

**Public safety—now we have to be smarter than ever. Our social compact and our responsibility as government leaders to keep people safe, demands it. And so does our budget.**

*—Governor Bill Ritter, The Colorado Promise*

**a t r i s k**

## **Children At-Risk: Where We Are Now**

- ◆ Colorado counties received 67,000 reports of child abuse or neglect last year. Less than 1/3 of those reports resulted in treatment or other intervention services.<sup>1</sup>
- ◆ Children who experience child abuse and neglect are 59% more likely to be arrested as a juvenile, 28% more likely to be arrested as an adult, and 30% more likely to commit violent crime.<sup>2</sup>
- ◆ About 23,000 Colorado children experienced out-of-home placement and/or received state child welfare services in Fiscal Year 2006.<sup>3</sup>



# Goals: Where We Need to Go

1. Effectively **treat, reduce and prevent** child abuse and neglect.
2. Effectively **treat and prevent** mental illness.
3. **Decrease** youth incarcerations and detentions.

## Effectively treat, reduce and prevent child abuse and neglect.

Colorado has one Department of Human Services for each of its 64 counties. These departments are funded by a combination of federal, state and county dollars. The county departments handle all reports of abuse and neglect, and are responsible for determining courses of action in the best interest of the child. If caseworkers determine that the child is not safe in the home or that others are not safe because of the child, the child may be placed in out-of-home placement. Placements provide various levels of treatment, therapy and care models.

- ◆ 35 children died as the direct result of child abuse and/or neglect in Colorado in 2004.<sup>4</sup>
- ◆ A 2007 report from the Pew Foundation and the Jim Casey Youth Opportunities Initiative documents the challenges former foster youth face once living independently, including the following statistics:
  - 1 in 4 will be incarcerated within two years of leaving foster care;
  - 1 in 5 will become homeless;
  - Approximately 58% will have a high school degree by age 19 (compared with 87% of a national comparison group of non-foster youth); and
  - Fewer than 3 percent will receive a college degree (compared with 28% of the general population).<sup>5</sup>
- ◆ In May 2007, the State Audit on Colorado's foster care system found that 84 % of children in foster care did not receive the expected monthly face-to-face visit from their county caseworker.<sup>6</sup>
- ◆ In 2006, the federal government cut 30 billion Medicaid dollars nationally, resulting in major cuts in Colorado's residential treatment services.<sup>7</sup> This changed the funding structure for these services in Colorado, resulting in a reduction of residential placements. The children who would normally qualify for residential treatment are now being placed in foster care, which is technically a lower level of care. Foster families are not trained to handle children with higher levels of risk and need, thus children are moved through multiple placements more frequently.
- ◆ According to a 2007 report from the University of Maryland regarding payments to foster care providers, Colorado would need to increase payments to foster families by 76% to 100% in order to meet the minimum cost of raising a child.<sup>8</sup>

**Legislative Recommendation 1A: Mandate a maximum number of caseloads that county caseworkers are allowed to carry (in accordance with industry standards, such as those supported by the National Association of Social Workers or Child Welfare League of America) and monitor caseloads to ensure compliance in order to ensure that caseworkers have adequate time and resources to examine cases regularly and appropriately.**

- ◆ The Child Welfare League of America recommends a caseload ratio of 12 to 15 children per caseworker, and the Council on Accreditation recommends that caseloads not exceed 18 children per caseworker. However, a national survey found that caseloads for individual child welfare social workers range from 10 to 110, with workers handling on average 24 to 31 children, each double the recommended number.<sup>9</sup>



**Legislative Recommendation 1B: Treatment plans need to be coordinated with the CFSR (Child and Family Services Review) mandates and FSP (Family Service Plan) so that the goals are congruent for all working with children and youth in out-of-home care.**

**Legislative Recommendation 1C: Develop state-wide protocols for intake, assessments, and treatment plans for children who are victims of abuse and/or neglect. Also, mandate standardized definitions for what constitutes investigation, abuse and or neglect, intervention, in-home services, and removal from home, as each of these decisions and actions are currently inconsistent and have much variance from county to county.**

**Legislative Recommendation 1D: Establish guidelines to monitor and reduce the number of moves for children in placement.**

- ◆ Of the 23,000 children who experienced an out-of-home placement and/or received child welfare treatment services in Colorado in Fiscal Year 2006<sup>10</sup>, almost 40% of those children have had three or more placements (moves) which can adversely affect a child's mental health, their ability to attach, and their overall development.
- ◆ Colorado will have a federal review (Child and Family Services Review) in early 2008, and is poised to be out of compliance in several measures including number of moves in out-of-home-placement. If the number of moves for children is not significantly decreased, Colorado could be fined an estimated \$2.2 million in sanctions for non-compliance.<sup>11</sup>

**Legislative Recommendation 1E: Establish guidelines for judges and child welfare workers regarding the preservation and protection of sibling sets in cases of out-of-home placement.**

- ◆ Several states have adopted legislation that addresses the preservation of sibling sets in out-of-home placement. For example:
  - Maine requires courts to order sibling visitation when appropriate.
  - New Hampshire allows foster homes to exceed the maximum number of children in order to accommodate sibling groups.
  - Wisconsin requires child welfare agencies to consider placing a child in an adoptive placement with the adoptive parent of the child's sibling.
  - California added half-siblings to the provision authorizing disclosure of the names and addresses of an adoptee and his or her siblings to one another.
  - New York requires courts to coordinate the schedule of permanency hearings for a child with the hearing schedule of the child's sibling or half-sibling.<sup>12</sup>

**Legislative Recommendation 1F: Identify all of the data systems currently being used to track high-risk children and youth, and develop a centralized data collection system to streamline information and promote more efficient use of resources and successful outcomes for children. Providers such as judges, caseworkers and medical care-givers should be networked to provide the best care.**

- ◆ The National Conference of State Legislatures supports financial and programmatic flexibility for state agencies to provide interagency training, budgeting, planning and integration of data systems in order to produce more successful outcomes for children and families.<sup>13</sup>

**Legislative Recommendation 1G: Analyze Colorado's current rates of reimbursement for foster care providers and residential treatment providers in light of current costs of child-rearing and mental health treatment, and compare Colorado's rates to those being provided in other states. Using those findings, determine a timeline and strategy for increasing rates as needed to ensure quality care and safety for children in out of home placements.**

- ◆ A 2007 study from the University of Maryland<sup>14</sup> reported that recommended payments to foster parents (averaged out on a national basis) were \$629 for 2-year-olds, \$721 for 9-year-olds and \$790 for 16-year-olds. Currently, the average actual monthly base rates offered by states are \$488 for 2-year-olds, \$509 for 9-year-olds and \$568 for 16-year-olds. The survey analyzed regional living expenses and calculated on a state-by-state basis the minimum cost of adequately raising a foster child. Only Arizona and the District of Columbia pay foster parents more than this minimum amount, according to the survey.
- ◆ Colorado would need to increase its payments 76 % to 100 % to meet the minimum cost of raising a child, the report said.

**Legislative Recommendation 1H: Increase opportunities for successful transition from foster care to independent living for youth aging out of the foster care system by ensuring youth have access to their vital records after emancipation, extending the availability of foster care to youth up to age 21, and expanding availability of trained advocates such as GALs (Guardians Ad Litem) and CASAs (Court Appointed Special Advocates) to assist the youth in systems navigation and self-advocacy.**

## **Effectively treat and prevent mental illness.**

At risk children with a mental health diagnosis often receive treatment and care through multiple state systems, including Department of Human Services (and its departments including Child Welfare, Youth Corrections, Mental Health, and child care); Department of Health Care Policy and Financing (Medicaid); State Judicial Services; and Department of Education. Each state system is bound by regulations concerning the sharing of information, and relies on separate funding streams and data management systems yet communication and collaboration are ineffective. The current system results in compartmentalization, duplication and inefficient services and spending. In many cases, mental health services are fragmented, if even available to children and youth. The result is that children's serious mental health needs go untreated, and are left for schools to identify and address. Left untreated, children with mental illness typically eventually engage in criminal behaviors, or behaviors that threaten their own safety or that of those around them.

- ◆ The Colorado Division of Mental Health reports that the level of severity of those reported for mental health services has generally increased from FY 2001 to FY 2004. Youth (defined as all children and adolescents combined) with serious emotional disturbances (SED) increased as a percentage of all reported served from 64.76 % in FY 2001 to 74.20 % in FY 2004.<sup>15</sup>
- ◆ Suicide is the 2nd leading cause of death among youth in Colorado,<sup>16</sup> and approximately 95% of people who die by suicide have a psychological disorder at the time of death.<sup>17</sup>
- ◆ Nearly 84% of children and youth currently detained by the Division of Youth Corrections have been previously suspended or expelled from school, and more than half of those detained have been diagnosed with a mental illness.

**Legislative Recommendation 2A: Expand state and county interagency collaboration to reduce service fragmentation, increase efficiency and streamline services to provide a comprehensive continuum of care.**

- ◆ The National Conference of State Legislatures (NCSL) recommends that states expand interagency collaboration to include public/private partnerships in order to more efficiently and effectively integrate and coordinate services for children and families.<sup>18</sup> NCSL also strongly opposes efforts to limit state flexibility in the distribution of funds used for child mental health and child welfare services and treatment.

**Legislative Recommendation 2B: Mandate the provision of mental health evaluations for students who are repeatedly suspended or expelled from education programs. Establish guidelines for compliance with recommended interventions, prior to re-enrollment.**

- ◆ The **Cherry Creek School District** has developed a prevention focused model to address the needs of at risk children. Area evaluation and treatment programs may apply for inclusion and referrals, based on areas of specialization and affordability. Schools within the district may then work cooperatively with providers, while establishing requirements for children who return from suspensions or expulsions.



## Decrease youth incarcerations and detentions.

Colorado operates under a decentralized system, serving youth through both state and locally administered programs. The Colorado legislature created the Division of Criminal Justice (DCJ) in order to “improve all areas of the administration of criminal justice in Colorado, both immediately and in the long term, regardless of whether the direct responsibility for action lies at the state level or with the many units of local government.” (24-33.5-501 C.R.S. 1973 as amended).

The Colorado General Assembly has recognized the need for increased collaboration and communication on behalf of youth with mental illness and co-occurring disorders in the juvenile justice system. In 2004, legislation provided for the creation of a task force to determine the most “effective and collaborative” means of serving these youth (C.R.S. 18-1.9-104 (2) a (III)). Recommendations of the task force are included here.

Colorado’s Juvenile Justice and Delinquency Prevention Council has established the following priorities for 2006-2008:

1. Disproportionate Minority Contact
  2. Mental Health Services
  3. Compliance Monitoring
  4. American Indian Programs
  5. Gender Specific Services
  6. Substance Abuse Services
  7. Juvenile Justice System Improvement
- ◆ On an average day, 1,838 juveniles are incarcerated or detained in Colorado facilities.
  - ◆ Nearly 71% of the juveniles detained by the Colorado Department of Youth Corrections are ages 16 and under, and more than 24% are under the age of 15.
  - ◆ The National Center for Mental Health and Juvenile Justice estimates that as many as 65% of youth in the juvenile justice system have a diagnosable mental illness, and 20% have serious mental illness – as compared to 9 – 13% of youth in the general population.
  - ◆ In Colorado’s Division of Youth Corrections, approximately 40% of committed youths have been diagnosed with moderate or high mental health needs.
  - ◆ The most common violations resulting in youth detention involve drug/alcohol or property violations (32.5%). “Juvenile specific offenses (truancy, curfew, runaway),” and miscellaneous (disturbing the peace, obstruction) account for 30.6% of those detained. Warrants and probation / parole violations account for 26.8%.
  - ◆ The average age when a detained youth in Colorado was first involved with the law is 10. Their first experience of being suspended or expelled is 11. Their first use of alcohol/substances and their initial experience in carrying a weapon is 12.

**Legislative Recommendation 3A: Provide opportunities for restorative justice and rehabilitation. Utilize the information and recommendations developed through HB02-1263 to expand the statute which provides coverage for substance abuse treatment (C.R.S. 10-16-104.7) to include all mental health services for youth involved in the criminal justice system. The expanded statute should include a mandate that health benefit plans that provide services for mental health coverage should continue to provide coverage, regardless of whether the condition occurs as a result of a contact with the criminal or juvenile justice systems.**

**Legislative Recommendation 3B: Develop protocols to ensure that juvenile offenders are afforded the least restrictive alternatives in sentencing and placement. Extend the 2005/06 appropriation to DCJ which re-established Juvenile Diversion programs for the support, evaluation, training, and treatment of juvenile offenders. Incorporate incentives for evaluation and treatment programs which address the specific diagnostic needs of youth involved in the justice system.**

**Legislative Recommendation 3C: Establish a collaborative system that addresses the specific needs (i.e. mental health evaluation and treatment, educational, vocational, residential, etc.) of youth involved in the juvenile justice system. Enact the current funding and coordination recommendations of the Juvenile Justice and Delinquency Prevention Council; 2006 – 2008 plan, relative to mental health and substance abuse services, specific populations, monitoring, and juvenile justice system.**

## Chandler's Story / J. Tod Parker, LCSW, PsyD



Chandler Grafner was four years old when he entered our system. He was seven when he left. In that short time, the realities of his life were investigated by three separate county human services agencies. In that time, concerns were raised by family members, neighbors, teachers, school officials, police officers, court appointed advocates, and of course...Chandler himself. In that time, a host of caseworkers and court officials charged with ensuring his safety failed to inquire, failed to listen, and then failed to act. In that time, he became just another statistic.

Chandler was living with his mother when the Department of Human Services first investigated a report that the four year old had expressed that he was afraid of his mother's boyfriend. The report was deemed "unfounded."

In September of 2005, his mother was charged with Child Abuse and placed on probation, after the child and another boy were found walking along a busy avenue without adult supervision.

In April of 2006, Chandler and his younger brother were removed from the home when police officers determined that there was clear evidence that they were being neglected.

Initially placed with their maternal grandmother, the boys were later removed because the relative had no drivers license, "may have" allowed the mother to visit her children and had a roommate with an undisclosed criminal record.

In May of 2006, following a Dependency and Neglect action, the court awarded custody of Chandler to his mother's ex-boyfriend and his new partner. The motion was granted in spite of statements made by Chandler that "Daddy Jon is going to hurt me." The ex-boyfriend was ordered to comply with numerous requirements including obtaining mental health counseling for Chandler and his brother, which he never fulfilled.

On January 11, 2007, the ex-boyfriend was granted permanent custody, and the DHS case was closed. Six days later, Chandler's school reported to Denver DHS that the boy had bruises on his ear and neck. After informing his teacher and a police officer that the injuries were sustained by his new guardian "slapping" and "smacking" him, Chandler later changed his story to mimic the guardian's explanation. The report was dismissed.

On April 18th, nineteen days before his death, school officials made a second report that Chandler had been absent for five weeks. This report was also dismissed, though it was later determined that the child was being held from school to avoid the potential discovery of abuse.

On May 4, Chandler was locked in a closet as punishment for taking food from the kitchen. He died two days later from cardiac arrest caused by starvation and dehydration. He weighed 34 pounds, and subsequent records detailed more than 25 cuts and bruises found on his emaciated body.

Are we prepared to accept responsibility for the well being of our children at risk? In response to Chandler's case a DHS spokeswoman is quoted, "we feel like there was really good case work done in this...we did not see any red flags that would have led us to believe that this child would not be healthy and not in a safe environment." Are we prepared to accept that? As an advocate of the system's children, I can tell you that Chandler's case is far from uncommon. Colorado counties received 67,000 reports of child abuse or neglect in 2006. Less than 1/3 of those reports resulted in treatment or other intervention services. So I'm asking. Are we now, finally prepared to defend them? Are YOU, citizens and leaders, willing to dedicate yourself to finding answers, adopting changes, and enacting legislation that will allow these children to live and realize their potential - and ultimately, our own future?

<sup>1</sup>“Report of the State Auditor: Foster Care Services Department of Human Services Performance Audit” Office of the State Auditor, State of Colorado, May 2007.

<sup>2</sup>Child Help. <<http://www.childhelp.org/resources/learning-center/statistics>>.

<sup>3</sup>“Report of the State Auditor: Foster Care Services Department of Human Services Performance Audit.”

<sup>4</sup>Child Welfare League of America. Colorado’s Children 2007. [www.cwla.org/advocacy/statefactsheets/2007/colorado.htm](http://www.cwla.org/advocacy/statefactsheets/2007/colorado.htm)

<sup>5</sup>“Time for Reform: Aging Out and On Their Own,” 2007, May, The Pew Charitable Trusts’ Kids Are Waiting Campaign and the Jim Casey Youth Opportunities Initiative, <[www.pewtrusts.org](http://www.pewtrusts.org)>.

<sup>6</sup>“Report of the State Auditor: Foster Care Services Department of Human Services Performance Audit.”

<sup>7</sup>Staff Briefing on The Department of Human Services, 2006, Joint Budget Committee, Colorado General Assembly.

<sup>8</sup>University of Maryland, Hitting the M.A.R.C.: Establishing Foster Care Minimum Adequate Rates for Children. (2007, October).

University of Maryland, Children’s Rights and National Foster Parent Association. University of Maryland School of Social Work. [www.ssw.umaryland.edu/fostercare/index.htm](http://www.ssw.umaryland.edu/fostercare/index.htm)

<sup>9</sup>Alliance for Children and Families, American Public Human Services Association, Child Welfare League of America. (2001), “The child welfare workforce challenge: results from a preliminary study,” presented at Finding Better Ways, 2001, Dallas, Texas.

<sup>10</sup>“Report of the State Auditor: Foster Care Services Department of Human Services Performance Audit.”

<sup>11</sup>Staff Briefing on The Department of Human Services, 2006, Joint Budget Committee, Colorado General Assembly.

<sup>12</sup>National Conference of State Legislatures, September 2007., 2007-2008 Policies for the Jurisdiction of the Human Services and Welfare Committee, <[www.ncsl.org/statefed/HUMAN.HTM#childwelfare](http://www.ncsl.org/statefed/HUMAN.HTM#childwelfare)>.

<sup>13</sup>National Conference of State Legislatures.

<sup>14</sup>University of Maryland, Hitting the M.A.R.C.: Establishing Foster Care Minimum Adequate Rates for Children. (2007, October).

University of Maryland, Children’s Rights and National Foster Parent Association. University of Maryland School of Social Work. [www.ssw.umaryland.edu/fostercare/index.htm](http://www.ssw.umaryland.edu/fostercare/index.htm)

<sup>15</sup>“An Analysis of Recent Trends in Colorado’s Public Mental Health System,” Division of Mental Health, Colorado Department of Human Services, February 2005.

<sup>16</sup>Colorado Department of Public Health and Environment.

<sup>17</sup>“About Suicide,” The Children’s Hospital, Denver, CO, June 2005.

<sup>18</sup>National Conference of State Legislatures.