

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

A. Identifying Information:

Child: Rosalia Garcia-Quintana
DOB: 12/06/2002
DOD: 10/30/2007

Parents:
Mother: Angelica Garcia (age 26)
Father: Salvador B. Quintana (age 23)

Person(s) alleged responsible for fatal abuse:
Father: Salvador B. Quintana
Stepmother: Carmen Guerra (age 28)

B. Involved County:

Otero County Department of Social Services (Otero 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 Rosalia Garcia-Quintana. 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 county's actions to the actions allegedly perpetrated on this child by her parent(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:

On 10/31/07 Rosalia was found dead in her home. The certificate of death for Rosalia lists the cause of death as "bacterial sepsis due to chronic abuse and neglect" and the coroner listed the manner of death as "homicide." The autopsy indicated that the child exhibited numerous infected skin ulcers on her body, which led to bacterial sepsis, acute pneumonia, and death. There were numerous contusions and abrasions and the child was malnourished. There were acute subdural hematoma, which could have been caused by trauma or pathologic processes such as infection.

At the time of her death, Rosalia Garcia-Quintana was residing with her biological father, Salvador Quintana and stepmother Carmen Guerra. This arrangement was established in July 2007 by the parents. Both of whom were subsequently charged with felony Child Abuse Resulting in Death.

Prior to her death, the Otero County DSS received two referrals in 2004 of suspected child abuse/neglect involving Rosalia. These referrals were not relevant to the death and are therefore confidential. Otero County DSS received two referrals in 2007 and these are summarized in the chronology section below.

Approximately 2½ weeks prior to her death, on 10/12/2007, Otero County DSS received a referral regarding physical abuse of Rosalia by her father. The Department concluded that Rosalia was in Texas, as reported by her father and the anonymous caller's report of the abuse to Rosalia could not be accurate.

E. Chronology:

7/05/2007

Otero County DSS received a report alleging child abuse to Rosalia within the mother's household. Rosalia was residing with her father, Salvador Quintana, and stepmother, Carmen Guerra, at the time of the referral. The parents had just established this arrangement. The allegations were investigated and were unfounded. Rosalia was upset about the prospect of returning to her mother's home to live. Once informed of this, Ms. Garcia agreed to let Rosalia remain with her father and stepmother. Ms. Garcia did not follow through with visitation.

8/29/2007

Otero County DSS caseworker met with the biological parents of Rosalia, Salvador Quintana and Angelica Garcia to discuss visitation, at the parents' request. They were provided with legal referrals.

Referral - 10/12/2007

Otero County DSS received an anonymous referral that Rosalia's father and stepmother were abusing her. A caseworker made two attempts to contact the family by making a home visit the day the call was received and the following day. The second day the caseworker received a telephone call stating that Rosalia was with her father, Salvador, who was visiting his ill father in Texas, and had been gone for 1½ to 2 weeks. Salvador subsequently called the Department and told them he was in Odessa, Texas. Based on the telephone calls the Department concluded that there could not have been abuse witnessed in Otero County in the past two days as reported by the caller. This referral was not opened as an assessment and no further interviews were conducted.

Referral - 10/31/2007

Rosalia Garcia-Quintana died at the home of her father, Salvador Quintana and stepmother, Carmen Guerra. The Otero County DSS on-call caseworker was called subsequent to law enforcement's securing of the crime scene. The certificate of

death lists the manner of death as a homicide by “bacterial sepsis due to chronic abuse and neglect”.

Otero County DSS Finding related to the fatality: This report was confirmed on Salvador Quintana and Carmen Marquez as fatal abuse.

F. Policy Findings:

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

1. Finding:

Face to face interviews with the victim and siblings were not completed. Otero County DSS was in violation of Volume 7, Section 7.202.52, (12 CCR 2509-3) following the 10/12/07 referral of alleged abuse when no face-to-face interviews of the alleged victim and siblings in the home or collateral contacts were conducted. Additionally, a visit to the child’s residence was not completed which may have assisted in determining the truth of the allegations. There was no verification that the father and the victim were in Texas as alleged by the stepmother.

7.202.52, A, E, (12 CCR 2509-3) Investigation Requirements:

The investigation of intra-familial, institutional, or third party abuse shall be conducted as set forth in 19-3-308 (2, 3, 4) through 19-3-308.5, C.R.S., to the extent that is reasonably possible. This shall occur as soon as possible following the receipt of the referral according to the county’s prioritization of the incident.

A. Within the assigned response time frame, the investigation shall include a face-to face interview with or observation of the child who is the subject a report of abuse or neglect. An interview shall occur if the child has verbal capacity to relate information relevant to safety decisions; otherwise, an observation of the child is sufficient.

E. A visit to the child’s place of residence or place of custody shall be completed as part of the investigation if:

1. Home conditions are the subject of the referral; or,
2. Information obtained in the interview process indicates assessment of the home environment is necessary due to safety issues.
3. The visit will assist the investigator to determine the truth of the allegations.

County Response:

Otero County agrees with the findings and will implement required actions.

Action Required:

1. Otero County DSS caseworkers providing services in child protection assessment shall receive training and ongoing supervision regarding the requirements for all steps required in the completion of a child abuse assessment/investigation.

2. A thorough supervisory/oversight process will be established to ensure timely and complete investigatory processes are being followed in all cases that have been identified as appropriate for assessment.

2. Finding:

All referrals are not being entered in Trails. When the 10/12/07 referral was received it was only recorded as a contact note. This is the referral that preceded the death of Rosalia by 2½ weeks. The county department's initial actions indicate acknowledgement of the 10/12/07 referral as such, but it was not completed as a referral as required by Volume 7.

7.202.4 (12 CCR 2509-3) Initial Assessment:

- D. The county department shall enter all referral into Trails outlined in Sections 7.200.6 and 7.200.61, (12 CCR 2509-3) 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 source, such as schools, medical personnel, law enforcement agencies, or other care providers.

7.200.61 (12 CCR 2509-3) Documentation of Referrals:

All reports that meet the definition of a referral shall be entered into the State automated system (Trails).

7.202.53 (12 CCR 2509-3) Safety Intervention Model:

- B. A child's safety must be considered during an intervention with families at the following key decision points:
2. Following a new child protection referral prior to the completion of the assessment;
 4. Whenever there is a new CPS [child protection services] referral on an open CPS case or there is a significant change in family circumstances to a situation that might pose a new or renewed threat to child safety;

County Response:

Otero County agrees with the finding and will implement the required actions.

Action Required:

1. All agency employees who are responsible for screening of and/or responding to child protection referrals will be trained in appropriate identification of referrals requiring action by the Department and complete data entry in Trails of all referrals.
2. A protocol will be established for supervisory review and approval of all referrals with a related documentation process that justifies subsequent actions and assures thoroughness and timeliness of responding to all referrals.

3. Finding:

There was no documentation that the surviving children/siblings were observed for physical abuse nor were they taken to a medical facility for an assessment of their physical conditions.

7.202.76 (12 CCR 2509-3) Investigation Procedures (of Child Fatalities)

C. When there are surviving child/ren, the county department shall investigate the condition of those child/ren and shall take the action necessary to ensure their protection.

1. When assessing the condition of surviving child/ren who may be at risk, the investigation shall include the following activities:

c. An examination of the child/ren to include an assessment of the child/ren's overall current physical, mental or emotional condition.

7.304.62 (12 CCR 2509-4) Placement Activities

F. The child shall have a full medical examination scheduled within 14 calendar days after placement and a full dental examination scheduled within 8 weeks after placement.

County Response:

Otero County agrees with the findings and will implement the required actions.

Action Required:

1. All agency staff will be provided sufficient training and supervision to thoroughly and accurately assess for signs of physical abuse and document such actions.

2. All agency staff will be provided sufficient training and supervision to ensure that all medical requirements are complied with for all children during investigatory and out of the home placement processes.

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 approve or request further county action.