

**Florida Department of Children and Families
Child Fatality Summary C-19 2022**

Child's Name: Payson Middleton

County: Indian River

Date of Birth: 12/19/2021

Date of Death: 08/11/2022

Family Composition Chart

Report Number: 2022-240834

Name	Age at Time of the Incident	Relationship with Deceased Child
Payson Middleton	7 months	Decedent
██████████	23 months	Sibling
Rachel Lubold	35 years	Mother

Circumstances Surrounding Death

On 08/11/2022, the Department received a report with the following allegations, "On 8/11/22, Payson drowned in the bathtub. Payson was pronounced dead at the hospital. Payson was in a chair in the tub and the mother walked away for a "second." The mother came back into the bathroom and found Payson submerged in the water. Payson was transported to the hospital by EMS. The mother is heavily intoxicated and was causing disturbances at the hospital. The grandmother picked the mother up and brought her to the hospital.

The mother may be going to jail. The mother has another child in the home named ██████████ that also went to the hospital with her."

In the moments leading up to the incident, the mother placed the infant and toddler into the bathtub. The infant was placed into a baby bath seat. There was approximately 6-8 inches of water in the tub according to the mother. Next, the mother went downstairs, leaving the children unattended for approximately three minutes to retrieve a toy and clothes. When the mother returned, she found the infant submerged in the water and unresponsive. The mother pulled the infant out of the tub, went downstairs and called 911.

When emergency medical services arrived at the home, the infant was found to be unresponsive and pulseless. EMS initiated intensive resuscitation efforts which were continued at the emergency room without success. The infant was pronounced deceased at Cleveland Clinic Indian River Medical Center at 7:34 pm.

The mother was observed to appear intoxicated by hospital staff and others. The mother was punching walls, yelling, pulling down hospital curtains, throwing items and slurring her speech. Law enforcement had to intervene and remove the mother's cup of wine she was drinking in the emergency room. The mother tested positive for methadone, benzodiazepines and opiates. The mother admitted to drinking alcohol but stated that she started drinking after the infant was found in the bathtub.

Dr. Patricia Aronica of the Medical Examiner's Office-District 19 completed an autopsy. The cause of death was determined to be "drowning and acute viral myocarditis" and the manner as "accident." The report states that there was evidence of drowning found during the autopsy as the lungs were hyperinflated and fluid filled.

Dr. David G. Walters with the Child Protection Team "CPT" of District 19 completed a medical consultation. There were positive findings for neglect. The report states that maternal substance abuse possible contributed to the drowning. CPT recommended grief counseling and continued substance abuse and mental health treatment and parenting education for the mother.

The Indian River County Sheriff's Office has jurisdiction over this case. The detective completed a criminal investigation and determined that no crime occurred.

Based on the information indicated above, the report was closed with "verified" findings for the death, inadequate supervision, threatened harm and substance misuse-alcohol maltreatments.

Other Children in the Family

[REDACTED]

Summary of Prior Agency Involvement with Family

There is one prior report involving the decedent. This investigation was closed in March of 2022 with not substantiated findings of household violence threatens child. The father allegedly beat and choked the mother while she was holding the infant. The infant was dropped on the ground during the incident. The father was arrested and he returned to his home state of Maryland, where he remained during the drowning incident.

Signature Page:

Tausha Schreiber

Tausha Schreiber, Child Fatality Prevention Specialist

03/28/2023
Date

Michelle Windfelder

Michelle Windfelder, Region Program Manager

3/31/2023
Date