

<b>LA PLATA AND SAN JUAN COUNTY HUMAN/SOCIAL SERVICES PROCEDURE</b>	
<b>TITLE:</b> Falsification of Child Welfare or Adult Protective Services Records	
<b>DEPARTMENT/S:</b> Adult Protection, Child Welfare	<b>EFFECTIVE Date:</b> 9/1/2024
	<b>REVISION Date:</b>
<b>REGULATIONS:</b> Colorado Human Services Volume 7, 7.601.81; C.R.S. 18-8-404; C.R.S. 18-8-405; 18-5-102; 18-8-306	
<b>AGENCY LETTERS:</b> CDHS memo OM-CW-2024-0006	
<b>APPROVED BY:</b> DRAFT 8/30/2024 Martha Johnson, Director	

**Purpose**

To monitor casework practice to ensure contacts with and other information about children, at-risk adults and families are documented accurately and with integrity into statewide databases. This procedure shall be posted on the county department’s public-facing website.

**Definition**

A confirmed incident of falsification of child welfare records or adult protective services records is an incident where, after an investigation by the county department, the county department establishes by a preponderance of the evidence that a person knowingly or intentionally made a false entry or falsely altered information in the comprehensive child welfare information system known as Trails or in the Colorado Adult Protective Services system known as CAPS.

CAPS – Colorado Adult Protective Services system

Trails – Colorado Child Protective Services system

Employee – Any employee of the La Plata County Department of Human Services or the San Juan County Department of Social Services

Contact – Any communication specific to a child welfare or adult protective services case between an employee and anyone else related to the employee’s work, including but not limited to: families, kin, foster parents, and other professionals involved in the child welfare system in any way, such as through a report of abuse or neglect or an ongoing case, and adults, family, and other supports and professionals involved in a report of adult abuse, neglect, or exploitation or adults over whom Adult Protective Services has guardianship.

**Procedures**

Intentionally or knowingly falsifying documentation in Trails or CAPS is a criminal act and this behavior will not be tolerated under any circumstance. Failure to comply with this policy will include disciplinary action up to and including termination and it will be reported to law enforcement and/or the District Attorney for the consideration of filing and prosecution of criminal charges.

Falsification of records examples can include and are not limited to any situation in which information that was not true was knowingly or intentionally entered into CAPS or Trails

- Representing that a contact occurred when it did not.
- Representing specific content was discussed during a contact when it was not.

- Representing anything about a contact that was not true, for example, reporting a child had bruising when the child did not have bruising, representing a child was interviewed when the child was not interviewed, etc.
- Representing that information was sent to a client or collateral (e.g., letter, text, etc.) when it was not sent.
- Representing that someone was present during a contact or meeting when that individual was not present.
- Changing information in an area of Trails or CAPS that renders the information, or part of the information, inaccurate.

1. Any employee who becomes aware of suspected or confirmed falsification of casework will report the matter to their direct supervisor immediately. If their supervisor is unavailable for any reason, they will notify the deputy director or director.
2. The supervisor will immediately notify the deputy director or director.
3. The deputy director or director will initiate the following actions when an identified concern has been brought to the Department's attention. These steps will include:
  - Notify the County Attorney, Human Resources Director, and County Manager immediately and keep them informed throughout the following process.
  - Consult with the Human Resources Director to identify appropriate action, possibly including paid administrative leave of the employee during the investigation.
  - If directed by the County Attorney, notify law enforcement of the possible criminal act and consult with them on the steps to be taken in the investigation.
4. The county department will make reasonable efforts to promptly preserve evidence that a child welfare or adult protective services record has been falsified and will restrict the employee's access to child welfare or adult protective services records including but not limited to Trails, CAPS, hard copy case files, and other case related documents.
5. If the employee is placed on administrative leave for the purpose of investigating a suspected incident of falsification of records, the deputy director or director will request that the employee's access to the county network is suspended and will request that the state department suspend the employee's access to Trails or CAPS within one (1) working day from the date the employee is placed on leave.
6. The supervisor, deputy director or director will review the specific information that is alleged to be falsified and investigate the validity of that information through whatever steps are appropriate.
7. If falsification is confirmed, review the caseworker's entire workload and complete quality assurance on a sample of assessments and cases to include both open and closed assessments/cases. The size and breadth of the sample will be determined on a case-by-case basis, with the justification for that decision to be documented within the falsification investigation records.
8. If the falsification is confirmed, the deputy director or director will notify the Colorado Department of Human Services within three (3) working days of the confirmation of the incident. Notification in child welfare cases will be made to the Division of Child Welfare through the assigned County Intermediary or the Division of Child Welfare Director. Notification in adult protective services cases will be made to the Adult Protective Services Program Director or Associate Director.

9. If falsification is confirmed, the deputy director or director will notify law enforcement if they have not been involved throughout the investigation. This notification will occur within ten (10) working days of the confirmation.
10. The investigation will be completed by the county department even when the employee subject of the investigation resigns, is terminated, or is no longer employed by the county department at the time the suspected falsification of child welfare records becomes known to the county department.
11. If the falsified record relates to an open court case, within ten (10) days of the confirmation, the county department will notify the court, parties to the case, their legal counsel and/or Guardians ad Litem or Counsels For Youth that a record in Trails or CAPS has been corrected. The county department shall notify the parents and guardians of the child/youth who was alleged or found to be the victim of abuse or neglect or a youth in conflict, the person found or alleged to be responsible for the abuse or neglect, and the child/youth if age ten (10) years old or older, that a child welfare record has been corrected if that individual would be entitled to access the corrected record pursuant to C.R.S. § 19-1-307 and any other applicable state or federal privacy requirements. Notice to the individuals shall be made through any preferred contact method documented in the comprehensive child welfare information system known as Trails. Additionally, the county department shall make notice to all individuals with the state approved notification letter which shall be mailed by first class U.S. mail to the last known address of each individual within ten (10) working days.
12. If the falsified record relates to an child welfare assessment, referral or case for which there is no corresponding court case and the initial assessment was founded as abuse or neglect, the county department will notify the parents and guardians of the child/youth who was found to be the victim of abuse or neglect, the person found to have been responsible for the abuse or neglect, and the child/youth if the age is 10 years or older, that a child welfare record has been corrected if that individual would be entitled to access the corrected record pursuant to C.R.S. § 19-1-307 and any other applicable state or federal privacy requirements. Notice to the individuals shall be made through any preferred contact method for the individuals documented in the comprehensive child welfare information system known as Trails. Additionally, the county department shall make notice to all individuals with the state approved notification letter which shall be mailed by first class U.S. mail to the last known address of each individual within ten (10) working days.
13. If the falsified record relates to an adult protective services case for which there is no corresponding court case and the initial assessment was founded as abuse, neglect, or exploitation, the county department will notify the guardians of the adult who was found to be the victim of abuse, neglect, or exploitation, the person found to have been responsible for the abuse or neglect, and the at-risk adult if they have cognitive capacity.
14. The employee's supervisor will create an addendum within Trails or CAPS to document the information that was falsified and to outline accurate information. The original documentation will not be deleted. Notice to individuals of the corrected record will be documented in the respective systems.
15. All other documentation of the investigation of falsification will be retained in the employee's personnel record and will not be documented in Trails or CAPS.

## **Efforts to Prevent Falsification**

- Supervisors will accompany each caseworker to interviews, court, and/or home or community visits at least twice per year and document this completion within their supervisory notes.
- Supervisors will randomly call one family on each caseworker's caseload to get feedback at least two times per year.
- Each supervisor will pre-audit cases that are pulled for Foster Care Reviews/Foster and Kin Desk Review/In home and Assessment Reviews/Adult Protection Reviews through the CDHS Administrative Review Division.
- Supervisors will engage each caseworker in detailed discussions on what the caseworker observed to inform safety, permanency, and well-being of children, youth and at-risk adults and to verify completion of required duties.
- Supervisors will regularly monitor for worker fatigue, burnout, and missed deadlines, as well as other predictive indicator to prevent falsification. If such concerns are identified, supervisors will explore and provide tools and resources to support the employee.
- Supervisors will ensure that casework is in compliance with all applicable laws and regulations through regular review of documentation.
- All child welfare and adult protective services staff will receive annual training on expectations and consequences for falsification.  
All child welfare and adult protective services staff will be provided this policy at hire and will review and acknowledge this policy on an annual basis.