

Good Afternoon Chairperson and Representatives.

My name is Martha Wilson and I am representing myself. I could not get away to go testify today, but given my expertise as a former child protection caseworker and current expert knowledge as a clinical consultant, I felt compelled to participate in support of this bill

I have been deeply disturbed by some of the processes involved in the administrative process from what I have observed over my decade as a professional inside of and adjacent to the child welfare system. The administrative findings as they are currently given to parents is through the generic mailing system. At times parents are unhoused, meaning it never gets mailed to them, so they have no chance to meaningfully argue, contest, or even learn of the findings before it is too late to affect changes on them. At times something is off in the address entry such as a caseworker not entering in an apartment number and this very important mailing will never reach a parent at all. Not all of the parents have the developmental needs needed in which to understand the directions that accompany the administrative findings themselves, nor the process with which to dispute this process. Furthermore, the current administrative process expects the parents to represent themselves when they have zero knowledge of legal or procedural rules and guidelines. Not to mention the many gaps and hurdles that exist on the way to even making it to the interim hearings. I know of a parent that had allegations made against them in November 2021, the findings were entered, and I as the social worker I was able to help her file the appeal, but that hearing was scheduled for March 21 and 22 of 2023. I am not a lawyer, and it was absolutely a disadvantage to have me as the only person helping her in that. This bill would allow for parents like her to have representation by an attorney.

In her case, the findings have been held against her in a subsequent case, in a termination hearing, in an adjudicatory hearing for a newborn, even when it was still the subject of an administrative appeal. Not to mention the fact that she'd been drug testing regularly for the department and had never tested positive for the substance mentioned in the findings for that November 2021 date.

There were some hearings scheduled in-between that were alleged to have been mailed, but that mother did not receive the mail for those and did not know about them. However, because she did not show up to that pretrial conference, her appeal was dismissed. She received notification that her mailboxes were broken into recently and only learned about the dismissal because that letter came in the mail. These findings were not strong. The investigation was he said she said, and I believe was at most consistent with an inconclusive finding, but really more aligned with an unfounded report because this parent was actively and successfully participating in their case.

The manner in which this system does not check and balance itself is terrifying. This bill is needed to give them even a chance at fairness and dignity in this process.

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House Public & Behavioral Health & Human Services
02/21/2023 01:30 PM
HB23-1160 Colorado TRAILS System Requirements
Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Hillary Jorgensen For themselves</p>	<p>Written Testimony HB12-1160</p> <p>Hillary Jorgensen on behalf of CCDC</p> <p>Dear Committee,</p> <p>Thank you so much for giving me the opportunity to submit written testimony in support of HB23-1160. I personally, and we as an organization, are supportive of HB 1160 because of the pervasive issues parents with disabilities and parents with disabled children have experienced with the TRAILS system.</p> <p>I have a rare form of dwarfism that is not a form of skeletal dysplasia, but rather the result of multiple cellular mutations that affect several of our systems, including our endocrine system. There are exactly a total of TWO specialists in the US who are experts in this form of dwarfism. Both are based in major cities on the East Coast (one in NYC and one in Baltimore).</p> <p>One of the first hallmarks of this form of dwarfism is failure to thrive because our bodies don't process calories the way most people's bodies do. It is very common for parents of people with our syndrome to be accused of neglect and reported to CPS before a diagnosis is made. I am part of two national growth disorder organizations (neither of which I am writing on behalf of, just to be clear) and we very frequently get requests from parents and/or attorneys representing parents who have found themselves caught up in the CPS system while trying to receive a diagnosis for their child. The parents in these situations that I interact with are terrified that they are going to lose their child while also being simultaneously terrified about their child's health.</p> <p>Another rare form of dwarfism, Osteogenesis Imperfecta (aka as OI or brittle bone disease) results in bones that fracture easily. While I do not have OI, the two national growth organizations I work with also receive numerous calls for assistance from parents who are being investigated because their infants show up in the ER with fractures frequently.</p> <p>HB 1160 creates more transparency in the TRAILS system and prohibits the release of information until all investigations are</p>

	<p>exhausted. This would be a huge relief to parents who are, beyond any fault of their own, caught in the system because they happen to have a child with a rare medical condition that may be difficult to diagnose and/or is not well understood by non specialist medical providers.</p> <p>I urge you to vote yes on HB 1160. Thank you for taking the time to read this testimony.</p> <p>Hillary Jorgensen Co Executive Director, CO Cross Disability Coalition</p>
<p>Andrew Rose For COMBINE</p>	<p>Dear PBHHS Chair Representative Michaelson Jenet and PBHHS Representatives,</p> <p>COMBINE represents over 900 independently contracted Medicaid mental health care professionals and small clinics.</p> <p>We write to day in support of HB23-1160, "Colorado TRAILS System Requirements."</p> <p>As mental health care professionals involved in children's lives, we have a view into the child protection systems and some of their adverse impacts.</p> <p>We see, not rarely, legal abuse by a parent, where any avenue to bother, deplete, enrage, or threaten a protective parent is used. Regrettably this includes allegations of child abuse and child sexual abuse.</p> <p>Justice is a fundamental facet of democracy, and the benefit of an appeal hearing to counter claims that may not have been factual is essential.</p> <p>Please support HB23-1160.</p> <p>In regards, Andrew Rose Chair, Legislative Committee, COMBINE Director, Boulder Emotional Wellness</p>

Testimony for HB23-1160, February 21, 2023

Heather Thompson, MS, PhD – Co-Deputy Director, Elephant Circle

Hello Chair Janet and members of the committee. I appreciate the opportunity to submit written testimony in support of HB23-1060.

My name is Heather Thompson and I am the Co-Deputy Director of Elephant Circle, a birth justice organization. We are in support of this bill.

Elephant Circle was founded in 2009, and since then we have worked with and heard stories from many families navigating interactions with child welfare services in Colorado. We work with people who experience the ramifications of how these systems are built and operate.

Early in the process of investigating a report of child abuse or neglect, the name of the person being investigated and details of the case are entered into a case management database called TRAILS. Once someone's name has been entered into TRAILS, it will remain there for 99 years and will show up in a background check for certain types of paid or volunteer positions. For example, having TRAILS in your background check will prevent you from being able to work or volunteer in certain schools and childcare situations. This happens even before the window of opportunity to appeal the finding has closed.

This practice violates the concept of "innocent until proven guilty."

In contrast, HB23-1160 upholds this concept, by preventing background checks from revealing a history in TRAILS until after all appeal options are exhausted.

In addition to working with families during a child welfare investigation, Elephant Circle has also helped a number of families appeal their findings of abuse or neglect. In particular, a number of our clients work in the childcare industry, and we have seen firsthand how having TRAILS show up in a background check can prevent someone from finding a job.

In one family's case, a parent with finding of child abuse and neglect that was reversed upon appeal lost several job opportunities during the time between the opening of the investigation to the close of the appeal. This financial strain added to the stress and anxiety this family was already experiencing. In another family's situation, housing was difficult to acquire because of the TRAILS background check, even though they won their appeal.

The experiences of both of these families would have been improved if HB23-1160 was already enacted into law. Navigating a child welfare investigation is an extraordinarily stressful and life-altering event. Families should be able to exhaust all appeal options before a child welfare investigation or finding impacts their ability to seek employment and/or housing.

Thank you for your time. We ask for a yes vote on HB23-1160.