

Colorado Department of Human Services
Child Fatality Review
4/15/2008

A. Identifying Information:

Child: Loreyna Barea
DOB: 08/07/1999
DOD: 03/09/2007 (age 7)

Parents:
Mother: Margaret Barea (deceased)
Father: Unknown

Caretakers of children at time of Loreyna Barea's death:
Child's maternal aunt: Genevieve Barea (age 45)
Genevieve Barea's common-law husband: Dan Partch (age 47)

B. Involved County:

Weld County Department of Social Services (Weld County DSS)

C. Introductory Statement:

The Colorado Department of Human Services Child Fatality Review Team conducted the review of the circumstances surrounding the death of Loreyna Barea. 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 county's actions to the actions allegedly perpetrated on this child by her caregiver(s).

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.

D. Case Summary:

Loreyna Barea died on 03/09/2007, while in the custody and care of legal guardians Genevieve Barea, her maternal aunt, and Dan Partch, Genevieve's common-law husband. Relatives sent the child to live with Genevieve Barea on 05/05/2005, reportedly because of neglect (abandonment) by her biological mother. These same relatives contacted Weld County DSS to ask for assistance. The county responded, and provided referral information for the relatives to seek legal custody of the children. On 08/26/2005, Genevieve Barea and Dan Partch received temporary custody of the children as a result of an Allocation of Parental

Responsibility action that they initiated. Two referrals were received on Genevieve Barea and Dan Partch, on 3/9/2006 and 4/11/2006. These referrals are not relevant to the death and are therefore confidential.

On 3/9/2007 Loreyna Barea, age 7, died. Autopsy findings indicated that Loreyna Barea had died of "blunt force injuries and acute dehydration complicating chronic under nutrition." The child was "extremely emaciated (below the 3rd percentile) for her age." The medical examiner observed that the "overall pattern of injuries and underlying state of nutrition are highly suspicious for physical abuse and neglect" and listed the manner of death as homicide. The results of the autopsy were released 05/24/2007.

Weld County DSS Findings related to the fatality: The Weld County DSS fatality assessment was founded for fatal physical abuse of Loreyna Barea by Genevieve Barea and Dan Partch.

E. Chronology:

Referral - 02/26/2007:

Weld County DSS received a referral regarding continuing concerns for the Barea children. The referral alleged that the children were fearful of Genevieve and did not "have normal behavior." The reporting party advised that she had observed the children on 01/11/2007, when they were brought to the hospital to see their biological mother and that they were not allowed to look at or speak to any of the biological mother's 10 brothers and sisters who were there. The reporting party stated that Genevieve was very controlling and "has isolated the children from the family and the outside world." This referral was not assigned for investigation.

Referral - 03/09/2007:

In the early morning hours, Weld County DSS received a report from the Evans Police Department that 7-year-old Loreyna Barea had died of currently unknown causes.

At 2:15 p.m. the caseworker received a call from the assigned detective with the Evans Police Department who advised that the autopsy revealed that Loreyna's body was badly bruised, but a cause of death had not yet been determined. The detective recommended that the Evans Police Department take the surviving Barea children into protective custody. Weld County DSS and Evans Police Department jointly responded to take custody of the children. The children were examined for injuries. No injuries were observed and they were placed in foster care.

05/23/2007:

Genevieve Barea and Dan Partch were arrested by the Evans Police Department on suspicion of child abuse resulting in death.

F. Policy Findings:

Findings described below outline violations of state policy. Corrective actions are required by Weld County DSS in response to each finding.

1. Finding:

Weld County DSS caseworkers did not contact reporting parties to obtain additional information and clarification before deciding what actions to take on the 2/26/2007 referral. The reporting party was not informed as to whether the referral was accepted for investigation. These actions are in violation of Volume 7, Section 7.202.4 C, D (1-3), which states:

7.202.4 Initial Assessment

C. The county department shall provide appropriate referral information to the reporting party in those situations in which there are inadequate grounds to constitute assignment for assessment and investigation. Either casework or supervisory staff shall inform, whenever possible and appropriate, the reporting party of the decision not to investigate and the reasons for that decision.

D. The county department shall review all reports and 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:

1. Checking the State Department's automated system.
2. Reviewing county department files.
3. Obtaining information from collateral sources, such as schools, medical personnel, law enforcement agencies, or other care providers.

County Response:

At this time, the Weld County Department of Social Services has a process in place to check the State Department's automated system, review county department files, and obtain information from collateral sources for all referrals it receives.

Weld County Department of Social Services has developed a corrective action plan to address the actions required.

Action Required: Weld County DSS will develop and implement protocols that direct staff on how to:

- a. Obtain information from collateral resources, county files and the State's automated system (Trails) to determine the appropriateness of further investigation.
- b. Respond to the reporting party when the referral will not be accepted for assessment.
- c. Document referral information consistent with policy.

2. Finding:

The 02/26/2007 referral was screened out because the department concluded that the information in the referral did not contain allegations of abuse or neglect as defined in the Colorado Children's Code, even though the information presented in the referral identified concerns for suspected abuse. The law states that the county department shall immediately respond to any report of a known or suspected incident of intrafamilial abuse or neglect. This is in violation of 19-3-308 (1, a) C.R.S. and Volume 7, Section 7.202.4 F (1-3).

19-3-308 (1) (a) The county department shall respond immediately upon receipt of any report of a known or suspected incident of intrafamilial abuse or neglect to assess the abuse involved and the appropriate response to the report.

7.202.4 Initial Assessment

F. The county department shall assign a referral for assessment and investigation if it:

1. Contains specific allegations of known or suspected abuse or neglect as defined in statutes and regulations. A "known incident of abuse or neglect" would involve those reports in which a child has been observed being subjected to circumstances or conditions that would reasonably result in abuse or neglect. "Suspected" abuse or neglect would involve those reports that are made based on patterns of behavior, conditions, statements, or injuries that would lead to a reasonable belief that abuse or neglect has occurred or that there is a serious threat of harm to the child.
2. Provides sufficient information to locate the alleged victim.

County Response:

The information contained in the referral received on 2/26/2007 did not identify known and/or suspected abuse to the child. The Weld County DSS caseworkers and managers are aware of the distinction between reported abuse and suspected abuse. The decision to screen out this referral was based on the standards set forth in Volume 7.

Action Required: Weld County DSS will submit and implement a plan as to how they will train and supervise staff to consider both known and suspected child abuse or neglect, as defined by statute, when deciding to assign a referral for further investigation.

G. Follow-up Actions Required:

This statement provides notice that a corrective action plan is required on all findings with required action and 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 or request further county action.