Child Fatality Report Release of Information to the Public

Person ID: 108093664

County of Child's Residence: HAYS

Gender: Female

Age: 0 Year(s) 7 Month(s)

Date of Death: 06/23/2022

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: Fridley-Benavi,Annalyne G

Current Report(s) of Abuse/Neglect:

Intake Date(s): 06/20/2022

Summary of Allegation(s)/Investigation:

The Department received a report that a deceased child (7-month-old infant) was found unresponsive and was taken to the hospital. The deceased child had bruising on the right knee and face, brain bleeds, and lot of fluid in her lungs. An unrelated household member, who was supervising the deceased child, stated that the deceased child became unresponsive after the deceased child fell off the bed. The injuries are not consistent with the explanation provided.

The Department's investigation determined that the deceased child had been in the care of an unrelated household member, who was babysitting at the time the child became unresponsive. Also living in the home was the deceased child's mother and deceased child's paternal aunt. Medical personnel advised that the deceased child was in critical condition. On 06/23/2022 the deceased child was pronounced deceased. The explanation provided as to how the infant had sustained their injuries was that the deceased child had fallen off a trundle bed and was found unresponsive. The Department consulted with child abuse medical professionals utilizing the Forensic Assessment Center Network, which determined that the deceased child was a previously healthy 7-month-old female infant who presented for medical attention after a reported fall off the bed and was subsequently found to have numerous injuries consistent with child physical abuse.

The Medical Examiner performed the medical examination of the decease child and the final results of the autopsy

are still pending. The preliminary reported noted cause of death as blunt force trauma to the head (non-accidental).

A law enforcement investigation was completed. The deceased child's unrelated household member was arrested and charged with Capital Murder of a Person Under 10. The case was referred to district attorney's office.

Investigation Findings:

The Department confirmed an allegation that the unrelated household member physically abused the deceased child, which led to her death. The unrelated household member was the only person in the home at the time the child received the fatal injuries and was charged with Capital Murder of a child under 10 years of age.

The Department also confirmed an allegation that the deceased child's mother neglectfully supervised the deceased child, which contributed to the child's death. The mother was aware of other instances in which the child had reportedly fallen off the bed, as well as earlier injuries that occurred while in the unrelated household member's care and the explanations were inconsistent and suspicious. The mother failed to take necessary steps to ensure that the child was protected from harm.

The Department confirmed an allegation that the unrelated household member neglectfully supervised the deceased child. The unrelated household member reported at least three instances of the deceased child falling off the bed while caring for the child and on the day the deceased child became unresponsive the unrelated household member was on a 90 minute call with the unrelated household member's mother and the child was heard crying non-stop in the background.

Safety Assessments:
06/21/2022 Safety Assessment - Initial: Safe with a plan
08/16/2022 Safety Assessment - Closure: Safe - Only child died

Risk Assessment Final Risk Level: Very High

Case Action: Closed

Safety and Risk Assessment Factors Identified:

Case Action:

Close

Services and Referrals Provided to the Family:

Counseling and Evaluation

Other Services:

The Department provided & referred the decease child's family to local grief & bereavement counseling resources

Other Actions Taken to Mitigate Risk:

Only child died

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:

Previous Report of Abuse/Neglect:

Intake Date(s): 07/20/2010

Summary of Previous Allegation(s)/Investigation:

The Department received an intake that alleged Neglectful Supervision and Physical Abuse by the unrelated household member regarding 2 children. It was alleged that the unrelated household member was involved in a domestic violence altercation while children were present. There were additional concerns about drug use and drug paraphernalia by the unrelated household member.

Investigation Findings:

The Department's investigation determined that the allegations of Neglectful Supervision and Physical Abuse by the unrelated household member was not able to be confirmed. The Department found domestic violence did occurred but no children were present.

Safety Decision: Safe

Risk Finding: Factors Controlled

Case Action: Closed

Safety and Risk Assessment Factors Identified:

Case Action:

Close

Services and Referrals Provided to the Family:

Parent/Caregiver Training

Other Services:

Other Actions Taken to Mitigate Risk:

The family was working with Lifeworks and was going to take a relationship resolution class about domestic violence in their relationship.

Other Previous Report of Abuse/Neglect:

Intake Date(s): 04/16/2014

Summary of Previous Allegation(s)/Investigation:

The Department received an intake that alleged Neglectful Supervision and Physical Abuse by the unrelated household member regarding 2 of their biological children. It was alleged that the unrelated household member was involved in a domestic violence altercation while the children were present and a small baggie of marijuana was found on the unrelated household member's person.

Investigation Findings:

The allegations of Neglectful Supervision involving the unrelated household member were confirmed. The investigation found that the unrelated home member engaged in a physical altercation with multiple persons in the home in close proximity to children.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Decision: Safe/No Safety Plan Needed

Risk Finding: Risk Indicated

Case Action:

Case Action: Family Based Safety Service

Services and Referrals Provided to the Family:

Domestic violence shelter or counseling with SafePlace

Other Services:

Court Ordered Family Based Safety Services

Other Actions Taken to Mitigate Risk:

During the Family Based Safety Services case the family received counseling in regards to domestic violence and its effects, protective parenting, and healthy relationships.

Other Previous Report of Abuse/Neglect:

Intake Date(s): 07/03/2015 & 07/05/2015

Summary of Previous Allegation(s)/Investigation:

The Department received two intakes that were merged and worked as one investigation. The concerns were that the deceased child's mother was neglectfully supervising, physically abusing, and medically neglecting a 4-month-old child. It was alleged that the mother did not take the 4-month-old child for medical attention regarding a urinary tract infection. There were concerns that the mother was leaving the 4-month-old home alone while she goes outside to talk on phone, smoke, or talk with friends. There were concerns that the mother was yelling at the 4-month-old when she starts to cry and would leave the bottle propped up and walk outside leaving child alone. Additional concerns were that the mother may have shaken the 4-month-old, put medicine up the infant's nose, and throws dirty diapers at child's stomach.

Investigation Findings:

The Department's investigation determined that the allegations of Neglectful Supervision, Physical Abuse, and Medical Neglect by the mother were not confirmed.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Assessments:
07/16/2015 Safety Assessment - Initial: Safe

Risk Finding: Factors Controlled

Case Action:

Case Action: Closed

Services and Referrals Provided to the Family:

Drug or alcohol abuse testing or treatment - The mother was drug tested and the results were negative.

Other Services:

The deceased child's mother was actively receiving services Lifeworks and Foundation Communities.

Other Actions Taken to Mitigate Risk:

Other Previous Report of Abuse/Neglect:

Intake Date(s): 10/02/2015

Summary of Previous Allegation(s)/Investigation:

On 10/02/2015 the Department received allegations that the deceased child's mother was physically abusing and neglectfully supervising a 9-month-old child. Three months ago, the Department was involved due to allegations that the mother intentionally threw diapers at the child. It was stated today that mother was seen operating a vehicle and the child was not with her. There were allegations that two months ago the child was crying because of a urinary tract infection and it is unknown if she was taken for medical care. It was alleged the mother was smoking marijuana while caring for the child, who may have a diaper rash.

Investigation Findings:

The Department confirmed that the deceased child's mother continued to work with Lifeworks Young Parent's Program Counselor and that they had not have safety concerns for the child. The Department confirmed that the allegations had previously been investigated and no further investigation was needed or completed.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Not Applicable

Case Action:

Case Action: Closed

Services and Referrals Provided to the Family:

Not Applicable

Other Services:

Other Actions Taken to Mitigate Risk:

Other Previous Report of Abuse/Neglect:

Intake Date(s): 07/20/2016, 08/30/2016, 01/17/2017, 02/19/2017, & 03/27/2017

Summary of Previous Allegation(s)/Investigation:

The Department received 5 intakes that were merged and worked as one investigation. The allegations of Neglectful Supervision of a 1-year-old child by the deceased child's mother, deceased child's grandmother, and mother's husband involved concerns of domestic violence, the child having access to knives, almost falling out of a window, and possible drug use. The allegations of Physical Abuse of a 1-year-old child by the deceased child's mother and mother husband. There was an incident when the husband allegedly grabbed the child by the arm and walked her up the stairs and the child fell down the stairs while they were walking up. When the mother and mother's husband were aggressive with the child, the child would fall down the stairs. There were also concerns that the mother would hit the child in the face, on the back, butt, and on the child's arms, leaving marks. The allegations of Physical Neglect were due to the family allegedly being homeless and sleeping in a burned down apartment complex. There were concerns due to weight loss by the child, the child eating off the floor and smelling like urine, a lack of supervision and having access to knives.

Investigation Findings:

The Department's investigation determined that the allegations of Neglectful Supervision, Physical Abuse, and Physical Neglect in regards to the deceased child's mother, grandmother, and mother's husband were not confirmed. The mother and mother's husband denied the presence of family violence and denied having any physical altercations around the child. There have been no requests for law enforcement due to family violence between the mother or mother's husband. The Department confirmed that the grandmother became physical with the mother, however, the child was in a different room. The mother was drug tested and was negative for all substances on an oral swab. There were no marks, cuts or bruises observed on the child. The home was observed to be cluttered with clothing, papers, toys and some food. The environment was not tidy but did not present any safety hazards for the child. The child's basic needs of food, shelter, and clothing were being met.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Assessments:
07/26/2016 Safety Assessment - Initial: Safe
04/05/2017 Safety Assessment - Closure: Safe

A Risk Assessment was not required in this investigation.

Case Action:

Case Action: Abbreviated Closure

Services and Referrals Provided to the Family:

Drug or alcohol abuse testing or treatment
Housing referral

Other Services:

Other Actions Taken to Mitigate Risk:

Other Previous Report of Abuse/Neglect:

Intake Date(s): 11/21/2011, 11/22/2011, & 11/29/2011

Summary of Previous Allegation(s)/Investigation:

The Department received three intakes that were merged together in one investigation regarding the unrelated household member Neglectfully Supervising and Medically Neglecting the unrelated household member's biological children. The concerns were related to domestic violence, drug and alcohol abuse, and not seeking medical care for a rash.

Investigation Findings:

The Department's investigation determined that the allegations of medical neglect were not confirmed. The allegations of neglectful supervision were confirmed as the unrelated household member engaged in excessive alcohol consumption, marijuana use, and was involved in a domestic violence altercations in which the unrelated household member's biological children were in close proximity and there was no sober caregiver or responsible and safe caregiver for the children.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Decision: Conditionally Safe/Safety Plan Completed

Risk Finding: Risk Indicated

Case Action:

Case Action: Family Based Safety Services

Services and Referrals Provided to the Family:

Counseling for family, individual, group, etc.
Domestic violence shelter or counseling
Drug or alcohol abuse testing or treatment
Parenting skills

Other Services:

Family Based Safety Services

Other Actions Taken to Mitigate Risk:

The family did not follow through with services and therefore did not successfully complete their Family Based Safety Services Case. The Department offered individual and family counseling, basic parenting classes, and protective parenting classes.

Other Previous Report of Abuse/Neglect:

Intake Date(s): 10/27/2011

Summary of Previous Allegation(s)/Investigation:

The Department received allegations alleging that the deceased child's mother neglectfully supervised, physically abused, and physically neglect her newborn child. The newborn was in the Neonatal Intensive Care Unit due to being premature. There were concerns for the mother's ability to ensure adequate physical care and supervision of the newborn. It was alleged the mother was on probation for assault.

Investigation Findings:

The Department's investigation determined that the allegation of Neglectful Supervision was confirmed. The deceased child's mother was co-sleeping and not waking up to meet the basic needs of her newborn. The allegations of Physical Abuse and Physical Neglect were not confirmed as the mother and newborn were in the hospital or a maternity home.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Decision: Not Safe - Removal

Risk Finding: Risk Indicated

Case Action:

Case Action: Removal

Services and Referrals Provided to the Family:

Not Applicable

Other Services:

Conservatorship Services

Other Actions Taken to Mitigate Risk:

During the Conservatorship Case the mother participated in numerous services, which included a psychological, individual counseling services, as well as basic and protective parenting during the Conservatorship case that was overseen by the court system. The mother was unable to demonstrate the changed needed for reunification to occur.

Outcome of the Conservatorship Case: Parental Rights Terminated

Adoption was consummated 04/30/2013

Other Previous Report of Abuse/Neglect:

Intake Date(s): 02/28/2016 & 02/28/2016

Summary of Previous Allegation(s)/Investigation:

The Department received two intakes that were merged and worked as one investigation. The deceased child's mother and mother's husband were alleged to have Physically Abuse, Neglectfully Supervised, Sexually Abused, and Physically Neglected their 1-year-old child. The mother was allegedly not supervising the child while smoking cigarettes outside. It was alleged that the child was running in the streets without supervision. There was also an allegation that the child fell off the stairs and was bleeding from her head. The child was also alleged to have fallen off the couch. Allegedly there are drugs, alcohol, and cleaning supplies accessible to the child, which the child has gotten into. It is alleged that mother does not have a car seat in the car and puts the child in her lap while driving and yelling at the child because the child is crying and screaming. The mother allegedly has yanked the child's arm to help her get up. There were concerns that the mother's husband was a sex offender. There is broken glass everywhere in the home and the mother and mother's husband engage in domestic violence in the presence of the child.

Investigation Findings:

The Department's investigation determined that the allegations of Neglectful Supervision, Physical Abuse, Sexual Abuse, or Physical Neglect by the mother and mother's husband were not able to be confirmed. The investigation found that the mother was not negligent in her supervision of the 1-year-old child and had not

physically harmed the child. The investigation found that the mother's husband was not a registered sex offender, nor did he have any criminal history to suggest that he might be. The Department noted the home was clean and free of safety hazards: there was no glass present on the floor, no animal feces was present, and there were no exposed wires observed in the home. The only injuries to the child was a scratch on the nose from scratching during night terrors. The child could barely walk, much less run around outside. The child wanted to crawl up the stairs at a family member's home, but a parent crawled behind the child and the child did not fall. The Department did observe a scratch on the bridge of the child's nose.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Assessments:
03/01/2016 Safety Assessment - Initial: Safe

A Risk Assessment was not required in this investigation.

Case Action:

Case Action: Abbreviated Closure

Services and Referrals Provided to the Family:

Worker role-modeling

Other Services:

Other Actions Taken to Mitigate Risk:

Other Previous Report of Abuse/Neglect:

Intake Date(s): 04/18/2017

Summary of Previous Allegation(s)/Investigation:

The Department received allegations that the deceased child's mother was neglectfully supervising and physically abusing a 2-year-old child. It was alleged that the mother smokes marijuana around the 2-year-old child every day and drives while high frequently. There were concerns about domestic violence in front of the child. Additionally it was alleged that the mother hits the 2-year-old child on the buttocks, arms, and slaps their mouth.

Investigation Findings:

The Department's investigation determined that the allegations of Neglectful Supervision and Physical Abuse in regards to the deceased child's mother were not confirmed. The 2-year-old child was observed with no injuries. There were no drugs observed in the household. The mother completed an oral drug swab and the results were negative. There are no signs of domestic violence with the mother or her paramour.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Assessments:
04/25/2017 Safety Assessment - Initial: Safe
05/04/2017 Safety Assessment - Closure: Safe

A Risk Assessment was not required in this investigation.

Case Action:

Case Action: Abbreviated Closure

Services and Referrals Provided to the Family:

Other Services:

Other Actions Taken to Mitigate Risk:

Other Previous Report of Abuse/Neglect:

Intake Date(s): 07/10/2017 & 07/15/2017

Summary of Previous Allegation(s)/Investigation:

The Department received 2 intakes that were merged and worked as one investigation. The Department received allegations that the deceased child's mother neglectfully supervised, physically abused, and physically neglected a 2-year-old child. On 07/10/2017, the mother was seen in her car sitting still in a roadway. Law enforcement was driving up to the mother's car and she drove away erratically and fast. Law enforcement followed a little bit, then let her go. The mother was seen a little while later sitting in the parking lot of a funeral home. Law enforcement approached and noted that the mother appeared high on something, and not very coherent. About one hour earlier, the mother's paramour was arrested for marijuana possession. The 2-year-old was in the car with the mother, who was arrested. On 07/11/2017, the 2-year-old was observed with a burn mark on the back of her left leg. The burn mark appeared to be one inch in diameter and made from a car lighter. The burn appeared to be older, due to the upper half of the scab starting to fall out reveling new skin underneath. The lower half of the scab was still red and purple.

Investigation Findings:

The Department's investigation determined that the allegations of Neglectful Supervision and Physical Abuse regarding the deceased child's mother were confirmed. The allegation of Physical abuse regarding the mother were neither confirmed nor negated. The mother tested negative for all controlled substances and denied any substance abuse. However, mother was not capable of providing for the 2-year-old child's basic needs for shelter, clothing, and food. The mother was transient and placed the child at risk of harm due to the persons and places she chooses to stay. The child had been observed to being inappropriately disciplined by the mother on several occasions by several people. The child had been observed to be playing outside near the street unsupervised.

Safety and Risk Assessment Factors Identified:

Risk Assessment: Safety Assessments:
07/27/2017 Safety Assessment - Initial: Safe
08/14/2017 Safety Assessment - Closure: Safe

Risk Assessment Final Risk Level: High
09/22/2017 Safety Assessment - Reassessment: Safe with plan
10/11/2017 Safety Assessment - Closure: Safe
11/14/2017 Safety Assessment - Closure: Unsafe

A Risk Assessment was not required in this investigation

Case Action:

Case Action: Removal

Services and Referrals Provided to the Family:

Domestic violence shelter or counseling
Drug or alcohol abuse testing or treatment
Housing (rent, section 8 resources, etc.)
Health Steps, CHIPS, Texas Healthy Kids Corporation, local health resources, etc.)

Other Services:

Other Actions Taken to Mitigate Risk:

During the conservatorship case the deceased child's mother was provided individual and family counseling, nurturing parenting classes, a psychological evaluation, and drug testing. Due to the mother's lack of progress in her service plan, the permanency goal changed from reunification to adoption. A mediation was held on 6/27/2018 and the mother agreed to relinquish her parental rights.

Outcome of the Conservatorship Case: Parental rights were terminated

Adoption consummated 05/02/2019

Note: This report was prepared on 03/02/2023 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.