



Timothy Montoya Task Force | Meeting 11

November 1, 2023, Meeting Recap

Intervention Subcommittee

Overview

The Timothy Montoya Task Force to Prevent Children from Running Away from Out-of-home Placement is legislatively charged with analyzing the root causes of why children and youth run from out-of-home care to help develop a consistent, prompt and effective response for when children and youth do run. It is also charged with assessing how to address the safety and well-being of children and youth upon their return to care.

Overview of Subcommittee Work

Trace Faust reminded the group that they will divide into one of two subcommittees: Intervention Subcommittee and Prevention Subcommittees. Guest speakers will present during each subcommittee discussion on respective topics. Trace reminded members they will have access to all the materials of the subcommittee they do not select and all members may access full recordings of each meeting on the Office of the Colorado Child Protection Ombudsman's (CPO) website. Dorris Tolliver will be facilitating the Intervention Subcommittee and Jordan Steffen with the CPO will be present to support. Trace will be facilitating the Prevention Subcommittee and Bryan Kelley with the CPO will be present to support. Both subcommittees were provided with unique sets of research specific to the subjects they are discussing.

Intervention Subcommittee

Doris Tolliver introduced the speakers. Demaris Nicholson, Program Specialist, and Greg Eakens, Director of Special Investigations, Special Investigations Division, Texas addressed the Intervention Subcommittee.

Greg and Demaris provided an overview of the Texas Department of Family and Protective Services, introducing the role of special investigators. The special investigators were integrated into the division due to their law enforcement experience in serious investigations, particularly child protection cases. They have about 308 staff, including regional directors, program directors and program specialists. The unit covers 254 counties and supports over 2,600 investigators, with specialized roles, including locating missing children and youth and families avoiding child protection services. Demaris and Greg provided the following highlights of the special investigators' unit:

- While some states have a county-based approach, a statewide oversight system works well for Texas, especially for the special investigators. Special investigators collaborate across regions to locate missing children and trafficked children, ensuring continuity and building relationships with the child.

- The same special investigator is primarily responsible for locating the same child or youth each time, ensuring consistency and a familiar face in the child's experience. For example, when a child or youth placed in Region 1 goes missing in Region 6, the Region 1 special investigator takes action. They conduct social media checks, contact the child's family, attorneys, and the Guardian ad Litem. The investigator also collaborates with the Region 6 investigator, visiting the placement to understand the circumstances leading to the child's disappearance. When the child is recovered, the investigator conducts a recovery interview. However, challenges arise when the placement relocates to yet another region.
- Special Investigators have just over 300 staff to handle 1,334 children and youth. Some of these children run away multiple times a day. They stressed the importance of the resources, time, and commitment involved in finding missing children and youth, including ensuring their safety and addressing health concerns.
- The importance of communication with ongoing staff was emphasized. The example of a diabetic teenager who ran away illustrates the urgency of such communication. Tracking her from Austin to Houston, Dallas and Oklahoma involved coordination among special investigators, law enforcement agencies, and other stakeholders, leading to her recovery within 24 to 48 hours.
- Beth McNalley inquired about the training provided to investigators for engaging with youth, particularly high-risk youth. Greg mentioned that many investigators bring valuable communication skills from their law enforcement careers, which often involve de-escalation and social work aspects. He highlighted training through their academy and collaborative efforts with coalitions, such as the Texas Human Trafficking Coalition. There are also ongoing training initiatives like motivational interviewing get into practice comes into play with recovery interviews, highlighting the importance of covering specific topics in a conversational way during engagement and potentially teaming up investigators with different communication strengths to enhance interactions.
- Jana Zinser shared concerns and questions about the advantage of hiring ex-law enforcement for engaging with high-risk youth. Greg maintained that special investigators often establish a connection with the child or youth and sometimes the child or youth prefer to communicate with them. While this might be challenging to back up with data, it was noted that this approach works effectively. Greg highlighted the importance of hiring individuals with extensive investigative experience who understand the nuances of communication with victims, perpetrators, and witnesses, as it goes beyond a simple checklist interview and involves effective communication.
- The speakers discussed the urgency surrounding missing youth and clarified that in Texas, the response to a missing youth may not always qualify an Amber Alert. They explained that law enforcement has specific time frames for reporting missing children and their responsibilities have been outlined in legislative amendments. Special investigators focus on building relationships and communication with law enforcement agencies to expedite the process.
- The Child Safety Check Alert List is used for cases where the state does not have custody but a child has gone missing while under the care of a caregiver. Special investigators manage this process and communicate directly with the Department of Public Safety to enter the information, which allows law enforcement to locate the child.
- Recovery interviews involve asking children what they had to do to survive while they were away from placement, covering essential topics. However, children cannot be forced to talk, and their rights are respected.
- The availability of child advocacy centers (CACs) can vary across the state. The decision to use CACs for forensic interviews depends on the specific situation. While forensic interviews are not

yet a standard checklist item due to capacity issues, the focus is on ensuring that the child's best interests are met and may depend on the presence of allegations of trafficking or other criminal activities.

- They have two guides for locating missing children or youth, one for all of Texas and one specifically for the "big five" counties like Travis County and Harris County. They use the "SEE IT" tool, a screening tool for identifying high-risk factors, including potential trafficking or other risks when children come back after being on the run. This tool helps capture information about sexual victimization and trafficking incidents, and it is used for recovery interviews. The tool is widely used by various advocacy groups and agencies to screen and assess high-risk cases.
- A question was asked: "What do you do if children don't want to be recovered?" Greg explained that they are not authorized to use force on children as they are not peace officers but part of a social services agency. "We are we're not going to put our hands on children. One, that doesn't do much for the next encounter for the child but we also remember that child is a victim at the beginning of when they come into our care and we're very careful about that."
- If they locate a missing child or youth who refuses to come with them, they rely on law enforcement to handle the situation. Law enforcement can detain the child or youth, and depending on local requirements, this detention can involve measures like handcuffing.
- Interactions with law enforcement vary by location. In some counties, when they locate a missing child or youth, law enforcement may detain the child or youth if they are actively running away and treat it as a status offense or civil action. The child might be taken to juvenile detention, and officers decide how to proceed. Some areas also have initial detention hearings with judges within three days and follow-up hearings every 10 days to determine the best course of action for the child or youth.
- In some areas, especially larger cities, law enforcement may be stretched thin and not respond promptly to non-priority calls, such as locating a 17-year-old missing child. In such cases, the special investigator team might pick up the child, and law enforcement could clear the child out of NCC (National Crime Information Center) later. The Texas Highway Patrol and the Department of Public Safety are mentioned as entities that assist in these efforts.
- The partnerships and relationships with law enforcement are both formal and informal. They have agreements, such as a Memorandum of Understanding (MOU), with various organizations and coalitions. They also have regular collaboration with detectives who investigate trafficking.
- Effective communication is crucial in addressing the challenges they face. One way they overcome communication barriers is by attending meetings, inviting others to theirs, and engaging in face-to-face discussions. This helps foster better relationships and collaboration.
- Additionally, understanding each agency's limitations and specific goals is essential. Recognizing what their partners can and cannot do allows them to allocate resources more efficiently and prevent unnecessary resource tie-ups. This understanding contributes to smoother cooperation and resource management.

Member Q&A with Speakers

Brian Cotter believes the Texas model has great potential for adaptation in Colorado and can serve as a helpful reference for improving the coordination and communication between different agencies in Colorado.

Doris presented the question: "What would you stand up first knowing what you know?"

The speakers discussed key lessons learned and critical success factors for the Special Investigations unit in Texas. They emphasized the importance of collaboration, communication, and leveraging the unique skills and backgrounds of special investigators. They also highlighted the need to provide resources and latitude to allow the unit to function effectively. Additionally, they stressed that hiring experienced individuals with the right qualifications is crucial for the success of such a program. In Texas, being a state-run system allows for better coordination and communication between state agencies.

Member Discussion

The Texas Special Investigations unit follows a specialized law enforcement approach, focusing on individuals with law enforcement backgrounds and expertise, ensuring a more tailored response to the specific challenges related to missing and trafficked youth. In contrast, Colorado tends to expect law enforcement agencies to handle these tasks, which can lead to mixed responses from different agencies. Often, the personnel tasked with this responsibility lack the specialized skills and expertise required for addressing the unique needs of missing and trafficked youth.

Texas has effectively merged law enforcement knowledge with a deep understanding of child welfare and the child welfare system, creating a more comprehensive and specialized approach to dealing with these cases.

Dennis Desparrois discussed a few points:

- He expressed his view that the county-administered nature of child welfare services in Colorado may not be a significant barrier to implementing a state-level Special Investigations unit, contrary to the belief of some at the CDHS. He noted that Division of Youth Services (DYS) occasionally uses similar services, albeit at a higher cost.
- Concerns from Colorado Department of Human Services (CDHS) leadership, including doubts about the necessity of housing such a unit within CDHS, were mentioned. Dennis indicated there might be skepticism regarding the proposed model.
- Dennis pointed out the need to examine state statutes to determine whether non-law enforcement personnel can perform tasks similar to those undertaken by Texas's Special Investigators. He emphasized the importance of considering legal aspects and potential barriers.

Norma Aguilar-Dave inquired about the consensus within the group regarding whether they are committed to pursuing the proposed intervention or if they are still in the exploratory phase. The response emphasized that the group may not be entirely united on the decision, with some members wanting to explore the topic further. Further investigation into the details is required before making a recommendation.

Dennis expressed his hesitation to bring forward the proposed intervention as a recommendation in isolation. He emphasized the importance of evaluating this option in conjunction with other recommendations, considering the need for a cost-benefit analysis, especially since it could potentially be one of the most expensive options.

Doris expressed concerns about the Texas model's approach and how it might affect the trust of the youth involved, especially the process of talking to them and then relaying information to law enforcement without their consent. She also expressed the importance of listening to the youth and encouraging them to share information in a trauma-informed way. She suggests adding a question about how Texas prioritizes different approaches for various youth based on their level of need.

Norma mentioned the idea of categorizing children based on severity or risk, indicating that there might be additional unexplored ideas that the group should consider. Dennis raised the point that the majority of runaways return to the facility before any intervention could be implemented. A targeted approach might be more cost-effective, focusing on the specific group of children for whom this intervention could be most helpful, particularly those who are away from care for more extended periods.

The discussion also included:

1. The need to assess the volume of youth who run away to understand the cost of implementing an intervention.
2. The importance of targeting high-risk youth, particularly those with specific vulnerabilities or those who are away for an extended period.
3. The role of nonprofits in helping with interventions and recovery, with an emphasis on training and vetting.
4. The distinction between law enforcement and non-law enforcement roles in recovering children.

Public Comment

Steve Fisher talked about his observation of the Tennyson Center and emphasized that there might be a misunderstanding regarding egress and the significance of fencing. He conducted research on building codes and believes that secure lot fencing is not inherently problematic and can prevent injuries and deaths among runaways. He expressed hope that implementing secure lot fencing could reduce restraints.

Pam Treloar, a provider, emphasized the importance of fluid and timely assessments for clients, acknowledging that clients' needs can change throughout their treatment. She highlighted the challenges of coordinating assessments with various agencies involved in a child's life and suggested the need for more efficient and accurate processes. Pam shared insights from a recent conference focused on ending corporal punishment, seclusion, and restraint. She mentioned ongoing federal discussions and movements towards eliminating these practices. Additionally, Pam suggested considering a step system in Colorado, starting with emergency response plans and gradually working towards more integrated and effective practices in the long term.

The meeting concluded with gratitude for the participants' engagement and a reminder of the recorded group sessions and forthcoming meeting minutes and synthesis. The next meeting is scheduled for December, and the group will continue to work on addressing the challenging issue of child runaway interventions.