

# 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. The CIRT report is created at a specific time as required by statute and does not account for events occurring after the posting of the report. Versions of all final reports are posted on DHS’ website.

<b>CIRT ID: JBC67HNO8F</b>		
<b>Date of critical incident:</b> June 1, 2020	<b>Date Department became aware of the fatality:</b> June 1, 2020	
<b>Date Department caused an investigation to be made:</b> June 2, 2020	<b>Date of child protective services (CPS) assessment disposition:</b> August 10, 2020	
<b>Date CIRT assigned:</b> June 4, 2020	<b>Date Final Report submitted:</b> September 11, 2020	
<b>Date of CIRT meetings:</b> June 19, 2020 August 7, 2020	<b>Number of participants:</b> 13 12	<b>Members of the public?</b> None None

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

<b>Date of report:</b> June 1, 2020	<b>Allegation(s):</b> Neglect by the mother	<b>Disposition(s):</b> Founded
<b>Assignment decision:</b> Assign- 24 Hours		

On 06/01/2020 the Department received a report that a motor vehicle accident resulted in the death of the 1-year-old child, the mother and the mother's adult roommate. After striking an oncoming car, the mother's vehicle rolled over and caught on fire. A witness pulled the child from the vehicle. The child was transported to the hospital with a severe head injury and significant blood loss. Later that day, the reporter contacted the Department again to inform that the child passed away while at the hospital. The hotline received a second call on 06/02/2020, which provided additional information and caused the CPS investigation to be made. It was reported the mother was with her roommate and the child on 05/31/2020 and used methamphetamine with other friends. She was suspected to have smoked methamphetamine again the morning of 06/01/2020. The mother was determined to be at fault for the accident, as she was driving and swerved into oncoming traffic.

The CPS caseworker learned from law enforcement that seven grams of methamphetamine were found in the mother's clothing at the scene of the accident.

The mother had two surviving children who are in the care of a relative with whom they have lived for approximately three years. The children declined to participate in an interview. The CPS caseworker provided the family with information about therapeutic resources.

The CPS caseworker spoke with the father by telephone as he was incarcerated at the time of the critical incident. The father reported he last had contact with the child by video chat in January 2020. He recalled having no concerns for the child at that time, though he told the CPS caseworker he and the mother planned for him to take the child upon his release, so the mother could seek treatment to address her methamphetamine use.

The CPS caseworker also spoke with relatives who reported they were unaware of the mother's substance use. They reported recent contact with the child and stated that the child had appeared well taken care of.

The assessment was founded for neglect, as the mother was under the influence of methamphetamine at the time of the accident, which resulted in the child's death.

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### Description of relevant prior Department reports:

<b>Date of report:</b> August 21, 2006  <b>Assignment decision:</b> Assign- 24 Hours	<b>Allegation(s):</b>  Neglect by the mother	<b>Disposition(s):</b>  Founded
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On 08/21/2006, the Department received a report that a 1-year-old child had been found wandering outside in only a diaper. When law enforcement arrived at the family home, they found it to be unsafe and unsanitary.

CPS caseworkers responded immediately to the home. The caseworkers observed the home environment to be unsafe, with garbage and spoiled food through all the house. The home was occupied by the mother, her children, and other family members. It was reported that multiple adults in the home were known to struggle with substance use.

The assessment was founded for neglect due to the home being unsafe and unsanitary and the lack of appropriate supervision provided to the sibling, who was found wandering the street.

<b>Date of report:</b> February 20, 2008  <b>Assignment decision:</b> Closed at Screening	<b>Allegation(s):</b> Threat of Harm by the mother  Neglect by the mother	<b>Disposition(s):</b> Not Applicable  Not Applicable
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On 02/20/2008 the Department received a report that drug paraphernalia had been observed in the mother's home which appeared to be for marijuana use. There were no other details provided about the mother's substance use or when the paraphernalia was observed.

The screener determined the report may have been historical and there was no information to indicate a current safety risk. Therefore, the call was closed at screening.

<b>Date of report:</b> February 14, 2018  <b>Assignment decision:</b> Assign- 24 Hours	<b>Allegation(s):</b>  Threat of Harm by the mother	<b>Disposition(s):</b>  Unfounded
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On 02/14/2018 the Department received a report that the mother was arrested on 01/28/2018 after police stopped her vehicle, which was driven by the father. The father was arrested for outstanding charges. The mother was arrested for an outstanding warrant. Police found drug paraphernalia in her possession, including a pipe used to smoke marijuana and a glass pipe with white residue. The mother admitted to being in possession of methamphetamine which was confiscated along with three Xanax pills when she was booked into jail.

An attempt to contact the family at their home on 02/14/18 was unsuccessful. The CPS caseworker was able to make phone contact with the mother on 05/17/18. At that time, the mother would not consent to an interview with her children. The mother expressed feeling wary of child welfare, due to her prior contact. The mother informed the CPS caseworker that the children had been living with a relative since December 2017. The mother also informed the worker that she was 30 weeks pregnant and experiencing homelessness.

In discussing her arrest from 01/29/18, the mother reported the drugs and paraphernalia found by law enforcement belonged to the father. She denied any substance use issues. The mother reported the father was abusive toward her and was observed to be aggressive by law enforcement during the arrest. She reported that he spent 90 days in jail following the arrest, which allowed her to make a safe plan for herself. During this assessment, she believed the father was living in a neighboring state.

The allegation of neglect toward the siblings was unfounded by the CPS caseworker as the children were not present for the reported incident and the mother was not criminally charged. The CPS caseworker further noted the mother made a safe plan for the children while she was homeless.

<b>Date of report:</b> May 31, 2018	<b>Allegation(s):</b>  Neglect by the mother	<b>Disposition(s):</b>  Not Applicable
<b>Assignment decision:</b> Closed at Screening		

On 05/31/2018 the Department received a report that the mother was seven months pregnant and her water broke prematurely. It was reported that the mother used methamphetamine and marijuana during her pregnancy. It was expected that the mother would stay in the hospital until closer to her due date in late July, to decrease the risk of infection. No urine drug screen had been collected upon her admission to the hospital.

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The call was closed at screening, as there was no identified victim child and the mother was still pregnant. Birth alert letters were sent to area hospitals due to the concerns regarding the mother's untreated substance use.

<b>Date of report:</b> June 5, 2018	<b>Allegation(s):</b> Neglect by the mother	<b>Disposition(s):</b> Unfounded
<b>Assignment decision:</b> Assign- 24 Hours	Neglect by the father	Unfounded

On 06/05/2018 the Department received a report regarding the birth of the child. The urine screen for the child was reported to be negative for substances, though the mother and father were reported to be using methamphetamine in the bathroom of the private hospital room shortly after delivery. The mother would not consent to a urine screen while in the hospital. Due to the parents using drugs in the hospital room, the father was removed from the hospital and not allowed to return, while the mother was cited for the substance use. The infant was expected to spend at least three weeks in the NICU, due to being born premature.

The CPS caseworker learned from hospital staff that the child weighed 4lbs 4oz and was admitted to the NICU. The worker also learned in addition to the urine drug screen, umbilical cord tissue was tested and negative for all substances.

The CPS caseworker learned from hospital staff, the smell of cigarette and marijuana smoke was coming from the mother's hospital room the morning after the child was born. The mother was recovering in her own room, accompanied by the father, while the child was in the NICU. Security was called to the room and found a pipe used to smoke methamphetamine in the mother's belongings. The mother discharged herself against medical advice on 06/05/2018. While there were initial concerns the mother was using methamphetamine in the hospital, the evidence gathered by the CPS caseworker did not support this and found the parents were smoking marijuana and cigarettes in the hospital room.

During the CPS assessment, the mother reported a history of substance use, including marijuana, alcohol and methamphetamine. She admitted to using methamphetamine early in her pregnancy but according to self-report, she stopped using for most of her pregnancy. In order to better understand current use, the CPS caseworker asked the mother to provide a urine drug screen on 06/07/2018, which was positive for marijuana only. The mother was referred to drug and alcohol services. While the mother initially worked cooperatively with the Department, she did not provide any additional urine drug screens for the Department after 06/07/2018, though at least one more was requested by the CPS caseworker.

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A safety plan was created on 06/18/2018 for the mother and child to move in with a family friend who was approved as a safety service provider. The safety plan allowed only supervised contact between the father and child. On 06/23/2018, the child was discharged from the hospital. On 06/25/2018 while the CPS caseworker was at the safety service provider's home, the safety service provider reported finding beer cans in their home and believed the mother had been drinking. The safety service provider reported the mother had not stayed overnight in the home since the infant's discharge from the hospital two days prior. It is unclear why the safety service provider did not notify the Department earlier. The mother happened to come to the home while the CPS caseworker was present. The mother was upset with her friend but was described to be appropriate with the child.

The CPS caseworker confirmed the child was seen for a medical appointment with the pediatrician on 06/25/2018 but was a no call/no show for an appointment on 07/02/2018.

The father was incarcerated during the assessment however was able to meet with the CPS caseworker while in custody. He reportedly met the mother 15 years earlier and they used methamphetamine together. The father expressed concerns that the mother could be using methamphetamine again. He expressed a desire to find a job and address his mental health needs, though he did not expand on what symptoms he experienced.

The older siblings were each interviewed at school by the CPS caseworker. Both children reported living with a relative. The CPS caseworker spoke with the relative who confirmed that the children had been with them for over a year.

The mother reported the father of the older siblings lived out of the country. She reported that she moved there with him for an unknown amount of time, before moving back to the United States.

No further action was taken by the Department and the allegations of neglect by the parents were unfounded. The CPS assessment indicated the child's drug screens were negative and the child was in the NICU when the parents were found to be smoking in the hospital.

<b>Date of report:</b> September 5, 2018	<b>Allegation(s):</b> Neglect by the father	<b>Disposition(s):</b> Unfounded
<b>Assignment decision:</b> Assign- 24 Hours	Threat of Harm by the father	Unfounded

On 09/05/2018 the Department received a report about a physical altercation between the mother and father. The mother was observed driving with the child in the back seat, when she pulled up next to the father, who was walking. It was reported that they had a

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verbal argument and the father prevented the mother from exiting the vehicle, by pushing her car door closed. The witness saw the father reach his hand inside the car and hit the mother on the head. Law enforcement responded to the scene and observed injuries to the mother including a scratch to her arm, blood on her lip and chin. The father was arrested while the mother and child were transported from the scene by a relative.

The following day, the mother brought the child into the DHS office to meet the assigned CPS caseworker. It was learned the mother had been staying with friends in a neighboring state. The CPS caseworker confirmed this via telephone with the friend, who did not have any concerns. The mother reported she was in recovery, though she declined to provide a UA to confirm that she was clean and sober during this assessment. In addition, the CPS caseworker spoke with a relative who had no concerns for the mother. The older siblings were not observed or interviewed during this assessment.

Regarding the reported incident, the mother stated that she and the father were arguing because he had just been released from jail. The mother reported her driver door window did not work, so she tried to open the door to yell at him. The mother reported she attempted to kick the father, so he slammed the door.

The father reported he met the mother and child at a park to visit. He reported the mother was upset with him for speaking to another woman, so she slapped him. The father reported he tried to leave but the mother followed him in her car. He reported closing the car door to keep the mother inside but denied any physical violence. The father reported marijuana use but denied other substance use.

The allegations of neglect and threat of harm by the father were unfounded. The CPS caseworker found that the father was not in a parenting role and the mother appeared to be protective. Further, both parents denied any domestic violence.

<b>Date of report:</b> May 4, 2020	<b>Allegation(s):</b> Neglect by the mother	<b>Disposition(s):</b> Unable to Determine
<b>Assignment decision:</b> Assign- 72 Hours		

On 05/04/2020 the Department received a report that the mother was living in a home where suspected drug use was occurring, and the mother was suspected of using methamphetamine. The mother was observed to yell profanities at the child while in a grocery store. Law enforcement responded to the scene. They did not witness the mother become violent, but did believe she was under the influence, due to constricted pupils. After speaking with the mother and observing the child, for approximately one hour, law enforcement allowed the mother to leave with the child.

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On 05/06/2020 the CPS caseworker attempted contact at the mother's residence. The mother answered the door but declined to provide any information and refused to allow the CPS caseworker to view the child.

The mother had two older children who were living with a relative. The CPS caseworker spoke with the relative who confirmed the older children have been residing with them for multiple years. That relative informed the Department the mother had a stable residence until December 2019. After that time, the mother had reportedly been staying with different friends while caring for the youngest child. The relative did not believe the mother was using substances because the mother's behavior did not reflect her past behaviors when using substances.

The CPS caseworker spoke with local law enforcement who had contact with the mother and child at the grocery store. The officer denied seeing any injuries and described the child as happy and well cared for. It was reported that the mother was not cooperative with law enforcement and an officer had noted that the mother made fast movements and her eyes appeared glossy. Law enforcement reported the mother denied being under the influence.

The allegation of neglect was closed as unable to determine. While the information provided by law enforcement was concerning, the CPS caseworker was unable to gather adequate information due to the mother's lack of cooperation and participation in the CPS assessment.

### **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:**

The CIRT identified the hotline call received on 05/04/2020 may have been more appropriate to assign with a 24-hour response time rather than a 72-hour response. This could have prompted a more timely response from the CPS caseworker and perhaps allowed the worker to observe reported signs of parental substance use. The CPS caseworker is required to make contact with the family within and no later than the timeline assigned and, in this instance, did meet the required 72-hour response. CPS caseworkers are expected to use professional discretion for how and when they make contact within the timeline, based on the family's unique circumstances and the urgency of the reported child abuse or neglect.

The CIRT also had a discussion regarding the role of law enforcement on 05/04/2020. While law enforcement identified that the mother appeared to be under the influence, they allowed her to leave the scene with the child.

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### **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 Oregon Child Abuse Hotline (ORCAH) participated in the CIRT meetings and noted the concerns raised by the team. After identifying this improvement opportunity, the Continuous Quality Improvement team will review the specific screening report with management at ORCAH no later than September 2020 and identify if this screening decision is reflective of a larger system issue.