challenges.

Brief overview of the child welfare system in Colorado. The Colorado child welfare system is a state-supervised, county-administered system. Colorado has 64 counties that each provide a variety of services for children in need through the county's department of human services. The state Department of Human Services, which is the designated agency to supervise the system, provided a brief overview of the system. Department representatives spoke to the number of child fatalities that have occurred in Colorado over the past three years and commented that the entire child welfare division has been restructured. Various initiatives were described that have been undertaken to improve the child welfare system, and department staff highlighted the Colorado Practice Initiative, the most recent Colorado Family and Services Review (CFSR) report, and a grant the state received to implement the Differential Response Pilot Program. It was also noted that Colorado's rate of child abuse fatalities ranked below the average of all other states and that Colorado demonstrated the strongest performance in the placement of children in close proximity to their home.

Review of Child Welfare Action Committee recommendations. In 2008, Governor Ritter issued an executive order establishing the Child Welfare Action Committee (CWAC), which was charged to evaluate the state's child welfare system and issue recommendations on how to improve the system. The committee was established after a high number of child fatalities in 2007. The committee was comprised of various stakeholders involved in administering the child welfare system including county commissioners, department representatives, judicial activists, foster parents, child welfare providers, and experts in the area of child welfare. In December 2009, the CWAC issued 32 recommendations on how to improve the system. The recommendations ranged from implementing a work study which would evaluate how much time is spent with each client in the child welfare system to restructuring the administration of the entire child welfare system.



A panel of CWAC members briefed the committee on the CWAC's recommendations. The panel discussed how the CWAC arrived at the recommendations and briefly discussed the benefits of each recommendation. The panel spoke to several recommendations that have already been implemented either through rule or through legislation, such as the Child Welfare Training Academy. The panel also discussed the recommendations that were progressing through the legislature, specifically Senate Bill 10-171, which creates the child protection ombudsman, House Bill 10-1226, which authorizes the Differential Response Pilot Program, and House Bill 10-1359, which allows for a change of venue in dependency and neglect cases. All three bills were signed into law.

Challenges identified by child welfare advocates and providers. The committee heard testimony from several child welfare providers that indicated the significant challenges that young people face. The panel of child welfare advocates, representing Mile High United Way, Rocky Mountain Children's Law Center, and the Tennyson Center for Children, informed the committee that public education is critical to the success of children and that a true continuum of care is necessary to improve the child welfare system in the state. The panel discussed the need for greater accountability in the system and stressed the importance of transparency.

Representatives from the Colorado Association for Family and Children's Agencies, Foster Care Adoption Agencies of Colorado, and former foster parents provided testimony on the challenges identified by child welfare service providers. The panel discussed the need for a consistent funding mechanism for child welfare providers. The panel indicated that due to the recent budget cuts, several residential child care facilities and child placement centers closed. The panel discussed their concern over the lack of available beds at these facilities and the impacts to the child welfare system as a result. The panel recommended integration of the child welfare system and a continuum of care.

Challenges identified by judicial representatives relating to the child welfare system. A panel, including representatives from the Office of the Child's Representative (OCR) and the Colorado Court Appointed Special Advocate Association, presented information regarding the judicial aspect of the child welfare system to the committee. The committee heard testimony about the role of a guardian ad litem (GAL) within the judicial system and information concerning dependency and neglect court proceedings in the state. The panel indicated the only way an individual (non-parent) can file a compliant against a neglectful parent is to contact the local county department of human services and have the department file the compliant. The panel emphasized there is no other recourse for concerned citizens. The committee also heard testimony concerning the role of the Court Appointed Special Advocate (CASA) program and success rates in the state where CASAs were involved in cases. The panel emphasized that the CASA program has saved the state considerable dollars by keeping children out of the foster care system, thereby reducing the use of state dollars and other resources.

Perspectives of county directors of departments of human services. The committee heard testimony from a panel of county directors of departments of human services concerning child welfare systems under the authority of the following counties in the state: Arapahoe, Denver, Prowers, Kit Carson, and Cheyenne. The panel suggested that states with state-administered child welfare systems have a higher percentage of child fatalities than those states that have county-administered systems. The panel addressed challenges facing each of the counties, such as lack of adequate funding and the need for improvement in the delivery of behavioral health services. Representatives from Prowers and Kit Carson discussed the difficulty in finding qualified candidates to send to the Child Welfare Training Academy due to the small pool of eligible candidates with the level of education required to attend the academy. The panel members spoke



about their concerns with certain CWAC recommendations, such as the recommendation to establish a centralized call center and to restructure the administration of the child welfare system. The committee discussed the child fatality review process in the state from the county perspective.

Child protective services in other states. The committee was briefed on how other states structure the administration of the child welfare system. Thirteen other states structure the administration of the child welfare system similarly to Colorado in which the counties administer the system with state supervision. Thirty states have a state-administered system, and the remaining seven have a state-administered system with a strong county structure. The committee heard testimony from a representative from the National Conference of State Legislatures concerning different strategies used by states to improve and maintain the child welfare system. Strategies discussed included the differential response approach, which allows child county departments to engage the families of abused children differently and the family team decision-making strategy, which is intended to increase the number of children exiting the foster care system.

The committee also heard testimony from a representative of the American Humane Society concerning how other states are working to reduce inconsistencies in the child welfare system. The committee discussed various factors that are linked with child abuse, such as poverty, educational attainment, and racial disparities, and examined the need for collaboration between systems that serve children in the state.

Comments from the state Department of Human Services. The committee heard testimony concerning the child fatalities due to child abuse or neglect that occurred in Colorado in 2007, 2008, and 2009. Representatives from the Department of Human Services discussed the criteria for conducting a state child fatality review and lessons learned from child fatalities in the state. A representative from the department described how many children were in foster care, how many children had an open assessment or case with the county department of social services, and how many children did not have active child abuse or neglect cases at the time of their deaths. Members of the committee and the state department discussed the department's policy findings concerning the child fatalities and ways in which the process of evaluation could be improved. The department acknowledged its frustration and sadness over the child fatalities. The department indicated that it has taken steps to improve the system by increasing transparency and communication between county departments of human services, and implementing the Child Welfare Training Academy to increase consistency among case workers.

Discussion of CWAC recommendations 14 and 29. The committee heard testimony on CWAC Recommendation 14, which recommends that the state develop a centralized hotline and processing system for reports of suspected child abuse. A member of the CWAC indicated that once the information is obtained through the centralized system, it would be distributed to the appropriate county for further investigation. The panel informed the committee that the recommendation did not receive wide support and, at the recommendation of the Governor, is being vetted for one year. Concerns expressed by county commissioners and county departments of human services regarding the recommendation include funding for the staff at the centralized call center and a fear that it would be a move away from a county-administered system.

The committee also heard testimony on CWAC Recommendation 29, which relates to restructuring the administration of the child welfare system. A member of the CWAC explained to the committee that, under the recommendation, the 11 counties with the largest populations of children would have the option of continuing to deliver human services using county employees or they could choose to have the state deliver services with state employees. Those counties that



chose to continue providing services would be required to contribute additional funding for services. The remaining counties would be grouped into regions and services would be delivered by the state with state employees. The witness indicated that the goal of the recommendation is to improve accountability in the system while maintaining local flexibility and improving families' access to services. County commissioners and county departments of human services expressed strong opposition to this recommendation.

Public testimony. The committee heard public testimony from several county commissioners concerning the CWAC's recommendations to move the administration of the child welfare system under the state Department of Human Services. County commissioners from Jefferson, Weld, Boulder, and Pitkin counties spoke in opposition to the recommendation and stressed the need for adequate funding of services. A representative from the Coalition of Adoptive Families spoke in support of establishing an ombudsman program for child protection. A foster parent spoke to the needs of children exiting the system. The committee also heard testimony from a concerned citizen regarding parents' rights and the role of the department. The witness stressed the need for family unity and parental rights.

Committee consideration of next steps. The committee discussed possible next steps on how the committee can move forward on improving the child welfare system in the state. The committee discussed further implementation of the CWAC recommendations and suggested that the House and Senate Health and Human Services committees receive an update during the 2011 legislative session on the implementation of the recommendations. The committee discussed mandatory reporting requirements and the need for additional discussion concerning the proper role of government in the child welfare system.

Committee Recommendations

The committee did not make any formal recommendations.

