

Colorado Department of Human Services
Child Fatality Review
4/15/08

A. Identifying Information:

Child: Zoe Garcia
DOB: 11/10/2000
DOD: 12/06/2007 (age 7)

Parents:
Mother: Dana Trujillo (age 30)
Father: Anthony Garcia (age 28)

Persons responsible for the fatal abuse:
Zoe's sister: Heather Trujillo (age 16)
Heather Trujillo's boyfriend: Lamar Roberts (age 17)

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 Zoe Garcia. The purpose of the review is to examine existing practices and policies and how they currently affect the county child welfare programs. These findings should not be construed to link the counties' actions to the actions allegedly perpetrated on this child by her caregivers.

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:

On 12/6/07 Johnstown Police Department was dispatched to a call regarding a seven year-old female who was unconscious and not breathing. The child, Zoe Garcia, was transported to North Colorado Medical Center where she was pronounced dead. It was reported that Zoe was wrestling and playing "Mortal Kombat" with her sister and her sister's boyfriend. According to Heather, "all of a sudden Zoe did not seem right". The coroners ruled Zoe Garcia's death as a homicide from blunt force injuries. Heather Trujillo, Zoe's sister, and Lamar Roberts, Heather's 17-year-old boyfriend, were arrested and charged as adults in the death of Zoe Garcia.

Ms. Dana Trujillo moved to Weld County in early 2007 with her children. Lamar Roberts resided in the home as well. This report chronicles the Weld County DSS's

involvement beginning with a report that Zoe Garcia's older sister and her sister's boyfriend were abusive to her.

Ms. Trujillo resided in five other counties before moving to Weld County in less than a one-year period. During this time Ms. Trujillo had prior involvement with Adams County Department of Social Services, Jefferson County Department of Human Services, Lincoln County Department of Social Services, Denver Department of Human Services, Arapahoe County Department of Human Services and Weld County Department of Social Services, due to neglect (lack of supervision), alleged substance abuse, and homelessness. The New Mexico Children, Youth and Families Department was also involved and it appears that Ms. Trujillo left the State of New Mexico in 2003 and did not comply with the voluntary services that were provided.

Adams County Department of Social Services had prior involvement with Lamar Robert's family.

E. Chronology:

Referrals - 08/24/2007 and 08/28/2007:

A mandated reporter called Weld County DSS indicating that Zoe Garcia and her 16-year-old sister, Heather Trujillo, were wrestling and fighting and Zoe hit the couch, which caused a bruise on her forehead. The referral was assigned and timely contact was made. A similar call was received four days later from a different reporting party who reported that Zoe had a big bruise on her face and that Zoe said that Heather caused the bruise. The reporter stated that Lamar Roberts was mean when he was drunk (which Zoe denied when interviewed by the investigating caseworker) and that Lamar hits Zoe. Zoe had bruises on her elbows, forearms, shoulders, and down her arms (some of the bruises looked old, yellow, but some were more black and blue). Zoe stated that, "my sister beats me up a lot". There were concerns that Zoe's mother was working evenings, not supervising the children, and using drugs (methamphetamines). It was reported that one of Zoe's younger siblings had a skull fracture the summer of 2006. Reportedly, a couch flipped over causing injury to the child. The child was then airlifted to Children's Hospital. The agency indicated that the allegations were inconclusive for abuse. The assessment was closed.

Referral - 10/29/2007:

Weld County DSS received a referral on 10/29/07 alleging that the reporter witnessed Lamar Roberts "poke the kids in the head, throw them in the air and not catch them, and try to get them to smoke marijuana". Lamar and Heather told the reporter that they had gotten Zoe drunk and high. Heather and Lamar baby-sat the children while the mother was at work. The referral was assigned and contact was made timely. The caseworker visited the home on 11/5/07 and found the children unsupervised while their mother slept and Ms. Trujillo was unable to be aroused. The police were contacted and entered the home and awakened the mother. The mother denied drug use. She was asked to submit a urinalysis (UA) that day. Due to handling complications, the UA taken that day was never processed timely.

The police reported that they had previously been out to the home due to the young twins being unsupervised outside wearing only a diaper. The assessment was “founded” for a lack of supervision at the minor level of severity and the department agreed to provide ongoing voluntary services to the family. When the fatality occurred, an ongoing caseworker had not yet been assigned.

Referral - 12/07/2007:

The Weld County Sheriff’s department responded to a call that a 7 year old, Zoe Garcia, had died. The sheriff’s department reported the death to Weld County DSS who initiated a fatality investigation. Heather Trujillo, Zoe’s sister, and Lamar Roberts, Heather’s 17-year-old boyfriend, were arrested and charged as adults in the death of Zoe Garcia.

Weld County DSS Finding: The Weld County DSS assessment was founded for physical abuse on Zoe Garcia by Lamar Roberts and Heather Trujillo, and ruled inconclusive for neglect, failure to protect, on Zoe Garcia by her mother, Dana Trujillo.

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 had information from the interviews of the children following the 8/24/07 referral that indicated Zoe Garcia and her siblings were in danger from Heather Trujillo’s actions and were victims of their mother’s child neglect. The mother was not parenting these children, and instead was relying on her teenage daughter and her daughter’s boyfriend. The interviews revealed a chaotic, dangerous situation for Zoe Garcia. Action to protect the children was needed and the lack of action was in violation of Volume 7, Section 7.202.5 (12 CCR 2509-3), Investigation Procedures, which states:

The purposes of the intake investigation are to:

- A. Assess and ensure safety;
- B. Assess risk, needs, and strengths of children and families;
- C. Oversee development and coordination of the initial Family Services Plan; and,
- D. Obtain appropriate resources for children and their families.

County Response:

At this time, Weld County Department of Social Services is unable to respond to the State’s findings set forth in the Garcia Review, because there are many sections therein that contain inaccurate factual allegations not supported by the information the Weld County Department of Social Services had at the time of the referrals in the Garcia case.

Action Required: Weld County DSS will establish a protocol for supervisory review and approval of all investigation decisions with a related documentation

process that justifies subsequent actions and assures that the agency provides services to children observed to be in danger.

2. Finding:

14 prior referrals (since December 2003) were available for review when Weld County DSS assigned the 8/24/07 referral (9 on the Trujillo/Garcia family and 5 on Lamar Roberts and his family). The extent and nature of these referrals warranted their consideration when deciding whether Zoe needed protection. A review of the prior referrals would have revealed criminal and delinquent conduct, substance abuse, domestic violence, transience, truancy, child neglect, lack of supervision and child abuse, including an outstanding warrant for child abuse in another State on the child's mother. A review would also have revealed a chronic pattern of denial, minimization and systems avoidance by all family members, including Zoe. This is a violation of Volume 7, Section 7.202.4, D, (12 CCR 2509-3):

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:

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, Weld County Department of Social Services is unable to respond to the State's findings set forth in the Garcia Review, because there are many sections therein that contain inaccurate factual allegations not supported by the information the Weld County Department of Social Services had at the time of the referrals in the Garcia case.

Action Required: Weld County will review and revise its internal procedures and policies to assure compliance with these regulations. All child protection staff, including supervisors, will receive additional training, and supervisors will develop a plan for monitoring adherence to this regulation.

3. Finding:

Weld County DHS did not assure that the alleged skull fracture to Zoe's sibling was investigated, as required in Volume 7, Section. 7.202.4 (12 CCR 2509-3) Initial Assessment, specifically E(5) and (9):

E. The county department shall gather and document the following information, as available:

5. Presenting problems - specific allegations.
9. Collateral agencies and individuals involved with the family.

County Response:

At this time, Weld County Department of Social Services is unable to respond to the State's findings set forth in the Garcia Review, because there are many

sections therein that contain inaccurate factual allegations not supported by the information the Weld County Department of Social Services had at the time of the referrals in the Garcia case.

Action Required: Weld County DSS will review and revise its internal procedures and policies to assure compliance with these regulations. All child protection staff, including supervisors will receive additional training, and supervisors will develop a plan for monitoring adherence to this regulation.

4. Finding:

Although Weld County DSS interviewed Lamar Roberts as part of the 8/24/07 assessment, the department did not gather and document identifying information on him. Since he was a member of the household at that time, this is a required action. Volume 7, Section 7.202.4 E (12 CCR 2509-3) states that:

- E. The County Department shall gather and document the following information as available.
1. Family members and birth dates.
 2. Relationships of individuals in the home.
 4. Reasonable efforts to secure the identity of the person alleged to be responsible for the abuse or neglect.

County Response:

At this time, Weld County Department of Social Services is unable to respond to the State's findings set forth in the Garcia Review, because there are many sections therein that contain inaccurate factual allegations not supported by the information the Weld County Department of Social Services had at the time of the referrals in the Garcia case.

Action Required: Weld County will review and revise its internal procedures and policies to assure compliance with these regulations. All child protection staff, including supervisors will receive additional training, and supervisors will develop a plan for monitoring adherence to this regulation.

5. Finding:

Weld County DSS did not complete the safety assessment within the required time frame for the referral dated 10/29/07. Weld County DSS was in violation of Volume 7, Section 7.202.533, C, (12 CCR 2509-3), Parameters for Use of the Colorado Safety Assessment:

- C. The Colorado Safety Assessment shall be documented in the State's automated system no later than thirty (30) calendar days from the date the investigation/assessment was received.

County Response:

At this time, Weld County Department of Social Services is unable to respond to the State's findings set forth in the Garcia Review, because there are many sections therein that contain inaccurate factual allegations not supported by the

information the Weld County Department of Social Services had at the time of the referrals in the Garcia case.

Action Required: Employees providing child protection services will receive training in developing safety assessments that identify the conditions or family actions that may endanger child safety. Supervisors will develop a method of monitoring and assuring compliance with this regulation.

6. Finding:

Weld County DSS did not complete the risk assessment within the required time frame for the referral dated 10/29/07. Weld County DSS was in violation of Volume 7, Section 7.202.52, I, (12 CCR 2509-3)

I. Colorado Family Risk Assessment

4. The risk assessment documentation is to be completed within 30 calendar days from the date investigation/assessment was assigned which is at or before completion of the child protective services investigation.

County Response:

At this time, Weld County Department of Social Services is unable to respond to the State's findings set forth in the Garcia Review, because there are many sections therein that contain inaccurate factual allegations not supported by the information the Weld County Department of Social Services had at the time of the referrals in the Garcia case.

Action Required: Employees providing child protection services will receive training in completed risk assessments within the time frames required. Supervisors will develop a method of monitoring and assuring compliance with this regulation.

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 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 approve or request further county action.