

Colorado Department of Human Services
Child Fatality Review Team
Case-Specific Executive Review Report
NON-CONFIDENTIAL

Public Notification Case ID: 19-074

Investigating County Name: Douglas

County(ies) with Previous Involvement: Douglas and Denver

Incident Level: Fatal

Incident Date: September 21, 2019

~PUBLIC DISCLOSURE NOTICE~

This report outlining the non-confidential findings or information regarding a child fatality, near fatality, or egregious incident which occurred as the result of child abuse or neglect within a family who was involved with a County Department of Human/Social Services within three years prior to the incident is subject to public disclosure in accordance with C.R.S. § 26-1-139 and Federal requirements under the Child Abuse Prevention and Treatment Act: CAPTA 42 U.S.C. § 5106a (b)(2)(B)(x)(2016).

I. IDENTIFYING INFORMATION

A. Child victim

Age: 10 years old

Gender: Male

Race or ethnicity: Asian and White

Child's residence: In-home

B. Caregivers

Mother

Age: 37 years old

Race or ethnicity: Asian

Father

Age: 48 years old

Race or ethnicity: Unknown

- C. Description of the child's family (non-identifying information):** The parents previously lived in another state, where they were also involved with the child welfare system. The parents divorced while living in the other state, and engaged in a contentious custody battle over the child. In 2015, the mother, who had primary custody of the child at that time, started a new relationship with the stepfather, and moved with the stepfather and the child from the other state to Colorado. The father quickly moved to Colorado as well where the custody battle continued. The parents had multiple contacts with law enforcement regarding allegations of abuse or neglect towards the child and/or for civil assists during parenting time exchanges. The parents became involved with the child welfare system in Colorado, including a court-involved case that was open for over two years, several assessments, and multiple referrals. The family members participated in therapeutic services during and after the case. At the conclusion of the case, the parents were granted equal custody of the child.

The mother and the stepfather maintained a relationship, despite the father fabricating sexual abuse allegations against the stepfather towards the child. The mother and stepfather had a child together, the half-sibling, who was born in March 2018.

The mother often agreed to forego her parenting time with the child in order to ensure his safety and wellbeing; however, she worried about his mental health while in the father's care. The mother expressed concerns that the father was coaching the child to make allegations against the mother, intimidating the child, and, ultimately, alienating the child against the mother.

The father was also involved in a new relationship, with the stepmother. Per the domestic relations custody case, the stepmother was to provide the communication between the father and the mother regarding the child and the parenting time exchanges. The father was also on probation for domestic violence charges against the mother, which restricted him from having any contact with the mother or accessing the internet.

At the time of the fatal incident, the child had been in the father's care for the majority of the year and had refused to participate in any parenting time with the mother. The mother and the father continued to address some of the custody disputes through their domestic relations custody case, and were both present for a hearing on September 20, 2019.

II. SUMMARY OF THE FATAL CHILD MALTREATMENT INCIDENT

A. Assessment Date received: 9/22/2019 Date closed: 10/31/2019
County: Douglas Overall Finding: Substantiated

Description of the incident, including the suspected cause of the fatal child maltreatment incident (non-identifying information): On September 22, 2019, Douglas County Department of Human Services (Douglas County DHS) received information regarding the death the child, who was 10 years old. The reporting party (RP) reported that the child was fatally shot in his head by the father, who then shot and killed himself. The father had emailed the mother the prior evening, stating "she ruined their lives and if she called the police he would already be dead." Upon reading the email, the mother contacted law enforcement to complete a welfare check at the father's home. Law enforcement found the father and the child's bodies around 2:00 a.m., on September 21, 2019. The father had written a suicide note, which law enforcement secured into evidence. The stepmother was not home at the time of the incident and was later notified by law enforcement.

Douglas County DHS spoke with the coroner on September 23, 2019. The coroner confirmed the child had been killed by "a gunshot wound to the head," which occurred while "he was in bed." Law enforcement confirmed the father sent the mother, as well as Douglas County DHS staff and the courts, an email in the early morning hours of September 21, 2019, which the mother read within an hour. The mother immediately called law enforcement to check on the safety of the child. Law enforcement reported the stepmother had been located in the home; however, "she was sleeping hard due to taking a sleep aide."

Douglas County DHS documented the father's email into the state automated case management system (Trails).

On October 18, 2019, the coroner reported the child had multiple scars and abrasions on his body, some of which could be explained as being appropriate for the child's age and development. However, there were additional scars on the child's chest and back that were not consistent with typical childhood injuries. Per the coroner, the stepmother also speculated the father might have "drugged" her on the night of the incident. She had not been feeling well, following a recent car

accident, and "[the father] told her to take some medications which he gave her and she... believe[d] she was potentially over medicated."

The assessment was closed on October 31, 2019.

Findings: The allegation of fatal, intrafamilial abuse - physical was substantiated.

Open at the Time of the Incident:

Assessment **Date received:** 9/20/2019 **Date closed:** 11/11/2019

County: Douglas **Overall Finding:** "No Abuse/Neglect Investigation."

Description of the incident, including the suspected cause of the fatal child maltreatment incident (non-identifying information): On September 20, 2019, Douglas County DHS received a report of concern regarding the child. The parents were participating in a contentious domestic relations court case, the RP requested for Douglas County DHS to be present in the courtroom to hear the proceedings.

A caseworker responded to the courtroom and observed the testimony and court proceedings. The Judge reported having concerns with the parents' testimony and had considered the need to remove the child from the parents' care that day. However, following the afternoon testimony, the Judge reported needing some additional time to review the case documents before making that decision. The Judge reflected on concerns with the father's care of the child and efforts to alienate the child from the mother. The Judge stated that the Judge's ruling would likely include substantial parenting time for the mother and the child.

The caseworker received additional information as to the concerns addressed in court earlier that day. The child had reportedly been drawing pictures of "guns and knives," and had been encouraged by the father to make "threats to stab, kill" the mother and the half-sibling in an attempt to miss parenting time at the mother's home. **The previously appointed Child and Family Investigator (CFI) had withdrawn from the case after receiving threats to the CFI and the CFI's family.**

The child was murdered by the father prior to the assessment being completed; therefore, no other information was gathered through the course of the assessment.

The assessment was closed on November 11, 2019, as "No Abuse/Neglect investigation."

Findings: There were no allegations entered into the assessment.

B. FAMILY CASE HISTORY

Within the last three years, this family had current and prior involvement with Douglas and Denver County Departments of Human Services consisting of one assessment that was open at the time of the fatality, one prior case, five prior assessments, and 22 prior referrals.

III. TIMELINE SUMMARY

The following timeline was created using supporting documents and information gathered during the review of this incident. Supporting documentation may include but not be limited to: law enforcement report(s), autopsy or coroner report(s), medical records, and Trails records. The timeline is intended to organize information and illustrate relevant events, patterns, relationships, behaviors, risk, and protective factors associated with these incidents of fatal, near fatal, and/or egregious child maltreatment. Please note, there may be information contained within the timeline that was not available or known to the county department(s), or other professionals, during their involvement with the child and/or family.

- 1/2/2016-
3/1/2018 Douglas County DHS opened a court-involved case for the family. Douglas County DHS determined that the **allegations were false and had been fabricated by the father** as part of the contentious divorce and custody proceedings with the mother. Douglas County DHS also learned that the **father made the same false allegations previously**, while the family lived in another state. The other state had investigated the allegations and also determined they were untrue. . The child remained in the care and custody of the parents during the case, and the court-involved case closed on March 1, 2018, with the parents sharing equal custody.
- 10/12/2016 The father was arrested on a warrant for failure to comply with his pre-trial services, which were related to a prior domestic violence charge.
- 11/18/2016 Douglas County DHS received a report of concern regarding the child. The referral was determined not to meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
- 1/10/2017 Douglas County DHS received a report of concern regarding the child. The referral was determined not to meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
- ~2/2017 The father was granted unsupervised visits with the child through the court-involved case.
- ~3/2017 The father was granted unsupervised weekend visits with the child through the court-involved case.
- 3/12/2017 Douglas County DHS received a report of concern regarding the child. The referral was determined not to meet criteria for assessment with the indicated reason of, "3rd Party Incident - referred to Law Enforcement."
- 4/10/2017-
6/2/2017 Douglas County DHS received a report of concern regarding the child. The child reported being choked by the father during one of the first overnight visits with the father during the open case. The child reported the father got upset with the child, and then when the child did not listen, "[the father] choked [*sic*] him." The child reported having trouble breathing when it happened. Douglas County DHS assessed the physical abuse allegations. The mother reported concerns for the child's safety while in the father's care, and reported being worried that no one took her, or the child's concerns seriously, despite the ongoing case that was open at that time. The allegation of minor, intrafamilial abuse - physical was inconclusive.
- 4/18/2017 Douglas County DHS received a report of concern regarding the child. The referral was determined not to meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."

4/21/2017 Douglas County DHS received two reports of concern. The referrals were determined not to meet criteria for assessment with the indicated reasons of, "No information available from reporter of abuse and neglect as defined in law; and Duplicate referral."

4/26/2017-6/6/2017 Douglas County DHS received a report of concern. The allegation of minor, intrafamilial physical abuse was unsubstantiated.

5/23/2017 Douglas County DHS received a report of concern that the child reported being threatened by the father if the child did not lie about the mother. The child reported being fearful of the father and his threats to choke the child "if [the child] did not tell [the] police he did not want to go to [the mother's] home," or "lie about [the mother] killing their cat." It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."

6/15/2017 Denver DHS received a report of concern regarding the child and transferred the referral to Douglas County DHS. It was determined that the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law." It was documented that the allegations could be addressed through the open case.

6/22/2017 Douglas County DHS received a report of concern regarding some of the same allegations reported in the referral dated June 15, 2017. It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."

6/28/2017 During a monthly home visit with the child, the child admitted to the caseworker that the father told him to lie about his safety and well-being at the mother's home. The caseworker and the supervisor called the father about the allegations. The father denied ever telling the child to lie and threatened to notify the media.

7/20/2017 Douglas County DHS received a report of concern. It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."

9/12/2017 Douglas County DHS received a report of concern. It was determined that the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."

10/18/2017 Douglas County DHS received a report of concern. The father reported being fearful of the child's safety with the stepfather due to the prior sexual abuse the child experienced. It should be noted that prior allegations of sexual abuse were unsubstantiated. The referral was determined not to meet criteria for assessment with the indicated reason of, "Duplicate referral."

10/25/2017 Douglas County DHS received a report of concern regarding the family. The mother reported learning information from the child "that [the father] continue[d] to threaten [the child] with choking if [the child] [did not] do what [the father] tells him to do. The father also told the child "that [the father] [would] kill 9 of [the mother's] friends and he [knew] their addresses." It was determined that the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."

- 11/7/2017 and
11/14/2017 An Allocation of Parental Rights hearing was held in Douglas County. It was recommended for the parents to share equal parenting time, for the orders to be certified into a domestic relations case, and for Douglas County DHS to close their court-involved case. However, the court orders did not get signed at that time.
- 11/30/2017 Douglas County DHS received a report of concern regarding the family. The mother reported learning from the child "that [the father] choked [sic] him and kicked him" during their most recent visit together. The child also told the mother that the father threatened to "kill [the stepfather] in front of [the mother]," should the stepfather return to the mother's home. It was determined that the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
- 12/14/2017 Douglas County DHS received a report of concern regarding the child. It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
- 2/15/2018-
4/2/2018 Douglas County DHS received a report of concern regarding the child. The allegation of minor, intrafamilial abuse - physical was unsubstantiated.
- 2/15/2018 Denver DHS received a report of concern and transferred the referral to Douglas County DHS. The allegations were the same as the previous referral received on February 15, 2018. It was determined the referral did not meet criteria for assessment with the indicated reason of, "Duplicate referral."
- 3/1/2018 The court-involved case was closed, with the parents sharing equal custody of the child.
- ~3/2018 The half-sibling was born.
- 7/19/2018-
9/13/2018 Douglas County DHS received a report of concern. Law enforcement got involved and spoke to the child who reported being fearful the mother would not allow the child to see the father again and/or would leave the country with the child. In front of the mother, the child denied that the mother hit him; however, when asked about it while in front of the father, the child reported that the mother had hit him. The mother reported the father was alienating the child against the mother and teaching the child to lie to the authorities and professionals involved with the family. The mother expressed concern for the child being bullied by the father and the lasting impacts that would have on the child's mental and emotional development. The mother reported "[the child's] [sic] literally being taught to ignore the law, being used as a pond [sic], and struggling to stay safe in his own way. If DHS [was] not going to do anything, at least [the mother] kn[ew] [she] tried." The allegation of minor, intrafamilial abuse - physical was unsubstantiated.
- 8/8/2018 Douglas County DHS received a report of concern regarding the same allegations reported in the assessment dated July 19, 2018. There were additional allegations that the father was manipulating the child into lying about the mother "and making false allegations against the mother." It was determined that the referral did not meet criteria for assessment with the indicated reason of, "Duplicate referral."

10/2/2018	Douglas County DHS received a report of concern. It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
10/9/2018	Douglas County DHS received a report of concern regarding the child. It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
10/15/2018	Douglas County DHS received a report of concern regarding the same allegations reported in the referral dated October 9, 2018. It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law."
11/28/2018	Douglas County DHS participated in a Child Abuse & Neglect Expert Staffing (CANES) with other child welfare experts. Several recommendations were made following the case discussion and consultation, some of which were to involve both parents in further domestic violence services and identify the ways in which the father was exerting coercive control over the mother, thus further isolating her from the child.
1/18/2019- 3/15/2019	Douglas County DHS received a report of concern regarding the child. . The mother reported the father always notified law enforcement every time she attempted to exercise her parenting time with the child. The allegations were assessed. The child denied the allegations, but admitted to not liking the mother or wanting to go to her home. However, the child could not articulate why he felt the way he did. The allegation of minor, intrafamilial abuse - physical was unsubstantiated.
4/10/2019	Douglas County DHS received a report of concern regarding the child. The referral was determined not to meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law." It was documented that the concerns could be addressed through the family's Domestic Relations custody case.
6/11/2019	The father contacted law enforcement after finding a tracking device on his car. The father believed the mother placed it on his car to see if he ever drove near her home. The mother denied putting the device on the father's car and reported not having any interest in tracking the father's whereabouts. Law enforcement learned that the father was involved in another relationship, and the father's girlfriend had put the tracking device on his car. This information was not known to the Douglas County DHS until after the fatality.
7/5/2019	The child was hit by a car while crossing an intersection as he was riding his scooter outside. This information was not known to the Douglas County DHS until after the fatality.
8/22/2019	Douglas County DHS received a report of concern regarding the family. The RP reported that the CFI investigator had "received a threatening email from a threatening party... from a Russian website." There was speculation that whoever sent the email "was trying to influence the outcome of the [CFI] investigation." The mother had received similar emails from the father, so believed the father sent the email. The "RP ha[d] concerns about [the child's] mental health because of how [the father's] behaviors [were]." It was determined the referral did not meet criteria for assessment with the indicated reason of, "No information available from reporter of abuse and neglect as defined in law." It was documented that the concerns could be addressed through the Domestic Relations custody case.

- 9/20/2019-
11/11/2019 Douglas County DHS received a request to be present during the parents' domestic relations court hearing to hear their testimony and possibly assist in removing the child from the parents' care. The Judge advised of needing more time before making any decisions regarding the custody arrangement for the child. The child was murdered by the father before the assessment could be completed or the court could make its ruling. The assessment was closed as "No Abuse/Neglect Investigation."
- 9/21/2019 Law enforcement responded to the father's home at 2:52 a.m., after receiving a call from the mother around 2:20 a.m. The father sent the mother an email at 1:00 a.m. stating he was going to kill the child, as well as himself, and made threats to kill anyone who tried to take the child away from him, including DHS caseworkers or law enforcement. Upon responding to the home, law enforcement spoke with the stepmother over the phone who advised there was a note attached to the child's bedroom door that told her not to enter and to notify law enforcement. The stepmother left the home and law enforcement entered. They found both the child and the father, in the child's bedroom, deceased, from single gun-shot wounds to their heads.
- Law enforcement reported having 14 reports regarding the family since their move to Colorado in 2015, just within one jurisdiction.
- 9/22/2019-
10/31/2019 Douglas County DHS received information of the child's death. They completed an assessment and substantiated the fatal allegations.
- 10/9/2019 The child's autopsy report was completed which listed his manner of death as a homicide.
- 10/18/2019 Douglas County DHS learned from the Douglas County Coroner that the child had multiple scars and abrasions on his body, some of which were not indicative of typical childhood injuries. The stepmother also reported speculating the father had drugged her on the night of the incident, which was why she slept through it.

IV. COUNTY INTERNAL REVIEW

County: Douglas County DHS

Date: October 18, 2019

V. CDHS CHILD FATALITY REVIEW TEAM

A. Review Date: February 3, 2020

Documents Reviewed

1. Trails referrals, assessments, and case records
2. Colorado Children's Code - Title 19 of the Colorado Revised Statutes
3. Volume 7 State Child Welfare Rules and Regulations
4. Douglas County's Internal Review Report Dated: December 19, 2019
5. CANES Report
6. The Father's Murder-Suicide Email
7. Law Enforcement Reports
8. Autopsy Report

B. Identified Risk and Contributing factors that may have led to the incident:

- Domestic Violence
- Parental Alienation
- Isolation
- Undiagnosed Mental Health Issues
- Lack of communication between the three judicial systems (Dependency and Neglect Case, Domestic Relations Case, and Domestic Violence Criminal Case) working with the family.

C. Summary of identified systemic strengths in the delivery of services and supports to child/ren and/or family (non-identifying information).

The CDHS Child Fatality Review Team (CFRT) reviewed the fatal/near fatal/egregious child maltreatment incident and the previous involvement and identified strengths in the delivery of services and supports to the children and family. These strengths are:

1. The CFRT identified a strength in service delivery when Douglas County DHS opened a case to provide services to the family in 2016.
2. The CFRT identified a strength in Douglas County DHS practice and decision making when a CANES staffing was held in order to draw from the expertise of other professionals and gain recommendations on how to best work with the family in the future.

D. Summary of identified systemic gaps and deficiencies in the delivery of services and supports to child/ren and/or family and recommendations for changes in systems, policy, rule, or statute (non-identifying information).

The CDHS CFRT reviewed the fatal/near fatal/egregious child maltreatment incident and the previous involvement and identified systemic gaps and/or deficiencies in the delivery of services and supports to the children and family. These gaps and/or deficiencies are:

1. The CFRT identified a systemic gap related to perpetrator accountability in various systems. In this case specific review, the perpetrator continued to have coercive power and control over the mother and the child, despite the involvement of multiple agencies and court systems, including Douglas County DHS, law enforcement, the domestic relations court case, and the father's criminal case for a prior domestic violence charge, etc.
2. Likewise, the CFRT identified a systemic gap regarding the lack in understanding and/or appropriate management of domestic violence perpetrators, especially when the violence is coercive control rather than physical.
3. The CFRT identified a systemic gap related to the lack of communication between agencies and judicial systems when they are all working with the same family and/or individual. In this case, the judicial systems (criminal and civil) appeared to be working independently of one another, not sharing information or updates as needed. Had the judicial systems been able to communicate with one another, they might have known the father's true lack of compliance in the other cases, been able to read or access evaluations or recommendations completed in other cases, and/or been better able to hold the father accountable for his actions.
4. The CFRT identified a systemic gap in the Colorado Children's Code in that there is no inclusion of domestic violence or parental alienation in the child abuse and neglect definitions.

E. Review of Compliance (references to Rule Manual Volume 7, Child Welfare Services, of the Colorado Code of Regulations [12 Colo. Code Regs. §2509] are referred to by rule number): Compliance with statutes, regulations, and relevant policies and procedures is considered through the internal review by county departments of human/social services who had prior involvement in the previous three years, a qualitative case review conducted by the Administrative Review Division (ARD), and a review and discussion by the CFRT. The findings were provided to the counties in order to assist them in identifying areas needing improvement. There were no direct correlations between the compliance findings and the fatal incident.

F. Recommendations from the review of the incident:

1. The CFRT recommended the development of a workgroup that can review domestic violence cases in Colorado to see if there are better ways to work with perpetrators and victims in order to prevent further lethal outcomes for children and families.
2. The CFRT did not make a formal recommendation regarding the lack of understanding and/or appropriate management of domestic violence perpetrators, especially when the perpetrator uses coercive control rather than physical violence.
3. The CFRT recommended creating dual track court systems for families involved in multiple court actions (i.e. domestic relations, criminal, and civil). This would allow for professionals to collaborate and coordinate services, case management, and participation/compliance with the families involved.
4. The CFRT recommended proposing and supporting a legislative change for domestic violence and parental alienation to be included in the Colorado Children's Code definitions of abuse and neglect.