

Colorado Department of Human Services  
Child Fatality Review  
8-27-07

**A. Identifying Information:**

Child: **Chandler Ashton McLain-Norris**- Legal name on Birth Certificate  
Also known as **Chandler Ashton Grafner**

DOB: 4/12/2000

DOD: 5/06/2007

Biological parents:

**Christina L. Grafner:** Biological mother of Chandler and Chandler's pre-school-age sibling.

**Josh Norris:** Biological father of Chandler

Caretakers of Children at time of Chandler Grafner's death:

**Jon Phillips:** Identified as psychological parent to Chandler and biological father of Chandler's pre-school-age sibling.

**Sarah Berry:** Identified as girlfriend/common law spouse of Jon Phillips

**B. Involved Counties:**

Arapahoe County Department of Human Services (ACDHS)

Denver Department of Human Services (DDHS)

Jefferson County Department of Human Services (JCDHS)

**C. Introductory Statement:**

The Colorado Department of Human Services Child Fatality Review Team conducted the review of the circumstances surrounding the death of Chandler Grafner. The team members include county and state staff, as well as legal, clinical and medical consultants. The purpose of the review is to examine existing practices and policies and how they currently affect the child welfare system in order to explore ways to improve it. These findings should not be construed to link the counties' actions to the actions allegedly perpetrated on this child by his guardians.

Statutory authority for this review is in Title 26-1-111, Colorado Revised Statutes. The Department of Human Services supervisory authority is outlined in the areas of child welfare and other programs as specified. It is in the capacity of supervision of the county's administration of child welfare programs that the state has the legal responsibility to require the corrective actions and to conduct follow-up reviews.

The review team reviewed the administrative fatality review reports submitted by Arapahoe, Denver, and Jefferson County Departments of Human Services, reviewed case records and conducted interviews with child welfare staff from all three counties.

In the course of the review, the State review team did multiple interviews with community members, such as law enforcement, attorneys, etc. These interviews are not directly represented in the report.

#### **D. Chronology:**

10/07/2004:

Arapahoe County Department of Human Services received a referral from a mandated reporter regarding neglect and possible abuse on two siblings. The report indicated that the four year old was not potty trained, still on a bottle and allegedly expressed fear of his dad. Named parents were Jon Phillips and Christina Grafner. (Mr. Phillips was stepfather to the 4 year old.) Allegations were investigated and unfounded. The assessment was closed on 1/13/05 with a risk level of medium. Mr. Phillips and Ms. Grafner were residing together with the children in Arapahoe County.

6/16//05:

Denver County Department of Human Services received a referral on Christina Grafner alleging she was smoking around her child who reportedly had asthma. Allegations were investigated and were unfounded. At the time of this referral both children were with Mr. Phillips.

9/23/05:

One of the siblings, Chandler, age 5, and a neighbor child, age 3, were found walking along E. Dry Creek, a busy, major street, at 9:30a.m. It was determined that the children had been missing for about 50 minutes. Chandler was living with his mother, Christina Grafner who was charged with Child Abuse – Knowing/reckless. On 11/02/05 a guilty plea was entered and she received probation for one year. The court case was closed 11/2/2006. Ms. Grafner was residing in Arapahoe County with the children.

12/07/2005:

Christina Grafner and her two children were living with maternal grandmother in Arapahoe County. The referral to the Arapahoe County Department of Human Services alleged that Chandler was beyond control of his parent and that Christina Grafner refused to take Chandler in for counseling. This referral was assigned for assessment and contact was made timely.

12/12/2005:

A mandated reporter made a referral to Arapahoe County Department of Human Services after the 12/7/05 reporting party shared similar concerns.

12/14/05:

During the course of the assessment the maternal grandmother called and reported that Christina Grafner had taken the children and moved to Jefferson County.

12/15/2005:

Arapahoe County received another call from the grandmother in which she provided the new Jefferson County address, so Arapahoe County DHS made a referral to Jefferson County. The address for the mother and her children that the grandmother provided could not be confirmed by Jefferson County. The assessment was closed, as the whereabouts of the mother and her children were unknown. Ms. Grafner was allegedly residing in Jefferson County with the children.

3/26/2006:

The Jefferson County Department of Human Services received a referral from law enforcement indicating that the mother of the children had been arrested for a traffic violation and had appeared to be under the influence of drugs. The children were taken into protective custody. The children appeared neglected and reported having not eaten since the day before. A case was opened and a Dependency and Neglect petition was filed as a result of the assessment. Jefferson County Department of Human Services was given temporary custody of the children and placed them with the maternal grandmother.

5/18/2006:

Jefferson County Department of Human Services transferred custody of the children to Jon Phillips and continued to provide services for the remainder of the year. Mr. Phillips' girlfriend, Sarah Berry, was added as a special respondent in July 2006.

1/11/2007:

Court hearing held in Jefferson County stating that the Department of Human Services was dismissed from case and Allocation of Parental Responsibility (APR) was awarded to Jon Phillips. Jefferson County was relieved of Protective Supervision on this date.

1/17/2007:

At 3:00p.m a Denver elementary school reports child abuse to Jefferson DHS (school records noted that Jefferson DHS was involved with the family). At 2:11p.m. on 1/18 Jefferson DHS faxed and called the referral to Denver DHS. Jefferson DHS ascertained that Denver had jurisdiction as the family was living in Denver County. Denver DHS initiated their investigation on 1/19/07. The allegations were determined to be unfounded. The Denver DHS investigation was closed in Trails on 2/07/07.

2/07/2007:

Allocation of Parent Responsibility was certified through the Domestic Court. Jefferson County District Court Case (D & N) was dismissed.

4/17/2007:

Denver Department of Human Services received a referral regarding concerns that Chandler was withdrawn from school. The referral was screened out because the county concluded there were no allegations of abuse or neglect as defined by law.

5/06/2007

Denver Police Department reported that Chandler had died and requested the Denver Department of Human Services to assist with the fatality investigation. Jon Phillips and Sarah Berry were arrested and jailed on suspicion of child abuse resulting in death.

#### **E. Case Summary:**

Chandler Ashton Grafner died on May 6, 2007 while in the care and custody of Jon Phillips and his girlfriend/common law wife, Sarah Berry. Chandler and his sibling were placed in Jon Phillips's home in May of 2006, with temporary legal custody transferred through the Jefferson County District Court on July 27, 2006. On January 11, 2007, the court in Jefferson County allocated parental responsibility to Jon Phillips, where Chandler remained until his death.

Chandler died from cardiac arrest and was severely malnourished, weighing thirty-four pounds at the time of his death. The initial police reports noted that Chandler suffered from malnutrition and had been locked in a closet. Jon Phillips and Sarah Berry were arrested in connection with Chandler's death and have been charged with: First Degree Murder by a Person in a Position of Trust, victim under 12- years-old; Child Abuse Resulting in Death by a Person Acting Knowingly or Recklessly; and First Degree Murder After Deliberation and with Intent to Cause Death.

#### Arapahoe County Department of Human Services:

The Arapahoe County Department of Human Services had two involvements with Chandler and his family. The first referral was on 10/07/2004 when a mandated reporter called Arapahoe County Department of Human Services expressing concerns that Chandler was neglected.

This referral was assigned for assessment. An Arapahoe County Department of Human Services caseworker made several attempts to contact the family and ultimately interviewed the mother, Christina Grafner, and Chandler. Chandler and his sibling were observed and were determined to be healthy by the caseworker and through collateral contact with medical personnel. The caseworker documented concerns regarding the family's circumstances, as the family had moved six times in the last year. Christina Grafner expressed concerns about her boyfriend, Jon Phillips, who is the father of Chandler's sibling. These concerns included allegations of domestic violence and that Jon Phillips was addicted to pain pills. Christina Grafner also expressed concerns that Jon Phillips may hurt Chandler. Christina Grafner had voluntarily sought counseling with the therapist, but Jon Phillips had refused to continue in counseling.

The caseworker cautioned Christina Grafner about leaving Chandler alone with Mr. Phillips if she had concerns that he would hurt the child. The caseworker provided Christina Grafner with options for safe places to go to and advised her she may need to take the children and leave Mr. Phillips if she continued to feel unsafe. The caseworker made several attempts to contact Jon Phillips to interview him, including unannounced

visits and a letter, but was unsuccessful in making subsequent contact with him. This assessment was closed with a risk level of medium.

The 12/7/05 referral to Arapahoe County included allegations that Chandler was beyond the control of his parent and that Christina Grafner refused to take Chandler in for counseling. The reporting party also stated Chandler ran away from home in September 2005 and was found by law enforcement. As a result of this incident, Christina Grafner pled guilty to a charge of “reckless endangerment;” however, there is no documentation that law enforcement reported this legal intervention to Arapahoe County Department of Human Services. It was subsequently learned that Christina was placed on probation for this incident, but she denied any legal issues at the time of her interview with the Arapahoe County intake caseworker. Christina Grafner and the two children were residing at the home of the maternal grandmother at the time of the report.

This referral was assigned for assessment. The caseworker met with Christina Grafner and her children at the maternal grandmother’s home, where they were residing at the time. Christina Grafner acknowledged that Chandler was having many behavioral problems and that they had gotten worse after his visits with Jon Phillips. Christina Grafner again reported that Jon Phillips used heavy drugs and alcohol and that this led her to move away from him, and she again expressed concerns that Mr. Phillips was abusive toward the children.

The intake caseworker urged Christina Grafner to seek mental health treatment for Chandler and to apply for Medicaid. The intake caseworker also observed both children and documented that they appeared to be developmentally appropriate, clean and well dressed and when questioned, Chandler denied any bruises from spanking.

At one point, the maternal grandmother left messages with the caseworker stating she might not allow Christina Grafner and the children to continue to reside with her. The intake caseworker staffed the status of the case with her supervisor and they concluded that as long as the grandmother was providing safe care, there were no imminent safety issues and no grounds for legal intervention at that time. The maternal grandmother advised the caseworker that Christina Grafner was not being honest with the caseworker and she believed that Christina was using drugs and alcohol and abusing and neglecting the children. Although county staff recognized that the level of risk in the family was high, they concluded there were no current safety issues to warrant legal action.

The intake caseworker continued her assessment and was unsuccessful in making further contact with Christina Grafner. On 12/15/05, the maternal grandmother advised the caseworker that the mother of the child had moved to Jefferson County. The Arapahoe County intake caseworker sent a referral to the Jefferson County Department of Human Services notifying them of the circumstances related to Christina Grafner and her children. Jefferson County Department of Human Services sent the referral back to Arapahoe County documenting “no confirmed Jeffco address, family has open case in your (ACDHS) county.” Arapahoe County Department of Human Services made no further attempt to contact the family or validate the address and closed their assessment.

Jefferson County Department of Human Services:

The Jefferson County Department of Human Services opened a case on Chandler Grafner and his sibling on 3/26/2006 when law enforcement called reporting that Christina Grafner was being arrested because her truck was blocking traffic and she appeared to be under the influence of drugs. Law enforcement reported the children “appeared neglected with Chandler appearing thin. The children were not in car seats and were not wearing shoes.”

The Jefferson County intake caseworker obtained a court hold and the children were initially placed with their maternal grandmother. The children were unable to stay in the maternal grandmother’s home because a home study did not approve continued placement, as it had been learned that the maternal grandmother allowed mother unsupervised contact with the children, violating the court order for visitation. She also was transporting the children without a driver’s license, without car insurance and did not have car seats for the children. Maternal grandmother’s roommate was found to have a criminal history.

The Jefferson County Department of Human Services was granted temporary legal custody of Chandler and his sibling on 3/28/2006. A treatment plan was devised for Christina Grafner and Jon Phillips on 5/18/2006. A need for a change in placement necessitated a Team Decision Making meeting, also conducted on 5/18/2006. The grandmother and the aunt stated that they believed Jon Phillips would be an acceptable placement for the children as long as they could continue to have contact with the children. The actions steps adopted in the Team Decision Making meeting included:

- 1) Children returned to Jon Phillips on 5/18/2006 following the caseworker’s home visit;
- 2) Have daycare arrangements established;
- 3) Follow up with a Jefferson Center for Mental Health referral for counseling for the children;
- 4) Make arrangements to allow for extended family visitation and availability for babysitting;
- 5) The mother of the children will have supervised visits at Jefferson County Department of Human Services;
- 6) The children are only to be transported in vehicles with child car seats and by people with valid driver’s licenses; and
- 7) No smoking around the children in homes or cars.

The Maternal grandmother later withdrew her support of the placement of the children with Jon Phillips as he denied her contact with the children, which is reflected in the caseworker notes. Jefferson DHS did not address the issue of visitation by the maternal relatives and proceeded with the plan for adoption, which then changed to allocation of parental responsibility.

There was no substantive effort by Christina Grafner to engage in the treatment plan developed by the Jefferson County ongoing caseworker. A petition to terminate her parental rights was initiated but was subsequently dropped. Jon Phillips responded in writing to the treatment plan questions given to him. The treatment plan required that Jon Phillips address concerns of substance abuse through participation in a random urinalysis program, provide a safe and stable living environment, understand and meet the medical and developmental needs of the children, maintain and enhance his relationship with the children, and cooperate and communicate with the agency during the course of the treatment plan. The treatment plan was not signed by Christina Grafner or Jon Phillips, but was adopted by the court.

During the development of the treatment plan, Jon Phillips stated that he believed statements made by Christina Grafner had affected the stance the ongoing caseworker had taken with him and caused her to pre-judge him. Jon Phillips also stated that his difficulty obtaining UA results were caused by misinformation provided to him by the ongoing caseworker. Mr. Phillips denied the abuse allegations and stated he and Ms. Berry would place the children's needs above their own.

After the placement of the children in Jon Phillips home in May of 2006, the court transferred temporary legal custody of Chandler and his sibling to Jon Phillips on July 27, 2006. The ongoing caseworker made contact with the two children at the Jon Phillips home in August, September, October, November and December of 2006. No concerns about the living condition or health of the children were noted for these contacts. The children were described in the 1/02/07 report to the court as "really thriving in their current placement". The ongoing caseworker described that Christina Grafner attended one parenting time visit with the children in April 2006, but did not appear for any other parenting time visits, nor make any other type of contact with the Jefferson County ongoing caseworker.

The children were seen by Dr. Kudilich at Evergreen Pediatrics in July 2006 and were not rescheduled for another examination until July 2007. The caseworker contacted his office and no health issues were noted. The medical records reflect that although Chandler was thin, he was not underweight. Mr. Phillips stated he had a dentist for the children, but had not scheduled appointments for their dental care. No mental health treatment was obtained for Chandler during the time this case was opened in Jefferson County. Although the caseworker provided referrals to Jon Phillips, he did not follow-through with them.

Jon Phillips was initially difficult to contact in order for the ongoing caseworker to schedule home visits, but the ongoing caseworker described that it was easier to contact him during the court review period. The ongoing caseworker described Jon Phillips as not hesitating to call if there was a concern. Jefferson County assessed prior concerns regarding substance abuse by Mr. Phillips and although there were difficulties at the initial stages of obtaining UA's, Jon Phillips completed 30 days of UA's with negative results for substances. The ongoing caseworker indicated in the 01/11/2007 Review of Treatment Plan that Jon Phillips had substantially completed the requirements by being

sufficiently successful in all the listed elements of the 5/02/2006 Treatment Plan and she made the recommendation that full allocation of parental responsibility be granted to Jon Phillips and that the respondent mother's visitation be determined at Jon Phillips discretion. The department also asked the court to consider dismissal of the case at this hearing.

A placement caseworker in the resource unit began a home study with Jon Phillips and Sarah Berry. The ongoing caseworker reported in the 1/04/07 court report that the caseworker in the resource unit "completed the majority of her home study with Mr. Grafner and Ms. Berry and the placement was going to be approved, but Mr. Phillips and Ms Berry did not follow through with the completion of the study." The placement caseworker stated she met with Jon Phillips on 6/08/2006, but that Sarah Berry did not stay during this visit. The placement caseworker was unable to talk to Sarah Berry or to talk to Jon Phillips and Sarah Berry as a couple. The placement caseworker continued attempts to make contact, however, was not successful and on 7/14/2006 sent a letter to the ongoing caseworker stating that she was going to close the referral because she was unable to make contact with Jon Phillips and Sarah Berry. The placement caseworker stated in the memorandum to the ongoing caseworker that the home appeared to be a positive place for Chandler and his sibling.

Both the placement caseworker and her supervisor did not consider the study completed and both indicated that it was rare to not complete a study once it had been initiated. The placement caseworker stated that the home study was to address the issue of Allocation of Parental Responsibility in the short term, (three to six months) and was not intended to address permanency issues. A Jefferson County DHS internal case deadline was established to proceed toward Allocation of Parental Responsibility as to Mr. Phillips if he did not pursue the offered option of adoption of Chandler. Jon Phillips did not return the forms to initiate the adoption process. Jon Phillips designation as the "psychological parent" of Chandler was accepted by involved parties. The Jefferson DHS goal was to keep the sibling group intact pursuant to Section 7.301.24B (12 CCR 2509-3).

Information regarding Jon Phillip's substantial completion of the treatment plan was provided to the court at the 01/11/2007 hearing when Allocation of Parental Responsibility was finalized and Jefferson County Department of Human Services was relieved of protective supervision responsibility for this case through the court and the Jefferson County DHS case was kept open for certification of the APR in Denver domestic court. The court was informed that the children were healthy, bonded with Jon Phillips and Sarah Berry, appeared happy and Jefferson County DHS recommended permanency in the Phillips-Berry household. The Phillips-Grafner case did remain open on Trails in Jefferson County until 5/07/2007, however almost all notes from the ongoing caseworker were maintained in the physical record and were not entered into the Trails system.

Denver Department of Human Services (DDHS):

The Denver Department began involvement in this case in June 2005 with a referral alleging that Christina Grafner was smoking around her child, who reportedly had asthma, was accepted for assessment and was closed as unfounded. The children were in the care of Jon Phillips at the time. Christina Grafner and Jon Phillips had separated and were not living together.

The second referral to DDHS came as a result of a report made by staff from a Denver Public School to the Jefferson County Department of Human Services at 4:37 p.m. of 1/17/2007. The report from the school stated that they had noticed a bruise on Chandler's ear and a bruise on his neck. Chandler reportedly told the teacher that his dad, Jon Phillips, had slapped him while he was in the shower and smacked his neck. Chandler also reported not having attended school on January 16<sup>th</sup> because of these alleged injuries.

Jefferson County Department of Human Services faxed the referral to DDHS at 2:11 p.m. on 1/18/2007. The Jefferson County caseworker phoned the Denver Child Abuse Hotline at 6:00 p.m. to make sure the fax had been received. DDHS staff noted that the referral had been received and attempted to contact the assigned Jefferson County ongoing caseworker to ascertain what needed to be done as it was not clear if Jefferson DHS had initiated an investigation and a check in the Trails system showed the case was open to Jefferson County DHS; there was little documentation in Trails regarding Jefferson DHS's open case involvement with the family. Denver County stated they were unable to contact the Jefferson County caseworker, as the phone contact information for the Jefferson County DHS ongoing caseworker was incorrect.

Jefferson County DHS reported to DDHS that the Jefferson County District Court had ordered Allocation of Parental Responsibility to Jon Phillips. Jefferson DHS no longer had court jurisdiction and therefore Denver would have to investigate the referral as the family lived in Denver County. Later examination of the court records indicated that the hearing for Allocation of Parental Responsibility was held on 1/11/2007. The court released Jefferson County DHS from court ordered supervision responsibilities of the case on this same date.

The referral was immediately staffed by the DDHS's emergency response team Supervisor in Denver County, and was assigned for investigation on 1/19/07. Denver DHS made attempts to contact the victim and the family within 24 hours of their receipt of the referral.

On 1/19/2007 the Denver DHS assigned intake caseworker contacted the reporting party at the elementary school to discuss the referral. The intake caseworker made arrangements to respond to the school at the afternoon kindergarten time, as Chandler was an afternoon student. Midmorning the school notified the intake caseworker that Mr. Phillips had called to say that Chandler would not be attending school that afternoon. Attempts were made by the intake caseworker to contact the family by phone in order to

coordinate a home visit. After attempts to locate the family were unsuccessful, the intake caseworker left a letter directing the Phillips to contact the caseworker. A request was made for a police welfare check by close of business that day. Denver Police attempted a welfare check at 8:10 p.m. on 1/19/2007, but no contact could be made and the intake caseworker's letter was still at the home. A second police welfare check was requested on Saturday 1/20/07.

The police contact was successful and at 2:15 p.m. on the 20<sup>th</sup>, Chandler and his sibling were brought to the Family Crisis Center for assessment. The Denver emergency response caseworker observed slight bruising on the right ear and described the bruising as less severe than the responding Denver Police officer described it. The officer took photos of the child's injuries.

Chandler explained to the emergency response caseworker that he had slipped and fallen in the shower and denied any physical punishment by Jon Phillips or Sarah Berry. The emergency response caseworker contacted Jon Phillips by telephone and he stated that Chandler had fallen in the shower while he was "throwing a fit". Chandler described showers as the means to clean up when he was not good, compared to taking a bath where he could play in the water, which was his first choice. Chandler stated he had to take a shower because he had taken candy from the kitchen and also stated when he is in trouble, they have to "eat nasty food" which he defined as fish.

The emergency response caseworker and her supervisor decided that the emergency response caseworker would do a home visit to further assess the discrepancies in the information available to Denver DHS concerning the bruising on Chandler's right ear and to determine whether the children were to be returned to the Phillips-Berry home on 1/20/2007. During the home visit the emergency response worker looked at the area where the alleged incident took place to determine whether the bruising could have happened as a result of the fall the child described. In conjunction with a walk through the home, the worker observed the interactions between Chandler and the caretakers and did not have any concerns. The home was assessed to be free of danger and the risk was assessed to be low.

The entire family was "ordered in" on 1/22/2007 (Monday), and DDHS and the Denver Police Department conducted an investigation. On this day there were no bruises or marks noted by the intake caseworker and all parties gave consistent stories about how Chandler was injured. Jon Phillips and Sarah Berry reported they believed the current referral was retaliatory in nature from the school personnel as they had a conflict with the school.

The Denver Human Services intake caseworker completed a second home visit to the family home on 1/31/2007 and conducted follow up contacts with personnel from the school and the children's pediatrician. A faxed report from the pediatrician's office did not list any medical concerns. DDHS closed this assessment as unfounded on 2/07/07.

On 4/17/2007 the DDHS received another referral from the elementary school reporting that Chandler had not been in school since 3/09/2007. Intake supervisors found no allegations of abuse or neglect in the referral and did not assign this referral for further investigation. They did note that the case continued to show as “open” to Jefferson County in the Trails system. The elementary school forwarded a written report, as required, to Denver DHS within the following month.

DDHS received a call from the Denver Police Department requesting that a caseworker respond to assist in the investigation of the fatality of Chandler Grafner at approximately 4:00 p.m. on Sunday, 5/06/2007. Jon Phillips and Sarah Berry were jailed on charges of suspicion of child abuse resulting in death.

#### **F. Practice Findings - Strengths:**

1. Arapahoe County Department of Human Services provided detailed assessments in Trails, the state automated reporting system.
2. Jefferson County Department of Human Services utilized team decision-making to assure family discussion and input in the children’s change of placement.
3. Denver Department of Human Services fatality investigation was well coordinated, detailed, well documented and timely.

#### **G. Practice Findings – Concerns:**

It is not practical or appropriate to have rules for all child welfare circumstances and decisions. Critical thinking and sound judgment often are the basis for case decision-making. Although counties are not held accountable to practice decisions, CDHS identifies the following practice concerns.

1. In Arapahoe County Department of Human Services, staff did not follow-up on the whereabouts of Christina Grafner and the children when they were informed that the family’s new address in another county was not a valid address. The county has reported that they have addressed this practice concern.
2. As part of the December 7, 2005 assessment, Arapahoe County Department of Human Services did not initiate a criminal background check on the mother and therefore was unable to explore reports that Christina Grafner had been charged criminally for reckless endangerment. In 2005 county departments did not consistently have access to criminal information and it is now considered common practice to request criminal information when conducting child protection assessments.
3. The issues presented in the case indicated a need for Jefferson County Department of Human Services to do a more comprehensive assessment of Jon Phillips and Sarah Berry. Home studies and social and psychological evaluations are not required in

Volume 7 prior to recommending allocation of parental responsibility. However, the significance of the placement decision in terms of safety and permanency for the child indicates the need to examine the relationship between the child and the adult caregivers as well as adult and child functioning prior to such a recommendation. When Jon Phillips and Sarah Berry did not follow-through with appointments, this was cause to press for further assessment. In this case, the study could have been a vehicle to pursue past allegations of domestic violence and child abuse that were never otherwise pursued.

4. The facts revealed during the 1/20/07 assessment should have lead the Denver Department of Human Services caseworkers to a conclusion of “inconclusive” or “founded” for abuse or neglect, given the credible report of abuse by Chandler to the school and one law enforcement officer and a documented injury indicative of non-accidental trauma.

#### **H. Policy/Compliance Findings:**

Policy findings result from county child welfare actions that are found to be in violation of State statute or rule. Corrective actions are required by the county cited in the findings listed below. Sanctions may be imposed for continued non-compliance.

1. Jefferson County Department of Human Services did not make a timely contact with Chandler Grafner, who was the subject of the report received on 1/17/07. The referral required an immediate to 24-hour response to include an interview or observation of the child, as outlined in Section 7.202.52 A (12 CCR 2509-3). When the report was sent to Denver DHS, Jefferson had not taken action to assure that the child would be seen within the 24-hour timeframe.

##### 7.202.52 Investigation Requirements

A. Within the assigned response timeframe, the investigation shall include a face-to-face interview with or observation of the child who is the subject of a report of abuse or neglect.

##### Action Required:

Jefferson County DHS shall review and modify policy and procedures to assure that referrals to other county departments occur timely.

2. Jefferson County DHS did not communicate critical information to Denver Department of Human Services in the 1/17/07 Trails referral about the status of the case and their involvement with the family as required in Section 7.000.6 J (12 CCR 2509-3).

##### 7.000.6 County Responsibilities

J. The county department shall share appropriate information with other child welfare agencies and community professionals who care for, treat, or supervise a child to ensure coordination of services and protection of the child.

Action Required:

Jefferson County DHS is to identify any policy or practice issues that created a barrier to timely communication and implement necessary changes to bring policy and practice into compliance.

3. Jefferson County DHS had no record of diligent search done at the time of placement, as required in Section 7.304.52 B (12 CCR 2509-3) that could have identified placement options other than Jon Phillips.

7.304.52 Diligent Search

A. Definition: Diligent search is the timely good faith effort to locate any absent parent of a child(ren) entering out-of-home placement.

B. The county department shall commence a diligent search within three (3) working days of placement out of the home. The county shall document diligent search efforts in the child's Family Services Plan.

Action Required:

Jefferson County DHS is to review diligent search practices and identify and implement training and/or policy revisions needed to bring practice into compliance.

4. The Jefferson County DHS October 2006 ninety-day review did not evaluate the significance of Jon Phillips' failure to follow-through with what was needed to adequately meet the medical and developmental needs of Chandler and his sibling. Unmet needs included mental health and dental. Jon Phillips and Sarah Berry did not sign the Family Services Plan. Compliance with the issue of assuring that families sign the Family Services Plan is an issue statewide

7.301.3 Family Services Plan Review and Updates

A continuing reassessment and documentation of the Family Services Plan in relationship to progress to goals shall be done. If a significant change in client service needs occurs, a re-determination of eligibility and/or a reassessment of services shall occur and the Family Services Plan shall be amended, if applicable.

A. The Family Services Plan shall be reassessed prior to termination of the plan.

B. The reassessment should be performed jointly with the client and in situations where joint evaluation cannot occur, the reasons shall be documented in the case record.

1. Family members' signatures should be obtained on the plan at the time of the review.

2. Family members should be advised of the child welfare grievance resolution process of the county.

E. The Family Services Plan shall be reviewed in conference with the caseworker and supervisor every 90-calendar days. The six-month Administrative Review of children in out-of-home placement may substitute for a 90-day review.

Action Required:

Jefferson County DHS is to review expectations of staff to complete and document 90-day reviews and identify and implement training and/or policy revisions needed to bring practice into compliance.

5. Jefferson County DHS did not close their case in Trails within 90 days of last direct client contact as required in Section 7.001.7 (12 CCR 2509-3), and therefore it appeared that services were possibly being provided to the family when they were not.

7.001.7 Case Closure

B. The worker shall document the following in the case record:

1. Reason(s) for case closure.
2. A summary of services provided, which includes progress made toward stated goals.
3. An assessment of risk of further child abuse or neglect for Program Area 5 cases.

C. The county department shall close a case on the Department's automated reporting system no later than 90 days after the last direct client contact. The county department shall assure the case is closed in the automated system as prescribed by the State.

Action Required:

Jefferson County DHS is to review Trails documentation policies and practices and identify and implement training and/or policy revisions needed to bring practice into compliance.

6. Denver Department of Human Services did not obtain information from Jefferson County Department of Human Services upon receipt of the 1/17/07 referral as required in 7.202.52 D(3) (12 CCR 2509-3).

7.202.52 Initial Assessment

D. The county department shall... conduct an initial assessment. The initial assessment shall decide the appropriateness of further investigation. It shall include, but not be limited to, the following activities:

3. Obtaining information from collateral sources, such as schools, medical personnel, law enforcement agencies, or other care providers.

Action Required:

Denver DHS is to identify any policy or practice issues that created a barrier to timely communication and implement necessary changes to bring policy and practice into compliance.

### **I. County DHS Follow-up:**

This statement provides notice that a corrective action plan is required on all findings with required action, that a corrective action plan is due to the State forty-five (45) days after receipt of this report, and that upon receipt and review of the plan the State will provide approval.

During the 45 days timeframe, if the county disputes the factual basis for a compliance finding, the timeframe for completion will be negotiated.

### **J. Colorado Department of Human Services Policy Implications:**

Commitment to the following actions underscores CDHS's determination and responsibility to improve child welfare practices statewide. The State will:

1. Amend State policy to require completion of home studies for all kinship care placements and assess the availability of resources to implement this practice statewide.
2. Explore the need for additional training and development of policies to promote understanding of attachment issues between children and adult caregivers.
3. Amend State policy to strengthen the requirement that counties input information into Trails in a timely and thorough manner and require increased usage of Trails data especially on weekends and holidays.
4. Evaluate current diligent search policy related to locating missing parents and kin and examine whether to require use of specific databases.