

## Death and Serious Injury Investigations

### OIG2024 Death Investigation #8

#### DEATH

A 14-year-old youth was found unresponsive by her mother. Emergency services responded to the home and found the youth in the mother's bedroom, wedged between the wall and the bed. The youth had no observable injuries, but emergency services noted environmental issues with the home. The autopsy determined the cause of death as heroin and fentanyl intoxication and ruled the manner of death as accidental. The Department placed the youth's 7-year-old and 5-year-old maternal siblings with their father under a safety plan. The Department indicated the mother for death by neglect (#51) to the youth and environmental neglect (#82) and substantial risk of physical injury/environment injurious to health and welfare by neglect (#60) to the maternal siblings. In the year prior to the youth's death, there were four unfounded child protection investigations involving the youth's family.

#### INVESTIGATION

In 2019 and 2020, the Department unfounded two child protection investigations involving the mother for cuts, bruises, welts, abrasions, and oral injuries by neglect (#61) and substantial risk of physical injury/environment injurious to health and welfare by neglect (#60).

In June 2021, the Department initiated the C-sequence investigation after receiving an anonymous report that the mother's addiction to opiates and stimulants caused her to neglect her children. According to the reporter, the maternal sibling appeared malnourished, and the mother allowed a 20-year-old neighbor to corporally punish the children. The reporter also stated the mother occasionally sold prescription drugs from the home and the live-in boyfriend had substance use issues. The hotline report listed the maternal grandmother as an other person with information (OPWI) and provided her contact information.

The day after the hotline report, an on-call child protection investigator made a good faith attempt to visit the home, with no response. Two days later, the assigned child protection investigator conducted a walk-through of the mother's home and noted adequate food and that the children appeared free of visible injuries. The mother denied any substance use issues and reported she ended her relationship with her paramour. The investigator documented an interview with the 14-year-old youth and the then 4-year-old and 7-year-old maternal siblings, who all reported they felt safe in the home. The assigned investigator also interviewed the family's neighbor, who reported no concerns about the mother and denied any knowledge of drug use in the mother's home.

In July 2021, three weeks after the Department initiated the C-sequence investigation, the Department initiated the D-sequence investigation after receiving a report that the children lived in unsanitary conditions at the mother's home, including rodents, open food containers, and a putrid smell. The Department assigned the investigation to the same child protection investigator.

IG investigators listened to the recording of the hotline call, in which the D-sequence reporter stated they witnessed the mother use drugs believed to be opioids, but the call floor worker did not document the reported drug use in the hotline narrative. The call floor worker opened the investigation for an allegation of medical neglect (#79) against the mother to the three children, but the reporter made no allegations related to medical neglect. The call floor worker did not include allegations addressing either the living conditions or the mother's reported drug use. The call floor worker also incorrectly documented the reporter's relationship to the family, which resulted in child protection staff contacting the incorrect reporter during the D-sequence investigation.

In August 2021, three weeks after initiating the D-sequence investigation, an anonymous caller reported to the DCFS hotline that while in the family's home, they had observed straws hidden throughout the home as well as several plastic bags that contained a white powdery residue. The anonymous reporter stated the mother

engaged in domestic violence in the home, but the children never witnessed the incidents, as they were outside. The Department took the call as related information to the pending D-sequence investigation and added allegations of inadequate supervision (#74) and environmental neglect (#82) against the mother to the three children.

Two days after the related information call in the sequence D investigation, the hotline received a report that law enforcement responded to an altercation between the mother and her former paramour at his residence. Prior to leaving the residence with the children, the mother told law enforcement that the paramour pushed her against the wall and spit in her face. The assigned child protection investigator documented in SACWIS that she spoke with law enforcement twice via telephone and once in person. IG investigators determined the child protection investigator used benefit time on the day she documented speaking to law enforcement in person. IG investigators reviewed the child protection investigator's phone records and did not identify any calls between the child protection investigator and law enforcement.

Two weeks after the Department received the hotline call regarding the domestic incident, the Department closed the C-sequence investigation and unfounded the mother for substantial risk of physical injury/environment injurious to health and welfare by neglect (#60). IG investigators reviewed the child protection investigator's notes and found that the child protection investigator entered her C-sequence documentation into SACWIS on the last day of the investigation, approximately four hours after the supervisor entered the final supervisory consultation note into SACWIS. The child protection supervisor told IG investigators that he based his supervisory note on the child protection investigator's verbal report of her investigative activities and read the written SACWIS investigation report just before approving the investigation for closure. The supervisor informed IG investigators that the child protection investigator had a history of not completing SACWIS documentation in a timely manner, and that the child protection investigator became combative when the supervisor attempted to address documentation issues.

IG investigators reviewed the child protection investigator's SACWIS notes for the C-sequence and D-sequence investigations and found numerous inconsistencies in the child protection investigator's documentation including contacts with the children, the former paramour, and the maternal grandmother. The child protection investigator documented two identical phone conversations with the former paramour in June and July 2021, however IG investigators found the child protection investigator's phone records did not include any contact with the former paramour. The child protection investigator documented an interview with the maternal grandmother on the last day of the C-sequence investigation, who denied the mother used drugs and had no concerns for the children in the mother's care. IG investigators spoke to the maternal grandmother, who denied speaking with the child protection investigator. Furthermore, the maternal grandmother told IG investigators that she would have reported her concerns about the mother's ability to parent, the children's home environment, and the mother's drug use. The child protection investigator documented in SACWIS for the C-sequence investigation that the mother tested negative for the toxicology screen, but IG investigators found no evidence that the child protection investigator referred the mother for a drug test during the C-sequence investigation or prior to the reassignment of the D-sequence investigation.

In October 2021, the Department reassigned the D-sequence investigation and placed the child protection investigator on desk duty for allegedly falsifying case records in an unrelated investigation. The initial investigator documented that two different medical providers shared the children's medical information, but the reassigned child protection investigator documented speaking with both providers, who denied they had records of the children as patients. IG investigators subpoenaed the medical providers and confirmed neither medical provider had records for the children at any of their network facilities.

In November 2021, the reassigned child protection investigator met with the mother and documented no concerns at the residence. The mother provided the reassigned investigator with toxicology results from the mother's drug test from August 2021, stating she completed the drug test per the initial child protection investigator's request. The reassigned child protection investigator uploaded a photograph of the mother's test

result, which showed the mother completed the toxicology screen the day the Department closed the C-sequence investigation, and the results were not available at the time of investigation closure. The mother's toxicology results were "Negative Dilute," which meant the mother consumed a large quantity of water before providing the urine specimen. The reassigned child protection investigator documented in SACWIS that the results were negative and told IG investigators that she had not seen a "Negative-Dilute" result before and believed it was the same as a negative result. The reassigned child protection investigator also told IG investigators that the mother refused to take another drug test, citing she already completed the required screen. The reassigned child protection investigator told IG investigators she did not push for a second test because she thought the mother tested negative.

Four days after the reassigned child protection investigator met with the mother, the Department closed the investigation and unfounded the mother for inadequate supervision (#74), environmental neglect (#82), and medical neglect (#79) to the three children. According to the rationale, the children denied they were left home alone, the children's primary care physicians reported no concerns for medical neglect, and the child protection investigators witnessed no safety hazards in the home.

Two days after the investigation closed, law enforcement arrested the mother for an outstanding warrant and possession of a controlled substance after they found her unconscious in a car at a gas station, with drugs in the car. The youth's father petitioned the court for an emergency modification of parenting and testified that the youth did not regularly attend school and the mother used heroin and cocaine. The court granted the father temporary legal custody of the youth.

On the same day the youth's father filed the custody petition in November 2021, the hotline received a report alleging the father did not provide the youth with adequate food, the youth did not attend school, and the father left the youth unsupervised for long periods of time. The next day, the Department received a related information report from an anonymous person who stated the youth did not feel safe with her father and said the father tried to enter the bathroom while she showered. The reporter stated the father had a history of violence, substance use, and mental illness. That same day, a child protection investigator interviewed the father at his home and observed the father had adequate food. The father denied the allegations and reported he worked with the school social worker to enroll the youth in school. The investigator spoke with the youth, who stated she felt safe in the home and that she had plenty to eat. The investigator also spoke with different family members who reported no concerns with the father, including the maternal grandmother, who stated she

watched the youth at her residence after school. The investigator made multiple attempts to contact the mother, but she never answered or returned the calls.

Before closing the investigation, the investigator confirmed with the school social worker that the youth attended school. Two weeks after the Department initiated the investigation against the youth's father, the Department closed the investigation and unfounded the father for inadequate food (#76) and inadequate supervision (#74).

During the pending investigation against the youth's father in November 2021, the Department initiated the E-sequence investigation after receiving a hotline report regarding the mother's arrest at the gas station. The reporter stated that law enforcement found drug residue in the mother's car, which she used to regularly transport the children. The day after the hotline report, a child protection investigator went to the mother's home and spoke with the 7-year-old and 5-year-old maternal siblings, who reported they felt safe with their mother. The investigator did not document asking the children about drug use but noted observing no evidence of substance use or environmental neglect. The mother told the child protection investigator that she borrowed the car from a friend and was arrested after police found cocaine in the car. The mother denied any substance use issues and stated she tested negative on the drugs screens she completed through court. The mother initially agreed to complete a drug test for the child protection investigation, but never followed through.

The same day the Department initiated the E-sequence investigation, the siblings' father filed an emergency petition to restrict and modify parental responsibilities. Two days later, the court granted him physical care and control of the two siblings. The siblings remained in their father's care for six weeks. Two days later, the youth died while the three children were at the mother's home. The E-sequence investigator did not document any investigative activity in those six weeks, such as referring the mother for a drug test, asking the mother about law enforcement finding her unconscious in the car, speaking to the arresting officers, or attempting to obtain court documents regarding parental custody.

Two weeks after the youth's death, the Department closed the E-sequence investigation and unfounded the mother for substantial risk of physical injury/environment injurious to health and welfare by neglect (#60) to the two siblings. The Department cited that there was no evidence that the children were exposed to drug use.

## **RECOMMENDATIONS**

**1. The Department should develop a policy addressing toxicology results detailing guidelines for accepted providers, inconclusive results and testing timeframes to be used by frontline staff.**

The Department's Behavioral Health Division will revise and update the drug testing protocol, policy, and informational transmittal for frontline staff.

**2. The Department should share this report with the Deputy Director for State Central Register for training and discussion purposes with the call floor worker for the D-sequence investigation hotline report.**

The Department agrees. The report was shared with the Deputy Director and additional training was provided to the call floor worker.

**3. The Department should share this report with the area administrator for review with the reassigned child protection investigator to the D-sequence investigation, the child protection supervisor for the C-sequence and D-sequence investigations, and the child protection supervisor for the E-sequence investigation.**

The Department agrees. The report was shared with the involved staff.

**4. The OIG will pursue CWEL licensure action against the initial child protection investigator for the C-sequence and D-sequence investigations.**

Charges were filed against the employee's CWEL license. IG attorney's prosecuted charges and are awaiting a final decision by the CWEL board.