



## ISSUE SPOTTER

# One Year of COVID-19

### **Analysts with the Office of Colorado's Child Protection Ombudsman describe the impacts of the pandemic on the child protection system**

One year ago, as the COVID-19 pandemic settled into Colorado, the Office of Colorado's Child Protection Ombudsman (CPO) staff sat together around a conference table to discuss what the next few weeks would entail. Like many agencies, we anticipated staff would work remotely for 2 to 3 weeks. Maybe a month.

This year marks the one-year anniversary of the CPO completely shifting its operations out of its downtown office. During this time, the demand for our services has increased by 40 percent. Citizens involved with the child protection system are calling the CPO more than ever before. The child protection system is a broad and diverse collection of services and agencies intended to ensure the safety, well-being and permanency of children in Colorado. This includes child welfare services, which respond to reports of abuse or neglect of children. Child welfare departments may provide services to families, safety plans and in some instances remove children from their homes to ensure their safety. It also includes the Division of Youth Services (DYS), which oversee the care of youth residing in youth centers across Colorado. These agencies – and the CPO – saw an increase in family stress, spurred for many by isolation, unemployment, health concerns, food insecurity and other impacts of the pandemic. The CPO and other agencies across Colorado were shifting their practice – sometimes daily – to ensure the safety and well-being of their staff, while also ensuring the safety and well-being of the children and families they serve. During the onset of the pandemic, and throughout the year that followed, the CPO took calls from citizens who were confused, frustrated and scared. We spent hours in statewide stakeholder calls, listening and learning about how agencies were adapting. We took that knowledge and used it to help guide and assist our clients with their immediate needs. But we also monitored the broad impacts of COVID-19 on the child protection system. These issues will continue to impact the child protection system for months or years.

This issue brief will outline how COVID-19 impacted various facets of the child protection system. These impacts include:

- Delays in court proceedings which are designed to address the permanency of children in the child welfare system and resolve cases in which children have been removed from their homes.
- Changes in how child protection workers responded to reports of child abuse and neglect and how those changes impacted families receiving services.
- Impacts on required visitations between children who were removed from their homes and their parents who were working to have them returned.
- How the DHS worked to monitor, prevent and slow the spread of COVID-19 inside youth centers across Colorado.

Each of these issues is detailed below.

## Delayed court proceedings impact child welfare cases across Colorado

**The CPO monitored the impacts of postponed court proceedings in Colorado and the impact it had on child welfare practice, particularly in rural communities with fewer resources to adapt to virtual hearings.**

**By Amanda Pennington, CPO Client Services Director**

The COVID-19 pandemic has widely affected court-involved child welfare cases. Such cases often involve circumstances in which county human services departments are attempting to return a child to a parent, address services delays, or, in some cases, terminate a parent's rights to a child.

Child welfare departments are responsible for responding to allegations of child abuse and neglect. When a child is found to have been abused or neglected, a department will identify the need for a court case. Through this court process, parents are responsible for making behavioral changes so that their children can return to their homes safely. All major decisions regarding the safety and permanency of a child are made in the court case through a variety of hearings, including decisions regarding where children are placed, visitation between parents and children and returning children to the care of their parents. Court hearings are instrumental in ensuring that the parents' legal rights are upheld, parents are seeing their children, safety concerns are addressed and that children achieve stability in a timely manner.

Initially, the Colorado Supreme Court issued an order that all courts would move operations to an emergency basis. For child welfare, this meant that only emergent requests for custody would be heard. These hearings focused solely on emergency requests to remove children from their homes to ensure their safety and well-being. All non-emergent hearings were cancelled. The same order would allow individual judicial districts discretion as they worked to respond to the pandemic. As courthouses reopened, Colorado's 22 judicial districts had to work rapidly to modify their ability to hold virtual hearings and meetings.

Through the review of its own cases and its participation in dozens of stakeholder calls during the past year, the CPO found that rural jurisdictions struggled to obtain the necessary infrastructure to support an all-virtual docket. Difficulties included strapped budgets that restricted the ability to purchase new equipment and even in some remote areas, money would not mitigate the issue that high-speed internet is not available equitably throughout Colorado.

Several months into the pandemic, it became apparent that there was a severe need for guidance on how to adjust child welfare practice to these ever-changing circumstances in the courts. The impact to families with court-involved cases was severe.

The CPO heard from several citizens impacted by these delays. Their cases involved:

- A hearing that would have returned a child to their parents' care was postponed for more than 60 days.
- The delay of hearings to terminate parental rights delayed the potential adoption of some children.
- Canceled or postponed trials that ultimately delayed court-ordered treatment plans for parents.
- Delays in juvenile review and placement hearings which prevented timely placement of youth in the community or returning youth to their homes.

In June 2020, in light of the ongoing pandemic, the Children's Bureau provided federal guidance regarding circumstances in which child welfare agencies would seek to terminate a parent's rights (TPR). The updated guidelines provided exceptions that should be contemplated by child welfare agencies when this is being considered. Federal guidance acknowledges that services were gravely impacted by the pandemic. And that a child welfare agency's ability to make reasonable efforts to provide services were also likely impacted for the same reasons. As such, the guidance states that TPR should only be filed after parents have had consistent and meaningful access to the services that would support reunification with their children.

The CPO has continued to work with clients who express concern, frustration or confusion regarding the delays in the court process. As courtrooms are able to accommodate more proceedings, the CPO will also monitor how these systems clear the current backlog of court-involved child welfare cases and the impact the delays have had on Colorado's families.



## COVID-19 testing and monitoring in Division of Youth Services youth centers work to curb outbreaks

**During the past year, the CPO has closely monitored conditions inside youth centers as DYS leadership works to ensure the safety and well-being of youth in its care.**

### **By CPO Staff**

During the past year, the Office of Colorado's Child Protection Ombudsman (CPO) has maintained close contact with Division of Youth Services (DYS) leadership and participated in routine stakeholder calls to learn about efforts to prevent and monitor COVID-19 infections inside DYS youth centers. Since the onset of the pandemic, the number of COVID-19 cases in DYS youth centers – for both youth and staff – have fluctuated. To date, no youth have been critically ill or hospitalized and few DYS staff have been hospitalized.

The DYS utilized COVID-19 testing at all its youth centers. During November 2020, the DYS rolled out a rapid test for both staff and youth. All youth are being tested upon admission and are placed in general population while test results are pending unless they are symptomatic or test positive with the recently employed rapid test. Youth coming in from a county jail are automatically placed on medical isolation for 14 days.

When a youth tests positive for COVID-19 they are placed in medical quarantine or medical isolation, which means they are in their room, alone, with the door shut but not latched. Youth are required to wear masks but are not currently wearing protective eyewear and the DYS has reported struggles to get youth to wear their masks consistently. Staff are being rapid tested daily. Staff are sent home to await the results of a more robust test if the rapid test is positive. All staff have their temperature taken daily, wear protective gear and must complete a screen-in and sign off before and after work.

Like all agencies, the DYS had to work to establish procedures and practices to monitor for COVID-19. As those practices have evolved and become more established, the CPO has received fewer calls from citizens concerned about the impact of COVID-19 on DYS youth centers.

During March 2020, as the pandemic first spread into Colorado, the DYS had to adjust its visitation practices. While in-person visits were not available, families were able to arrange virtual video visits with youth by contacting the individual youth center's staff. Youth were able to call their families from the youth center telephones and professional visits were held virtually but remained unrestricted. During the past 12 months, the CPO received several questions and concerns about visitation. Some clients felt the virtual visits were insufficient. Others were confused about how to arrange a virtual visit. In handling such cases, the CPO has worked with clients to ensure their concerns were shared with DYS leadership and youth center staff. During recent months, the CPO has heard from youth residing in youth centers that more virtual visits are being scheduled, compared to the onset of the pandemic.

The DYS is in the process of ramping up efforts to resume in-person visitation. Plans include renovating indoor space as well as maximizing outdoor space for visitation. The CPO will work with DYS to stay informed about how such visits will be administered to ensure it is able to share information with clients.

In addition to work to reduce the overall population of youth residing in youth centers, the DYS also created and continues to frequently update the DYS COVID-19 Dashboard and Stakeholder Guide. These offer relevant information to stakeholders in an interactive setting.

## Child Welfare Practice Changes and New Expectations of Child Welfare Workers Due to COVID-19

### **By Claire Hooker, CPO Client Services Analyst**

The COVID-19 pandemic affected nearly every facet of life. The onset of the pandemic found families scrambling to adapt to this new world. From making sure there was still food on the table and ensuring their children had access to virtual school, to taking new measures to keep everyone healthy, it seemed that no one was spared from some form of change as the "new normal" started to take shape.

Child welfare case practice was no exception. In the wake of COVID-19, county departments had to rapidly adapt their child welfare practice for the health and safety of staff, family and children. How county departments did this varied based on the impact and prevalence of COVID-19 in their



community. At the beginning of the pandemic, some rural counties were not as drastically impacted and continued with business as usual. Caseworkers continued to respond to reports of child abuse and neglect, visit children and families in their homes and assessed situations for safety. Other metro-area communities that were harder hit tried to reduce their child welfare workers' time in the community while also continuing to assess and monitor child safety.

County department staff had to make quick, and often fluid, changes to their practice to ensure their workforce could continue to protect the children and families they serve. This meant that families and service providers, including foster parents, also had to adapt. The CPO heard from multiple citizens who had questions about what to expect from child welfare workers during the COVID-19 pandemic. One foster parent was concerned that the caseworker had only seen the infant in her care virtually, yet the worker was having to make impactful decisions about where the child should live permanently – would the child remain in the foster home, or was it in the child's best interest to move to a relative's home? The foster parent voiced that such a life-changing decision for the infant needed to include in-person observation and interaction from the caseworker. However, with concerns of COVID-19, the caseworker had to weigh the risks and benefits of interacting with the infant in-person.

One requirement untouched by the pandemic included the mandate that, when a caseworker was initially responding to a report of abuse or neglect, they must meet with the alleged-victim children in-person. This included visiting the family's home if the report included a concern about whether the home was safe. The CPO received phone calls from parents concerned about allowing caseworkers into their homes to complete home visits. Parents had concerns about being exposed to COVID-19 through the caseworker's visit. Did they have the right to refuse the caseworker's request to enter the home? Would the caseworker wear a mask? These concerns would then compound an already stressful situation for the family.

Even during challenging times, there are silver linings. The CPO heard from families that some practice shifts were beneficial. The ability to attend meetings and court hearings virtually allowed families with limited transportation, or relatives from out of state, to participate in the case. This increased family engagement, which then created an opportunity for more positive outcomes for the safety, permanency and wellbeing of children.

While the pandemic is not over, caseworkers and families have become more accustomed to changes in practice. With optimism that the world will begin to return to some normalcy, child welfare agencies will need to evaluate if some of the practice shifts were for the better, such as virtual meetings, and how those shifts might result in lasting, positive change to child welfare practice.

## Efforts to slow the spread of COVID-19 also delayed access to some services parents and families rely on

**Some parents experienced delays in accessing various services – including mental health services, substance abuse testing and parenting visitation – while attempting to complete required services.**

**By Heather Coffman, CPO Client Services Analyst**

During the past year, guidance and requirements intended to prevent the spread of COVID-19 have also slowed the ability of some Coloradans from accessing timely services within the child protection system. The child protection system is charged with providing services to families when there are child safety concerns present. The services provided to families are developed to mitigate child safety concerns which allow for children to remain in their parents' care or be returned to their parents' care. A treatment plan is developed for families who will be involved with the child protection system for longer than 60 days. Services such as mental health, substance abuse and parenting time are common services provided to families and children. Sometimes, these services are voluntary. However, they are often requirements for parents to complete prior to their children being returned to their care.

The CPO reviewed cases in which service providers, working to adhere to physical distancing and other public health guidance, were not able to provide timely services to all parents who had been ordered to complete certain treatments and services, including:

- Mental health treatment



- Substance use monitoring
- Parenting time

For many parents, delays in accessing these services created setback to completing treatments required to have their children returned to their care. The impacts of COVID-19 on each of these service areas, and the effects felt by some parents, are detailed below.

With the onset of the pandemic came additional difficulties for parents trying to enroll in mental health services and their ability to participate in those services consistently. COVID-19 has magnified the need for community mental health centers, which were already struggling to provide timely services to everyone who requested them. Parents who are ordered by a judge to participate in mental health services have found that community centers are backed up and have strict guidelines for care due to the pandemic. Virtual appointments, a solution that worked for many, offered little relief to parents without a computer or consistent access to the Internet.

In many areas, the pandemic resulted in delayed or decreased access to substance abuse support groups and substance use testing – both are often required services for parents working to regain custody of their children. Social distancing requirements and capacity limits forced many group meetings to stop. Such meetings are not only required of some parents, but also serve as an accountability mechanism and a tool to help parents not use. Without consistent access to group sessions or substance abuse testing – such as urinalysis tests – many parents participation in such services were delayed.

A third service provided to families that has been adversely affected by COVID-19 is parenting time. Compliance with public health guidance regarding physical distancing, capacity limits, quarantine and isolation after exposure to the virus created difficulty in scheduling visits between children and their parents at family visitation centers. While virtual visits have been utilized across the state, many parents have expressed frustration with this option, as they are familiar with in-person visits and often find video visits inadequate to connect with their children. Parents have expressed feeling isolated from their children, particularly parents of newborns and toddlers.

The pandemic's impacts were heightened in coordinating parenting time for parents residing in inpatient facilities, such as substance abuse inpatient programs. Efforts to maintain physical distance and limit exposure to the virus resulted in canceled visitations between children and parents residing in such centers.

The CPO has monitored the effects of the elongated timeframes for accessing these services. The impact to families and children has, in many cases, been prolonged foster care/kinship care, delayed permanency for many children and forced child welfare services to remain involved with a family for longer time periods. In many cases, the CPO has worked with clients to provide additional resources or help communicate clients' concerns directly with service providers.

