

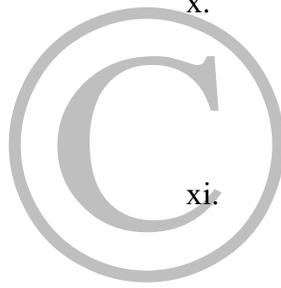
## RECOMMENDATIONS FOR EL PASO COUNTY COMMISSIONERS

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Three recommendations that can be implemented at the county level to improve services to the community by the El Paso County Department of Human Services.

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1. At all times and in all cases, the department, its agents and employees, must follow the letter, the spirit and the intent of the law as defined in the Colorado Children's Code, and rigidly follow all requirements as defined in the Policies and Procedures Manual, Volume 7. It will become the policy of the department that failure on the part of any employee to faithfully follow these guidelines will have their employment terminated immediately.
  - a. It has come to the attention of the county commissioners that too many areas of these requirements are being ignored and/or violated by the department on a wholesale basis in the name of standard procedures including but not limited to:
    - i. Removing children from the home when they do not meet the statutory requirements or definitions of child abuse or neglect.
    - ii. Forcing unnecessary and irrelevant treatment plans upon parents upon pain of removing their children or denying them access to their children when the children exhibit no evidence of abuse or neglect as defined in the statutes by obtaining coerced signatures on 'voluntary' admissions of guilt.
    - iii. Showing up in court with allegations unsubstantiated by real evidence in order to obtain fraudulent court orders forcing parents to comply with an illegal and unnecessary treatment plan.
    - iv. Sidestepping the rules of court procedure to obtain judgements against parents without having to substantiate their claims under the rules of evidence. Denying parents the right to present evidence in their behalf.
    - v. Denying parents access to their children while the children are being coerced and even brainwashed by the department while in the department's custody.
    - vi. Case workers falsifying reports, intimidating child witnesses, covering up abuse and neglect in foster care, coercing innocent parents, denying parents the right to effective advocacy by refusing to participate in meetings where an advocate is present and denying their advocates access to all proceedings, denying the parents the right to obtain an accurate recording of all meetings in order to facilitate their compliance with a treatment plan and/or to document accurately everything that transpires during those meetings, violating confidentiality provisions (3 known caseworkers), tampering with witnesses, retaliating against parents who assert their rights or their innocence by denying them access to their children and filing petitions to terminate parental rights, and more.
    - vii. Failure to provide relevant and effective in-home services before removing the children from home as required by law.
    - viii. Failure to make reasonable efforts to keep families together or for the speedy reunification of families as required by law.
    - ix. Failure to facilitate the success of the client with the treatment plan by imposing excessive and irrelevant requirements and making the conditions



almost impossible to comply with, and for requiring an excessively high standard of parenting perfection in order for the family to be reunited.

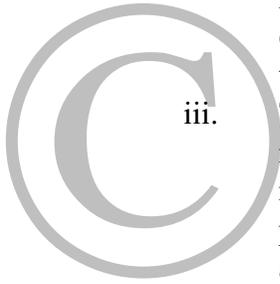
- x. Tampering with the outcomes of evaluations by supplying the evaluator with a tainted history of the client. Any medical, psychological, therapeutic history must come from the client, not the department. The accuracy of these histories provided by the department has been seriously deficient and erroneous to the detriment of the client and his children.
  - xi. Caseworkers required to maintain a certain 'quota' of cases active. This must cease. . . child abuse and neglect is not measured by 'quota's' but by individual determination.
- b. To demonstrate that the county commissioners mean business, the commissioners must require the director to immediately terminate case worker Marian Percy's employment for violating the confidentiality of her clients; for witness tampering by attempting to coerce a witness against her in the violation of confidentiality issue not to testify by informing her that she will not be considered as relative placement for the children if she does testify against Percy; for falsifying reports; for bullying parents who require a court order or warrant, or specifically stated probable cause of the children being in imminent danger, before allowing entry into their homes by having them arrested; for offering independent living to a child under 16 as a condition of this child making false allegations of abuse or neglect against her mother (no child under 16 can be offered independent living); for acting to preserve her job and to perpetuate cases instead of acting in the best interests of the children whom she is commissioned to protect; for requiring the department to file false petitions against innocent parents; for conspiracy to violate the civil rights of parents and of children; and for acting outside the authority of law under the color of law which places the department and the county at serious risk of liability. (There have been complaints against this case worker which the department refuses to resolve - and there are more in the wings - this woman is a serious liability to the county.)
2. The department will not conspire to nor act to prevent a parent/client/child from being able to accurately document everything that transpires during the course of the department's involvement or to have access to effective means to prepare a defense for their family and to protect their inherent rights and the rights of their children.
- a. The department will not act to forbid any advocate access to any hearings, mediations, department meetings, or any other service provider if the parent/client/child wishes an advocate to be present nor will they prevent a client or their advocate from audio recording any and all meetings or video-taping visitations, nor will they prevent a parent/client/child from having their own witnesses present at all meetings/interviews with the department or service providers if the parent/client/child so desires. The department will not retaliate against the parent/client/child when they assert these rights.
  - b. The department will provide all requested copies of records to the client within twenty-four hours. This includes copies of all internal documents, notes, memos and anything else requested by the client with nothing held back. The copy fee

charged to the clients on these documents will not exceed the price of copies at Kinko's.

- c. If a caseworker discovers he made a mistake and the family does not need intervention, he will immediately acknowledge his mistake and act to expeditiously close the case and withdraw from his involvement with the family. Failure to correct a mistake will be grounds for termination.
- d. (You will probably see some attrition due to these requirements, but many good caseworkers quit when faced with the fraud, deceit, and other immoral actions that go on in the name of protecting children. Your department of human services will become leaner but you will attract the good case workers and wash out the bad ones. I anticipate that you can still protect the children who need to be protected with only 1/3 of the staff you have now at the department - but I'll settle for 50%)

3. There is no effective complaint process in this county. Complaints against the department or caseworkers are stonewalled by the department leaving the clients without any effective recourse against offensive actions taken by the department against them. Additionally, Children in foster care have no effective voice despite the department's claims that they protect the children, and despite the involvement of CASA and the GAL. Statistically speaking, children are ten times more likely to be abused in foster care than in their own homes. The biggest complaint coming from former foster children is that they felt like they were treated like property and nobody cared about what they wanted. Complaints from parents include the neglect or abuse that their child suffered in foster care was covered up. The department often refuses to investigate reports of neglect/abuse/unsafe conditions made by parents because they view them to be 'retaliatory' in nature.

- a. For a probationary period of twelve months, all complaints against the department will be solely handled by the Citizen's review board. This Board will not suffer the presence of a representative of the department as part of the Board. This Board will have the authority to compel evidence and testimony. The recommendations of this Board will be implemented by the department. This will establish a baseline of the number of complaints, including the nature of the complaints, and the citizen's recommendations for resolving the issue. The department will then use the panel's recommendations as a guideline for handling complaints in the future. The county commissioners do not want to receive any more complaints from their constituents regarding abuses of power and authority or violations of civil rights by the El Paso County Department of Human Services.
- b. There must be a mechanism whereby foster children can make a complaint about the nature of the care they are receiving in state custody. This must be confidential to protect the child, and it must be meaningful. The investigation into the complaint must be discreet and thorough. If we are removing children from their parents without evidence of abuse/neglect and placing them in home where they receive worse care and treatment than they did in their own home, this is wrong. The care in a foster home must always be superior to the care they received in their own home or they must be returned to their parents.
  - i. The department must not deny children access to their parents, nor deny them the right to disclose any abuse/neglect they receive while in state



- custody. Currently, this is being denied to the children.
- ii. The department is fostering emotional abuse against the children by refusing to let the parents from express their love, or initiate physical contact, from being able to interact without intrusive observations makes the children feel abandoned and unloved by their parents.
  - iii. The department is fostering emotional trauma by yanking children out of non-abusive homes and denying that the trauma exhibited by the children is related to the department's intervention and the separation from their parents. They often attribute the child's acting out in foster care to the alleged abuse the child suffered in the home rather than to the separation trauma.
  - iv. If the department can remove children from homes precipitously, then they should be able to return children without requiring a period of readjustment. Currently they delay the return of the children by weeks as they increase visitations with the parents.
  - v. The department routinely treats a child who recants as if he were a liar for recanting. The child receives many negative messages if he legitimately recants an allegation of abuse.

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4. The above can be implemented at no cost to the county. However, I would recommend that the county commissioners conduct an investigation into the activities of the Department of Human Services as follows:
    - In order to assure a truly impartial investigation, this investigation will not be performed by any government agency or entity.
    - This investigation must include an audit of all alleged child abuse or neglect cases involving El Paso County Department of Human Services (DHS) for the past two years. This audit must include contacting the families involved in these cases. These families must be provided with a questionnaire and a postage paid return envelope for their response.
    - In an effort to get as high a response rate as possible, if a family does not return the questionnaire within three weeks of mailing, they must be contacted by phone and asked the questions directly. They may chose to decline answering if they wish, however this must be officially recorded as declining to answer. All phone calls must be recorded and all original recordings must be included in the final report.
    - The questionnaire must include the following preface:

“At the request of the citizens of El Paso County, the El Paso County Commissioners are conducting an investigation into the activities of the El Paso County Department of Social Services. Since you have been involved in a child protection case with DHS within the past two years, we are asking you to respond to the questions contained in this questionnaire. These responses may be made available for public inspection however, they will not include anyone's name, address or any other identifying information. You may request that your response remain confidential and we will honor that request.

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“The results of these questionnaires will be assembled into a final report that will be made publicly available within 90 days. You may request a copy of this report by contacting. . .

“The purpose of this investigation is to provide the best possible services to the citizens of El Paso County. To that end, we appreciate your prompt response to our questions. If you need more room to answer any questions, feel free to use additional paper.”

• The questions asked of the clients must include the following:

1) Was your case involving an allegation of child abuse or neglect or both?

Explain

2) Was this allegation true or false? Why?

3) Did you get a copy of your ‘rights and remedies’ from DHS or were you informed of any grievance procedure?

4) Did you participate in the development of the case plan? Did you agree with the case plan? Explain.

5) Were you at any time threatened, intimidated, or coerced into complying with the case plan? Explain.

6) Were your children removed from the home? For how long? What was the reason given by DHS for this removal? Do you believe this removal was justified? Explain.

7) Were your children threatened, intimidated, or coerced by anyone into doing or admitting anything? Explain.

8) Were the services provided and or mandated by DHS helpful or harmful? Explain.

9) If the children were removed from the home, how often did a social worker visit the children?

10) How often did a social worker visit your home? What was the result of these visits?

11) If your case was a criminal case, were you offered a plea bargain? What was it? Did you accept it? Why? Did you go to trial? What was the outcome? Do you feel justice was served? Do you feel that DHS played a role in this prosecution? Explain.

12) Did you abuse or neglect your child? Explain.

13) Were your parental rights terminated? Was it involuntary? Explain

14) Were you represented by a lawyer? Why or why not? How much money did your defense cost you? Did this create a financial hardship on your family? Explain

15) Did anyone from DHS place false information or misrepresentations about you or your family in the case file? In the reports to the court? Anywhere else? Explain.

16) Did anyone from DHS represent you in a biased fashion, either making you appear to be a better or worse parent than what you believed you were? Explain.

17) Did anyone from DHS lie on the witness stand about you or your family? Explain.

18) Did DHS cause any trauma or harm to you or your children during the course of your involvement with them? Were your children abused/neglected in foster care

or in state custody? Explain.

19) How long did your involvement with DHS last? Why? Was this by your choice? Explain

20) On the whole, was your involvement with DHS a positive or negative experience? Explain.

21) Did DHS force you to go to certain therapist, counselors, etc. that you did not want to go to? Did they deny you the right to chose your own therapist, counselor, parenting class, etc? Were there repercussions for not going to the therapist, counselor, parenting class, etc. that they recommended? Did they provide their version of your history to the service provider? Explain.

22) Did any of the requirements made by DHS violate your values, your personal beliefs or your inherent freedoms? (For example: were you forced to complete parenting classes that don't allow the use of spanking when you believed in the effectiveness of corporal punishment? Were you forced to falsely admit abuse in order to 'pass' the requirements of therapy or else be accused of being in denial? Were you forced into anger management classes when you felt you did not have a problem with dealing with anger?) Explain.

23) Did you have to participate in activities that you felt you did not need? What were they? How did this participation make you feel?

24) Do you have any knowledge of paid informants or were any paid informants utilized by DHS against you in your case? Who were they?

25) List the names of the people you worked with at DHS. Feel free to make any additional comments pertaining to your involvement with DHS.

- The client's name, address and phone number will appear only on the cover page of the questionnaire, with a corresponding control number assigned to each page of the questionnaire. This questionnaire (minus the cover page) will be made public unless the client wishes it to remain confidential.
- The results of this investigation will be made public within 90 days.
- All responses are to be held available for public inspection for two years from the date of the release of the public results.
- We highly recommend a financial audit for the same time period. We believe fraud exists regarding Federal and State moneys disbursed to El Paso County DHS. This audit must include a verification of all special funds received by El Paso County DHS with regards to the special needs status or other special statuses of the clients involved. The client for whom the extra funds were received must personally (or the natural parents-not DHS or the foster parents- of the client if the client is a child) verify his special needs status as reported by DHS and verify his or her receipt of the services the funds were received for.
- The commissioners are welcome to expand this investigation in any way they see fit, however, the source material as well as the findings are to be included in the public report in 90 days.
- If any criminal activity is revealed as a result of this investigation, we demand that the commissioners turn their findings over to the proper authorities with the recommendation that the violators be prosecuted to the full extent of the law. Based on the findings of cases that we already have access to, such anticipated findings include fraud, perjury, suborning perjury, tampering with witnesses,

obstructing justice, criminal violations of civil rights under the color of law, child abuse, child sexual abuse, failure to protect an abused or neglected child, failure of a mandated reporter to report child abuse, etc.

- Along with the public report on the findings of the investigations, the commissioners must also include a report of the actions they propose to take to address the findings of the report.

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