

Critical Incident Review Team Final Report



A Critical Incident Review Team is convened by the Department Director when the Department becomes aware of a critical incident resulting in a child fatality that was reasonably believed to be the result of abuse and the child, child’s sibling or another child living in the household with the child has had contact with the Department (DHS). The reviews are called by the Department Director to quickly analyze DHS actions in relation to the critical incident and to ensure the safety and well-being of all children within the custody of DHS or during a child protective services assessment. The CIRT must complete a final report which serves to provide an overview of the critical incident, relevant Department history, and may include recommendations regarding actions that should be implemented to increase child safety. Reports must not contain any confidential information or records that may not be disclosed to members of the public. Versions of all final reports are posted on DHS’ website.

CIRT ID: 0QUOOFBXEB		
Date of critical incident: December 11, 2019	Date Department became aware of the fatality: December 11, 2019	
Date Department caused and investigation to be made: December 11, 2019	Date of child protective services (CPS) assessment disposition: March 18, 2020	
Date CIRT assigned: December 13, 2019	Date Final Report submitted: March 20, 2020	
Date of CIRT meetings: December 26, 2019 February 14, 2020	Number of participants: 13 20	Members of the public? No No

Critical Incident Review Team Final Report

Description of the critical incident and Department contacts regarding the critical incident:

Date of report: 12/11/2019	Allegation(s): Neglect of the child by the parents, Threat of Harm to the child's maternal half-sibling by the parents	Disposition: Unfounded
Assignment decision: Assign- 24 Hours		

On December 11, 2019, the Department received a report regarding the death of a two-month old child. According to the report, emergency response was contacted when the parents found the child unresponsive after being put to sleep on a bed of pillows on the living room floor. It was further reported both the mother and father consumed alcohol and marijuana the night before and were intoxicated. The father provided care for the child and the mother went to bed. The father reported at about 3:00 a.m. he picked the child up, gave the child a hug and put the child back down on a makeshift bed on the floor. The child was swaddled, and the sleeping area had soft pillows. The father reportedly put the child on the child's side. The child's arms were tucked in and the child was unable to roll over. At approximately 7:00 a.m. the mother attempted to wake the child and found the child unresponsive. There was also a 1-year old maternal half sibling in the home at the time who was observed by emergency personnel.

The Department reviewed reports, spoke with law enforcement upon assignment of the CPS assessment and interviewed both the mother and father the following day. It was learned the parents smelled of alcohol at the time emergency responders arrived. When interviewed, the father stated he and the mother had been drinking throughout the night and he smoked half a bowl of marijuana. Observed by responders in the home were several empty bottles of tequila as well as various marijuana products and paraphernalia. The parents denied drinking the entire bottles of alcohol and stated the bottles were all only partially full. The mother explained she had two shots of tequila and acknowledged feeling the effects, stating she had not consumed alcohol in almost a year due to pregnancy. According to the parents, the father swaddled and placed the child in the swing around midnight and stayed up with the mother watching television. At 3 a.m. the mother went to bed and the father fed and changed the child and then swaddled and placed the child on their side on a makeshift bed of pillows next to the couch. The child was wearing two onesies, was swaddled and covered with a blanket so as not to get cold. The father noted the child did not drink as much formula as usual, which was confirmed by a mostly full bottle of formula being found on the coffee table. The child's breath was somewhat raspy as if the child had a cold. The father watched television and fell asleep on the couch sometime around 6 a.m. The mother found the child unresponsive at 7 a.m. It was confirmed that although the one-year old half sibling was not put to bed with the child the night before, the sibling was laying close to the

Critical Incident Review Team Final Report

child in the living room when the mother found them in the morning. The child was not observed to have any injuries or signs of trauma.

A plan was put in place to ensure the safety of the one-year old half sibling while the Department gathered additional information regarding the allegation of neglect and possible concerns surrounding substance use in the home.

A follow-up visit was conducted on December 13, 2019, and the one-year old half sibling was observed to be healthy and developing well. The mother and father agreed to participate in screenings with the Addiction Recovery Team (ART) and asked for information related to grief support. Both parents denied regular heavy drinking or substances use. The father stated he drinks alcohol once per week on his day off and uses marijuana periodically. The mother reported even less frequent use of substances. Both parents were employed and reported to be receiving adequate emotional support from friends and family. Attempts were made to gather collateral information from relatives, without success. The roommate corroborated the parents' statements and stated she had no concerns about their care of the children.

The caseworker inquired as to the whereabouts of the father's two older children, ages eleven and two, and the father reported the children had been picked up by their mother for a visit in early December 2019 and never returned. The father believed she took the children to California and he was unaware of their specific location. The father had not obtained legal custody of the children and did not believe he could prohibit their mother's contact.

The caseworker also inquired about the biological father of the one-year old half sibling in the home. The mother reported he was incarcerated and not expected to be released for some time. Legal paternity had not been established and he had infrequent contact with the one-year old.

The Department conducted three additional follow-up visits with the family between late December 2019 and early March 2020. The one-year old half sibling was always observed to be healthy, clean, and safe. The home was observed to be clean and both parents observed to be sober at each contact. The parents participated in ART screenings and were not identified as needing referrals for follow up related to substance use. The father reported he was on bench probation due to the prior violation of a restraining order involving his older children's mother and was still engaged in domestic violence treatment. No evidence was gathered to suggest the presence of domestic violence in the current home environment.

The father was clear he did not believe his substance use was a factor in the death of the child. He believed he provided routine care as he would on any other night. The mother and father reported it was common practice for the child to sleep on their side and they had also put the child on the pillows in the living room previously without incident. They were unaware the practice was unsafe, although records indicate the

Critical Incident Review Team Final Report

parents were provided safe sleep education when the child was born and in follow-up contacts. The parents explained the child seemed more comfortable when on their side and extended family members had reinforced the practice.

The assessment was closed with an unfounded disposition. The Department determined the parents' substance use was not a factor in the death of the child. It was also determined the death was the result of unsafe sleep practices related to lack of understanding and not neglect. The family was provided information for supportive services within the community.

Description of relevant prior Department reports:

Date of report:	Allegation(s):	Disposition:
10/12/2010 Assignment decision: Closed at Screening	Neglect of the child's paternal half sibling by the father	Not Applicable

On October 12, 2010, the Department received a call regarding neglect to the child's oldest paternal half sibling. It was reported the father became angry and frustrated about an upcoming move and punched his hand through the back-sliding glass door. At the time of police contact the father's bloody hand was wrapped in a towel. It was reported the half sibling, age two at the time, was upstairs when the incident occurred.

The Department determined there was no indication the half sibling had been exposed to violence in the home and the report was closed at screening.

Date of report:	Allegation(s):	Disposition:
11/06/2018 Assignment decision: Assign- 24 Hours	Threat of Harm to the child's paternal half siblings by the father	FOUNDED

The Department received a report on November 6, 2018 regarding threat of harm to the child's paternal half siblings. According to the report, law enforcement responded to a call of domestic violence several weeks prior. The father's significant other, mother to the ten and one-year-old children in the home, stated she had two bruises and felt pain. She reported she and father were arguing over his infidelity, as well as father's views on their relationship of fifteen years. She reported she had been drinking and the

Critical Incident Review Team Final Report

father had consumed marijuana. The father jumped out of bed during the argument and grabbed her by the arm, dragging her out of the apartment. One of the couple's children, age one at the time, was on the bed and awoke during the incident. The father's significant other reported once he dragged her outside, he shut the door and wouldn't let her back in. Law enforcement also spoke to the ten-year old half sibling in the home. That child reported seeing the father assault the ten-year old's mother. The father's significant other reported the father had threatened to take the children multiple times and that they argue frequently.

The Department had contact with father's significant other, as well as both of their children. The information in the police report was corroborated by the significant other. She stated she had obtained a restraining order against the father. She also indicated the father attempted to contact her via e-mail, which was a violation of the restraining order. The ten-year-old disclosed another incident a few months prior where the father pushed his significant other during an argument, resulting in her falling to the ground. The father's significant other confirmed this incident and reported she was fearful of the father. The father was not contacted during this assessment by the Department.

The Department determined the two children in the home had been exposed to violence and the father's behavior presented a threat of harm. The assessment was closed with a founded disposition as to the father.

Date of report:	Allegation(s):	Disposition:
06/08/2019	Neglect to child's paternal half siblings by their mother	FOUNDED
Assignment decision: Assign- 24 Hours		

The Department received notification that a neighbor was concerned that the child's ten and two-year old half siblings, had been left in the apartment alone for about an hour. This was reported to be a pattern of behavior, with the half siblings being left for up to a day or two with no one checking on them. The half siblings were living solely with their mother at the time.

The Department responded immediately as law enforcement had found the ten and two-year old home alone. It was confirmed with neighbors that there was no agreement to watch the half siblings and their mother had left them without a caregiver. The mother eventually returned to the home after multiple phone calls. The ten-year-old reported that both children had been alone, and no one had checked on them. The ten-year-old reported multiple times per week they are left alone and reported neither had eaten that day since breakfast. The ten and two-year old half siblings' mother was arrested upon

Critical Incident Review Team Final Report

return to the home for child endangerment and protective custody was taken of the children.

The father was contacted and informed of the incident. There was a restraining order against the father, and he was not having contact with the ten and two-year old half siblings. He wanted the half siblings placed with him and stated he had been actively engaging in domestic violence classes since being ordered to do so after an earlier violation of the restraining order.

The father filed a motion to change the restraining order and the ten and two-year old half siblings' mother filed a motion to dismiss the restraining order completely. The half siblings returned to the care of the father in August of 2019.

Date of report:	Allegation(s):	Disposition:
10/02/2019	Threat of Harm to paternal half siblings by their mother's significant other	Unable to Determine
Assignment decision: Assign- 72 Hours		

The Department received a report October 2, 2019 alleging threat of harm to the child's ten and two-year old paternal half siblings. According to the report the half siblings' mother was assaulted by her significant other. She was able to kick him in the groin and he got off her and left the apartment. It was believed the two-year-old half sibling witnessed the incident. The reporter stated the argument was over the half siblings' mother stating she wanted to reunite with the father. She reported this was an isolated incident and there was no previous violence in the ten-month relationship. There were no bruises or injuries and it was reported the relationship had ended.

The ten and two-year-old half siblings had reportedly been living with their father since August of 2019. The Department contacted the father, his current significant other (mother to deceased child), the newborn child and the child's three half siblings, ages ten, two and one. The father was still engaged in domestic violence classes and reported learning how to change his behaviors. The father acknowledged smoking marijuana occasionally, but only once or twice in the previous month. He stated his alcohol use only occurred on Sundays while watching football. The father's significant other, mother to the deceased child and the one-year old half sibling, reported she did not drink or smoke marijuana due to nursing the child. She reported she had never used marijuana. The child and the two and one-year old half siblings were observed, and no safety concerns were identified.

Critical Incident Review Team Final Report

The ten-year old half sibling was interviewed but was very withdrawn and did not provide clear answers to the questions surrounding the domestic violence. The half-sibling's mother was not cooperative with the Department and did not attend several scheduled appointments. Towards the end of the assessment, she contacted the Department, stating she was living in Arizona. It was unclear if the half siblings had been returned to the care of their mother for a period or were on a visit at the time of the reported incident. The Department was unable to gather information to identify the alleged perpetrator and the assessment was closed as unable to determine.

Description of concerns regarding actions taken or not taken by the Department or law enforcement agencies in response to the critical incident or events that led to the critical incident:

While it has been determined the fatality was not the result of abuse and contact with the child in this home was limited, the CIRT recognizes an opportunity may have existed in the October 2019 contact with the family to inquire about sleep practices and reinforce information the family had been provided regarding safe sleep.

Recommendations for improvement in the administration and oversight of the child welfare system that are specific to the critical incident and any historical information reviewed by the team:

The Department has been working toward implementation of a safe sleep education plan for child welfare staff for some time. The CIRT recommends the Department continue with implementation efforts. The plan shall include providing education and coaching to all child welfare staff who come into direct contact with families. Education will include guidance for caseworkers around engaging in thorough safe sleep conversations and providing safe sleep education as appropriate to families any time there is a child under the age of one in the home. Curriculum development is underway, and training will be mandatory for caseworkers and supervisors.