

OIG2023 #18

Child No. 18	DOB: 09/2019	DOD: 02/2022	Homicide
Age at death:	2 years		
Cause of death:	Blunt force trauma due to physical abuse		
Alleged perpetrator:	Child's father		
Reason for review:	Return home within one year of child's death		
Action taken:	Full investigation pending		
<p>Narrative: Two-year-old was found unresponsive, and 911 was called. First responders reported they found the toddler with bruises and injuries on multiple planes of her body. She was transported to the hospital, where she was pronounced deceased. The father stated the toddler had urinated on the couch, so he whipped her with a belt, washed her, noticed she was having trouble walking, and heard a thump when she fell down. Both the father and paramour also reported he had whipped her the day before. The paramour stated that after she felt just spanking her wasn't working, she gave the father a belt to use. At autopsy, the pathologist found injuries on almost every area of her body consistent with child abuse. The toddler had been living with her father for approximately one month after the mother became homeless. The toddler's siblings were living with their respective fathers. The father has been charged with first degree murder and DCFS indicated the father for death by abuse; head injuries by abuse; internal injuries by abuse; and cuts, bruises, welts, abrasions, and oral injuries by abuse. DCFS investigated the mother and unfounded the investigation for substantial risk of physical injury/environment injurious to health and welfare by neglect because she made appropriate care plans with her children's fathers.</p> <p>Reason for Review: The toddler and her three siblings came into DCFS care in 2020, after a shooting at their mother's home. In March 2021, the toddler's mother began receiving unsupervised visits with the then 17-month-old toddler and her then 2-year-old, 5-year-old, and 6-year-old siblings. In May 2021, the 5-year-old brother returned to the mother's care. In June 2021, the toddler and her 2-year-old and 6-year-old siblings returned home as well. The caseworker continued to visit the home over the next month. At her final visit, the caseworker documented the verbal children felt safe at home and the home was observed to be clean and free of visible safety concerns. In July 2021, the court ordered the children's placement case closed, and terminated DCFS' custody of the children. The father came into the toddler's life after the DCFS case was closed and was not involved with the mother during her DCFS case.</p>			

OIG2024 Death Investigation #7

DEATH AND SERIOUS INJURY INVESTIGATION 7

DEATH

A 2-year-old child was found unresponsive in the home by her father's paramour. Emergency services personnel arrived at the home; found the child naked, unresponsive, and covered in bruises; and subsequently pronounced the child deceased. The postmortem examination determined the child's cause of death as blunt force trauma due to physical abuse and ruled the death a homicide. The autopsy documented the child had multiple bruises, lacerations, severe organ damage, patterned marks on almost every area of the body, and deep tissue damage on her arm and back. The Department indicated the father for death by abuse (#1); head injuries by abuse (#2); internal injuries by abuse (#4); and cuts, bruises, welts, abrasions, and oral injuries by abuse (#11). The father remained in jail awaiting trial for charges of first-degree murder. Eight months prior to the child's death, the private agency returned the child and her siblings to their mother's care, with approval of the court. The following month, the judge ordered the private agency close the placement case without after care services. The mother later became homeless and took the children to live with their fathers.

INVESTIGATION

In 2015, the Department unfounded and subsequently expunged three child protection investigations involving the mother. In October 2016, the Department initiated a child protection investigation after the child's then 9-month-old sibling required hospital admission for possible malnutrition as the then 19-year-old mother did not follow the feeding plan for the sibling's severe food allergies. Two weeks into the child protection investigation, the Department opened an intact family services case. The mother did not cooperate with the intact caseworker, and in December 2016, the Department took protective custody of the child's then 1-year-old and 2-year-old siblings due to ongoing concerns related to missed doctor's appointments, failure to feed the sibling properly, failure to have necessary medicine on hand, not following through with early intervention when both siblings were delayed, and not cooperating with intact family services. The Department closed the investigation and indicated the mother for neglecting both siblings.

In December 2016, the Department opened a placement services case, and a private agency provided the family with services. In October 2018, the mother gave birth to her third child, who remained in the mother's care, while the two older siblings remained in their foster home. The placement supervisor noted the mother corrected the original safety issues and participated in unsupervised visits with her children, but the mother needed stable housing and to address her pattern of relationships with partners that placed her children at risk, including a past history of domestic violence. In March 2019, the Department initiated a child protection investigation after the DCFS hotline received a report that the mother allowed unsupervised contact between her third child and his father, despite the father being a registered sex offender. The assigned child protection investigator contacted law enforcement, who stated the father could be unsupervised around his own child but needed to be supervised by an adult around other children. Prior to closing and unfounding the investigation, the child protection investigator verified the sibling's father enrolled in a sex offender treatment course.

In September 2019, the Department initiated an investigation after the mother gave birth to the child, as the mother had an open placement case. The assigned child protection investigator spoke with the hospital staff, who stated the child was born full term and healthy and that the mother appropriately cared for the child. The placement caseworker told the investigator that the mother had unsupervised visits with the two oldest siblings, worked towards return home, completed parenting classes and attended counseling weekly. The hospital discharged the child to the mother, and the Department unfounded and closed the investigation. The placement caseworkers attempted to involve the child's father with the placement case; however, he never cooperated and had no involvement in the case.

In December 2019 and May 2020, the Department initiated two child protection investigations into allegations that the mother allowed inappropriate individuals to watch the children, but the Department unfounded and closed both investigations.

In August 2020, the court granted the private agency discretion to return the 4-year-old and 5-year-old siblings to the mother's care. The agency returned the siblings in September 2020, and the placement case remained open to provide after care services. Two days after the siblings returned home, the Department initiated a child protection investigation after the DCFS hotline received a report that a person was shot at the mother's home in the presence of her children. The mother told the child protection investigator that the children were asleep at the time of the shooting and that she knew the shooter and the victim. The mother denied being in a relationship with either of them but reported allowing them to visit the home. The Department took protective custody of the children and placed the then 11-month-old child and the siblings in a traditional foster home. The court provided the private agency with discretion to determine whether the mother's visits would be supervised or unsupervised. The Department closed the investigation, indicating the mother for substantial risk of physical injury/environment injurious to health and welfare by neglect (#60). In January 2021, the court removed the private agency from the family's placement case due to the agency's high staff turnover, as the judge ruled the turnover impacted the private agency staff in earning the mother's trust. Management from the private agency told IG investigators that the court advocated for unsupervised visits after the Department took protective custody of the children in September 2020. The private agency management stated they disagreed with unsupervised visitation because of ongoing safety concerns. The private agency management told IG investigators that throughout the placement case, the mother allowed men in her life who had violent backgrounds or were sex offenders. The private agency management reported that the mother did not honestly provide information about who she allowed around the children, which posed an ongoing safety concern. The mother also had a history of not allowing the private agency staff in her home. The private agency management stated that the staff and the mother's therapist had multiple meetings with the mother to address these concerns. In addition, the private agency management told IG investigators that the mother did not have stable housing for any length of time, and the private agency staff assisted the mother with Norman funds to help pay for a deposit on an apartment, but the mother moved frequently.

At the end of January 2021, the family's placement case transferred to the second private agency. During the transitional staffing, the mother continued to reside in the home where the shooting occurred, and the mother declined other housing options from the original private agency. The second private agency later met with the mother, who stated she felt safe in the home and there had been no other incidents. The mother agreed to continue counseling. The mother also reported receiving unemployment assistance after being laid-off, and she began seeking new employment.

In late March 2021, the second agency permitted the mother to have unsupervised visits with her children. The family's caseworker told IG investigators that the visits went well, and that the court supported returning the children home. In May 2021, the court granted the second private agency the discretion to return the children home to their mother, and the agency returned the 6-year-old child three days later. Two weeks later, the agency also returned the 5-year-old, almost 3-year-old, and 20-month-old siblings to the mother.

In July 2021, the second private agency submitted a status update to the court for the permanency hearing that recommended no additional services, but the family would benefit from the agency conducting at least five to six months of aftercare monitoring. The court found that the children achieved permanency through reunification with the mother, and the court terminated wardship, appointed the mother as the children's guardian, removed the Department as the children's guardian, and closed the permanency case.

The family's caseworker told IG investigators that at court, the judge denied the caseworker's request to discuss after care services and ordered the case closed. The family's caseworker reported she wanted to provide the mother with support since she went from having no children in her care to four young children. The caseworker stated she planned to work with the mother to ensure enrollment of the school-aged children in school in the

fall and enrollment of the younger children in childcare. Additionally, the caseworker reported she planned to assist the mother with housing and monitor medical appointments.

Following the closure of the placement case in July 2021, the family had no involvement with the Department for over six months until the child's death was reported to the DCFS hotline. The child's father told law enforcement that the child's mother became homeless about three months after the placement case closed, and the mother left the 2-year-old child in his care. The father's paramour confirmed to law enforcement that the child had been staying with the father and paramour for the past three months. The paramour also stated the father previously used his hand to hit the child, but the paramour did not believe it worked as discipline and gave the father a belt to hit the child.

In 2019, the Department issued Policy Guide 2019.04, *Requirements for Reunification and After Care Services*, which directed and clarified that Department and private agency staff were "to provide services to the family for at least 6 months following return home of each child from substitute care..." On January 1, 2020, 20 ILCS 505/7.8 became effective, which required the Department or the private agency to provide a minimum of six months of after care services to each child after a court determines that a child should be returned to the custody or guardianship of a parent or guardian. The Department issued Policy Transmittal 2020.21, *Procedures 315.250, Reunification, Planning for After Care and Termination of Services*, in response to the enacted law on December 28, 2020. DCFS Procedures 315 does not currently address what permanency staff can do if the court denies or does not support after care services.

The caseworker from the second private agency told IG investigators that the court frequently denied after care services for her placement cases. In separate interviews, management at the second private agency told IG investigators that it was not common for the court to reject the agency's recommendation for additional after care services, but it happened. The management stated that they understood that once the court closed the family's case, the agency had no authority to provide services. The private agency management also reported that they believed the private agency had never requested assistance from DCFS legal to appeal the court's decision.

IG investigators interviewed DCFS legal staff from the involved county, who reported that the court did not always value after care services and that the court did not always support after care services when the parent met minimal parenting standards and the court found the parent fit. In a separate interview, a DCFS legal administrator told IG investigators that if a court ordered closing of a family's case without after care services, permanency workers could request DCFS Legal to file a motion for reconsideration of after care services. The DCFS legal administrator stated she believed Department staff knew about the requirement of after care services but did not know how familiar judges, assistant state's attorneys and the guardians ad litem were with the requirement.