Child Fatality Report Release of Information to the Public

Person ID: 107797435

County of Child's Residence: MONTGOMERY

Gender: Male

Age: 2 Year(s) 2 Month(s)

Date of Death: 05/13/2022

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: Speaks,Augustin

Current Report(s) of Abuse/Neglect:

Intake Date(s): 05/13/2022

Summary of Allegation(s)/Investigation:

The Department received a report notifying it of a fatal event after emergency medical services responded to an unresponsive child found underneath the dresser by his father. The child was reported to be stiff and was not breathing. The father was on the phone with the mother and thought that the children were together. The father asked the sibling where the youngest child was and the sibling did not know. Father searched the home and found that a dresser had fallen on the child. The father started screaming while on the phone with the mother and the mother asked the father to call 911. The child was pronounced deceased at the home and the child's body was transported to the medical examiner's office.

The Department's investigation determined that the deceased child was home with the two siblings and their father while mother worked out of state. The father had left the child and sibling in a bedroom while he engaged in "phone sex" with the mother for approximately two hours in his bedroom. During those two hours, the father did not check on any of his children. The father left his bedroom to look for the phone charger and when he walked into the bedroom he observed the sibling on the bed and the dresser was tipped over. He discovered the deceased child was pinned under the dresser and the child was already lifeless. The father described the child as cold and stiff. The same dresser had previously been tipped over by the sibling climbing on it and the dresser had been moved. However, the parent did not take the necessary precautions to secure the furniture to prevent it from being tipped over by the

children. The father had been distracted by the phone and did not hear the furniture fall down. Law enforcement found marijuana and ecstasy pills in the home. Both parents admitted to using, but the father denied having used prior to the fatal event. The parents tested negative for drugs on the urinalysis and declined to complete the hair screening test. The father submitted to a blood test for the criminal investigation, but those results had not been received by law enforcement. The parents and surviving siblings moved out of state and a referral was called in to social services to address the substance abuse concerns.

The law enforcement investigation was pending at the time the Department's investigation closed.

The medical examiner conducted an autopsy but the final results were not available when the Department completed it's investigation.

Investigation Findings:

The Department confirmed allegations that the deceased child's father committed Neglectful Supervision of the deceased child, which led to the child's death. The child was asphyxiated from the compression of the chest consistent with the furniture dresser found on top of him. The father was distracted by the phone and did not check on the child for a two-hour period. He also failed to secure a furniture dresser to prevent it from being tipped over by the children in the home. The deceased child had been in the care of the father prior to his passing, and the father failed to provide the needed supervision resulting in the child's death.

The Department was unable to confirm or refute the allegations of Neglectful Supervision of the deceased child's siblings by the mother and father. Law enforcement found marijuana and ecstasy in the parents' home. The parents admitted to using drugs, but it is difficult to ascertain how the parents' drug use impacted the siblings' care.

05/14/2022 Safety Assessment -- Initial -- Safe with Plan.
09/10/2022 Safety Assessment -- Case Closure -- Safe.
09/01/2022 Risk Assessment -- Moderate.

Safety and Risk Assessment Factors Identified:

Case Action:

Family Moved After Investigation-Close

Services and Referrals Provided to the Family:

Other Services:

The parents were provided with grief counseling resources.

Other Actions Taken to Mitigate Risk:

The family moved out of state and a referral was called to social services to address the substance abuse concerns.

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:

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 03/03/2023 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.