Child Fatality Report Release of Information to the Public

Person ID: 107263734

County of Child's Residence: CAMERON

Gender: Male

Age: 0 Year(s) 0 Month(s)

Date of Death: 03/09/2022

On the date of the fatality, the child was not in DFPS conservatorship and was living with the child's parent, a managing conservator, a legal guardian or other person entititled to the child's possession.

Child's Name: De La Rosa,Malakai

Current Report(s) of Abuse/Neglect:

Intake Date(s): 3/18/2022, 3/19/2022

Summary of Allegation(s)/Investigation:

The Department received a report stating that mother had been hiding her pregnancy because she'd had other children removed by CPS. It was reported that mother had given birth at home, but it had not been confirmed if the deceased child was alive or buried. A picture of a newborn baby was provided to law enforcement who would be conducting an investigation. An additional report was received stating mother had been evaluated at a hospital for medical clearance as she had been detained by Cameron County Constables office. Mother showed indication of a recent pregnancy. It was further reported that mother had given birth on 3/8/2022 and mother remembered having fed the deceased child 4 times, the deceased child pooped and peed and died 12 hours later. Father told the mother that the deceased child was no longer breathing. Mother said she fainted and only remembers seeing pelicans and dolphins when she woke up.

The Department's investigation determined that the deceased child's mother did give birth in her home as there was a video obtained showing the deceased child on deceased child's mother's chest. In this video, the deceased child's father is heard asking what to cut the umbilical cord with. The deceased child appears with his eyes open, is moving and appears alive. The deceased child's father confirmed the deceased child had been born. The deceased child's father also confirmed to law enforcement that approximately 12 hours after birth he woke up to find the deceased child not breathing. The deceased child's father stated he attempted CPR for 2 hours before getting tired and going

back to sleep. The deceased child's father stated when he woke up, the deceased child's mother and the deceased child were gone. The deceased child's Mother returned several hours later, full of mud and without the deceased child. The deceased child's father said the deceased child's mother told him the deceased child was gone and she'd had a private service for the deceased child, burying the deceased child next to a cactus with a purple flower on it. The deceased child's father denied that he or the deceased child's mother sought medical treatment for the deceased child or ever dialed 911 for assistance.

A multi-agency search was conducted in an attempt to locate the deceased child's body, however was unsuccessful in locating the deceased child's body. The deceased child's father was arrested and charged with injury to a child. The deceased child's mother was arrested and charged with abuse of a corpse.

Investigation Findings:

The Department confirmed the allegation of Medical Neglect of the deceased child's father and mother. The deceased child's father confirmed the deceased child had been born alive. The deceased child's father admitted to waking up in the middle of the night to find the deceased child not breathing. The deceased child's father and mother failed to seek emergency medical treatment when they found that the deceased child was not breathing.

The Department confirmed the allegation of Neglectful Supervision of the deceased child by the deceased child's mother and father. The deceased child's father stated the deceased child's mother told him she had buried the deceased child next to a cactus and placed a piece of wood on top of the burial site. The deceased child's father did not contact emergency personnel to report the condition of the deceased child or that the deceased child's mother had taken the deceased child and buried the deceased child in an unknown location.

The Department was unable to confirm the allegations of Physical Abuse of the deceased child by the deceased child's mother and father. A multi-agency search was conducted and the deceased child's body was never found, therefore an autopsy was unable to be completed to find if the deceased child suffered from physical abuse.

Safety and Risk Assessment Factors Identified:

Case Action:

Only child died

Services and Referrals Provided to the Family:

Other Services:

Deceased child's mother and father are currently being provided services by the Department as they had an active case already open at the time of this child death.

No Service Referrals and deceased child was an only child.

Other Actions Taken to Mitigate Risk:

At the time of this child death, the deceased child was the only child in the home. The deceased child does have two siblings that had been removed from the home prior to this investigation or child death case.

If one or more children were previously removed from the home, for each conservatorship episode, summarize dates of conservatorship and type of placement at the end of conservatorship:

The conservatorship stage had been ongoing prior to this child death occurring, however, the deceased child's parents had not been cooperative with their court ordered services through the Department and termination of parental rights was being recommended.

Previous Report of Abuse/Neglect:

Intake Date(s): 7/15/2020

Summary of Previous Allegation(s)/Investigation:

The Department received a report alleging that the deceased child's mother and father have left the deceased child's 4-year-old sibling with a person that is an alcoholic and becomes intoxicated daily while caring for the deceased child's sibling. It is further reported that the deceased child's father has been seen pulling the hair of the deceased child's 4-year-old sibling.

The Department's investigation concluded that the deceased child's father is the step-father to the deceased child's sibling. It was found that the deceased child's parents both have previous CPS history from other states. It was also found that the deceased child's parents have a history of substance abuse. The deceased child's sibling was not found to have any visible injuries or marks that would indicate being a victim of physical abuse. The deceased child's paternal grandmother denied concerns for physical abuse. The investigation further concluded that the deceased child's parents did in fact use a friend to help care for the deceased child's sibling, and this friend is in fact a recovering alcoholic; however there was no information to indicate the friend would provide care to the deceased child's sibling while under the influence of alcohol.

Investigation Findings:

The Department was unable to confirm the allegations of Physical Abuse of the sibling of the deceased child by the deceased child's father. The deceased child's sibling was seen to have no marks or bruises that would indicate physical abuse. The deceased child's sibling had regular contact with persons outside of his home who denied concerns of physical abuse. The deceased child's parents denied that anyone physically abused the deceased child's sibling.

The Department was unable to confirm the allegations of Neglectful Supervison of the sibling of the deceased child. Although the deceased child's parents did use a friend to care for the deceased child's sibling, there was no information to indicate that the friend would provide care to the deceased child's sibling while under the influence of alcohol.

Safety and Risk Assessment:
7/16/2020 - Initial - Safe with plan
7/24/2020 - Risk - Moderate
8/14/2020 - Reassessment - Safe

Safety and Risk Assessment Factors Identified:

Case Action:

Close

Services and Referrals Provided to the Family:

Parent/Caregiver Training

Other Services:

The deceased child's father was referred to the Fatherhood Effect Program for parenting

Other Actions Taken to Mitigate Risk:

The importance of leaving children with appropriate caregivers was discussed with the deceased child's parents.

Previous Report of Abuse/Neglect:

Intake Date(s): 02/18/2021, 4/27/2021

Summary of Previous Allegation(s)/Investigation:

The Department received a report alleging the deceased child's mother and deceased child's father were leaving the deceased child's sibling with persons they did not know or with no supervision while they got high. The report alleges concern that the deceased child's family may be homeless and living on the beach with the deceased child's sibling. An additional report was received indicating that the deceased child's mother and father were participating in a zoom court hearing in which deceased child's father is heard yelling at deceased child's mother and it sounded as though the deceased child's father was hitting the deceased child's mother. This report further expresses concerns of a video posted on social media in which the deceased child's mother is talking about drowning in alcohol and wanting to die. The video also shows the deceased child's mother talking to the deceased child's sibling about the deceased child's father being hospitalized due to a suicide attempt.

The Department's investigation concluded that the deceased child had two siblings, one sibling was in the care of the deceased child's paternal grandmother and the other in the care of the deceased child's parents. There were concerns identified for the mental health of the deceased child's parents, as the deceased child's mother displayed erratic and manic behaviors to the Department's investigations worker. The deceased child's father confirmed having a history of mental illness and stated to not treat it because he could not open up to anyone. The deceased child's parents did not follow up with mental health evaluations. In addition, the deceased child's parents confirmed having a history of drug use and refused to drug test. Although the deceased child's parents denied domestic violence, the concerns were confirmed by professional persons who were witnesses of the zoom court hearing. During this investigation, the deceased child's sibling was court ordered to be placed with the deceased child sibling's biological father in Illinois.

Investigation Findings:

The Department was able to confirm the neglectful supervision of the deceased child's siblings by the deceased child's parents. The deceased child's father confirmed having untreated mental illness and confirmed having a history of drug use. Likewise, deceased child's mother declined to drug test and failed to follow up with mental health evaluations.
In addition, the Department had credible information to indicate concerns of domestic violence in the home. Parents of the deceased child were not able to provide the sibling of the deceased child a safe and stable home environment.

Safety and Risk Assessments:
2/19/2021 - Initial - Safe
4/27/2021 - Reassessment - Unsafe
5/17/2021 - Risk High

Safety and Risk Assessment Factors Identified:

Case Action:

Removal/Subcare

Services and Referrals Provided to the Family:

Other Services:

The deceased child's parents were court ordered to comply with a mental health evaluation, random drug testing, parenting classes, psychosocial evaluations and psychological evaluations.

Other Actions Taken to Mitigate Risk:

The deceased child's siblings were removed from the deceased child's parents and placed in protective custody.

Other Previous Report of Abuse/Neglect:

Intake Date(s):

Summary of Previous Allegation(s)/Investigation:

Investigation Findings:

Safety and Risk Assessment Factors Identified:

Case Action:

Services and Referrals Provided to the Family:

Other Services:

Other Actions Taken to Mitigate Risk:

Note: This report was prepared on 02/24/2023 and does not include corrections or updates, if any, that may be subsequently made to DFPS data on or after the date this report was prepared.