Critical Incident Review Team
Final Report

Oregon Department of Human Services
CHILD WELFARE

A Critical Incident Review Team is convened by the Department Director when the Department becomes aware of a critical incident resulting in a child fatality that was reasonably believed to be the result of abuse and the child, child's sibling or another child living in the household with the child has had contact with the Department (ODHS). The reviews are called by the Department Director to quickly analyze ODHS actions in relation to the critical incident and to ensure the safety and well-being of all children within the custody of ODHS or during a child protective services assessment. The CIRT must complete a final report which serves to provide an overview of the critical incident, relevant Department history, and may include recommendations regarding actions that should be implemented to increase child safety. Reports must not contain any confidential information or records that may not be disclosed to members of the public. *The CIRT report is created at a specific time as required by statute and does not account for events occurring after the posting of the report*. Versions of all final reports are posted on the ODHS website.

<table>
<tr><th colspan="3">CIRT ID: 2USLWBUFU6</th></tr>
<tr><td>Date of critical incident:

02/11/2022</td><td colspan="2">Date Department became aware of the fatality:

02/16/2022</td></tr>
<tr><td>Date Department caused an investigation to be made:

09/20/2022</td><td colspan="2">Date of child protective services (CPS) assessment disposition:

10/26/2022</td></tr>
<tr><td>Date CIRT assigned:

09/26/2022</td><td colspan="2">Date Final Report submitted:

01/04/2023</td></tr>
<tr><td>Date of CIRT meetings:

10/21/2022
11/20/2022</td><td>Number of participants:

20
27</td><td>Members of the public?

No
No</td></tr>
</table>

Description of the critical incident and Department contacts regarding the critical incident:

Date of report:	**Allegation(s):**	**Disposition(s):**
September 20,2022 **Assignment decision:** 24-hour response	Neglect by the parents	Founded

On September 20, 2022, ODHS received a report alleging neglect to the child, who was 6 months old at the time of their death, and threat of harm to the 3-year-old and 5-year-old siblings by their parents. The child passed away due to a bed-sharing incident on February 11, 2022. The child was found unresponsive following a nap with the father. A relative entered the home and found the father sleeping in his bedroom with the child face down on the mattress. The relative performed CPR while the father called 911. The child was pronounced deceased at the scene by emergency medical personnel. ODHS received this information in a report dated February 18, 2022, and the report was closed as no allegation of child abuse/neglect based on the information obtained through collateral sources. This report, dated September 20, 2022, identified the discovery of trace amounts of cocaine in blood and urine at the time of the child's death. A CPS assessment was assigned with a 24-hour response timeline because of this new information surrounding the child's death. Additional information on the circumstances surrounding the bed-sharing incident can be found below in the CPS assessment dated February 18, 2022.

On September 22, 2022, the assigned CPS caseworker made unannounced contact with the mother, the 3-year-old sibling and the relative, alongside a detective from a local law enforcement agency. The mother denied any knowledge of how cocaine would have gotten into the child's system at the time of the child's death. The mother reported she and the father had a recreational cocaine habit until the child died. The mother said she was seeking services regarding her alcohol use. The relative told the CPS

caseworker they had no knowledge of substance use in the home. The home was described by the CPS caseworker as safe and appropriate with no observed safety concerns. The relative advised the mother to say no more regarding substance use in the home.

On September 22, 2022, following initial contact with the family, ODHS requested the siblings receive drug screens at a local hospital. The 3-year-old sibling tested positive for cocaine metabolites, and the 5-year-old sibling tested positive for cocaine and codeine metabolites. The report from the drug screen indicated the children were likely around a parent or caregiver who was using cocaine and that further history was needed to understand why codeine could have been present in the 5-year-old sibling's drug screen.

The CPS caseworker made unscheduled face-to-face contact with the family on September 26, 2022. The parents were informed of the drug test results for the siblings; however, they denied any current substance use. Both parents declined answering further questions about substance use. ODHS implemented a safety plan with relatives acting as 24/7 safety service providers in the home of the parents. On September 29, 2022, the children were placed in an out-of-home safety plan with their relatives. On September 30, 2022, a local law enforcement agency executed a search warrant at the home and seized several items to be tested for traces of drugs. A child's tablet and a Power Rangers mask both tested positive for cocaine.

The 5-year-old sibling was interviewed at a child advocacy center on October 14, 2022. During this evaluation, the 5-year-old sibling reported they had witnessed the parents hit, push, and kick each other. They mentioned the mother "acts weird" after she drinks and talks about stuff that did not happen. The 5-year-old sibling said both parents drink and fight with each other and have given each other "owies." During this evaluation a relative reported they had no knowledge of recent drug use by the parents, but there were times they observed the mother under the influence of alcohol after the child's death, as evidenced by the mother repeating herself over and over and slurring her speech.

The father has criminal history of perpetrating domestic violence, and there have been previous child welfare allegations of physical violence toward the mother, which were coded as unfounded for threat of harm to the children in previous CPS assessments. Criminal history reflects he assaulted a previous

partner in 2012, leaving visible injuries. Neither of the parents were willing to answer any questions around domestic violence perpetrated by the father.

The allegations of threat of harm to the 3-year-old sibling and the 5-year-old sibling by their parents were coded as founded. The allegation of neglect to the child by the father was coded as founded. All the children tested positive for cocaine metabolites, although there was a seven-month gap between the child's drug screen and those of the siblings. Multiple children's toys also tested positive for cocaine.

Description of relevant prior Department reports:

Date of report:	**Allegation(s):**	**Disposition(s):**
September 2, 2017 **Assignment decision:** Closed at screening	Neglect by the mother	Not Applicable

On September 2, 2017, ODHS received a report alleging neglect of the sibling, who was 4 months old, by their mother. It was reported a local law enforcement agency received an anonymous call that the mother dropped the sibling on their head while she was intoxicated. The mother acknowledged they had friends over for a dinner party and was a little intoxicated. She was sitting on the floor with the sibling and attempted to pick them up to eye level when she lost her balance. Both parents reported the sibling fell a couple of feet and the carpet prevented most of the impact. No visible injuries were observed by law enforcement officers.

This report was closed at screening as it did not meet criteria for assignment.

Date of report:	Allegation(s):	Disposition(s):
March 5, 2018 **Assignment decision:** 24-hour response	Threat of Harm by the father	Unfounded

On March 5, 2018, ODHS received a report alleging threat of harm to the 10-month-old sibling by the father. On February 28, 2018, the local Sheriff's Office responded to a report that the mother had been attacked by the father. A friend picked up the mother at the hospital the night of February 23, 2018, because the mother had received six to eight stitches on her chin after the father allegedly punched, kicked, and pushed her down. The reporter believed the mother had been hurt while she was holding the sibling. The mother did not disclose any assault to medical personnel and denied the altercation occurred when asked by law enforcement. The mother said she had fallen down the front steps and cut her chin. The report was assigned for CPS assessment with a 24-hour response timeline.

On March 5, 2018, the CPS caseworker talked to a friend of the mother who had picked her up at the hospital. The friend reported the father is a drug dealer who sells cocaine. The friend reported the incident occurred because the mother tried to leave during an argument and the father pushed her against a wall while holding the child's sibling.

The CPS caseworker coordinated with a domestic violence advocate and received supervisor approval to attempt initial contact outside of the response timeline. The CPS caseworker attempted to reach the mother directly but ultimately attempted contact unsuccessfully at the family home on March 8, 2018. The CPS worker completed face-to-face contact with each family member on March 9, 2018, for initial contact and a walkthrough of the home. On March 15, 2018, the CPS caseworker met with the mother one on one to discuss the alleged violence perpetrated by the father.

The mother reported the father was not present when she injured herself. She stated she slipped on the front stairs of the home, returning after a night out with friends and that the father brought her to the hospital for stitches but

was unable to stay because he had to work. She indicated she does not drive and asked her friend to pick her up. She thinks the friend fabricated this to put a wedge between her and the father. The mother reported there has been infidelity in the relationship between her and the father that they are trying to work through but denied any physical violence in the home.

The father reported he was in bed when the mother arrived at home on February 23, 2018, after a night out with friends. This occurred at approximately 1:30 a.m. and he had to be at work at 6 a.m. The father said the mother woke him up crying because she had fallen off the stairs outside. The father said he took her to the hospital and dropped the sibling off with a relative while he went to his scheduled shift.

The allegations of threat of harm to the sibling by their father was coded as unfounded. The mother did not disclose being assaulted or injured by the father. The sibling had no observable marks or bruises on initial contact, and only a light bruise observed on a subsequent visit with the family, consistent with typical toddler activity.

Date of report:	**Allegation(s):**	**Disposition(s):**
November 18, 2021 **Assignment decision:** 72-hour response	Neglect by the parents	Unfounded

On November 18, 2021, ODHS received a report alleging neglect of the 4-month-old child, their 2-year-old and 5-year-old siblings by the parents. A local law enforcement agency responded to a report on November 17, 2021, regarding a physical fight between two men at the family home. Law enforcement officers believed the mother was intoxicated as she was slurring her words. The mother reported the father and another man had been in an argument that she described as a “guy fight over nothing” and was de-escalated quickly. The mother mentioned she was taking care of the child when this occurred and did not know the details of the confrontation. The

father was asleep with the child when they arrived but came down to speak to officers. Law enforcement officers observed blood on the father's hand that he indicated was from stitches, reportedly from a work accident. The father and the other involved male were not cooperative with officers and refused to answer questions. At one point during this interaction, the 2-year-old and 5-year-old siblings left the gated area and started to run out toward the busy road. It was unknown if the children were present during the argument between the father and the other man. The report was assigned for CPS assessment with a 72-hour response timeline.

On November 24, 2021, the assigned CPS caseworker contacted the father and the three children at the family home. The mother was at work. The 5-year-old sibling and the 2-year-old sibling were exhibiting high energy and it was difficult for the father to talk to the CPS worker and manage the children. The CPS caseworker scheduled to meet with the family on a later date to address the concerns in the report. The CPS caseworker met with the family and completed separate interviews on November 28, 2021.

The parents both reported they invited a friend and their significant other over to their house for dinner on November 17, 2022. The friend's significant other was intoxicated when they arrived at the house. The father reported the friend's significant other got into the father's face and was belligerent. The mother said the fight turned physical somewhere in the kitchen/dining room area and then moved out to the back porch. The father corroborated this report and stated he wrestled the friend's significant other on the back deck. Both parents stated the physical confrontation was over in seconds. The children were in another room and did not witness any of the incident. The father said he asked the couple to leave, and he put the children to bed. The father stated he did not drink that night and the mother had a few drinks. Both reported the situation was over and dealt with when local law enforcement arrived. Both parents said the children were inside the house when police arrived and ran outside into the yard when police were there. The CPS caseworker completed safe sleep documentation due to an infant in the household. The children were not developmentally mature enough to be interviewed. The parents declined to provide any collateral contact information, citing privacy concerns.

The allegations of neglect to the children by their parents were coded as unfounded. The children were reported to be in another room when the fight occurred. The children were observed to be high energy in the home when visitors are present, and there was no evidence of a lack of supervision by the parents.

Date of report: February 16, 2022 **Assignment decision:** 72-hour response	**Allegation(s):** Neglect by the father	**Disposition(s):** No allegation of abuse/ neglect

On February 16, 2022, ODHS received a report alleging the neglect of the 6-month-old child by the father. On February 11, 2022, law enforcement and emergency personnel responded to the home regarding a report that the child was unresponsive after taking a nap with the father and siblings in a king-sized bed. When the father was awoken by a relative, they found the child unresponsive. Emergency medical personnel pronounced the child deceased around 4 p.m.

The relative told law enforcement officers they were picking up the father and the children to go retrieve the family car at the mechanic. The relative indicated the 3-year-old and 5-year-old siblings were up and playing around when the relative arrived, and the father was in bed with the 6-month-old child. The father was sleeping on the right side of the bed and the child was sleeping on the opposite side. The father woke up and reached over for the child, but they were unresponsive. The relative carried the child into the other room and performed CPR while the father called 911. The relative stated it was normal for both parents to bed share with their children and they stated both parents are loving and attentive parents.

The father reported he often bed-shared with his children. Each child has their own sleeping surface, and they usually begin the night separately, but all end up sleeping together throughout the night. The father had laid down at the children's usual naptime around 1 p.m. The father reported everyone

went to sleep except the 5-year-old sibling who was watching a TV show that was playing in the room. The father said the 5-year-old sibling woke him up one time to change the channel and the child had rolled to their side toward the father. The father returned the child to their back and the next time he woke up was when the relative arrived and came and woke him up. It appeared that the child had rolled over with their face down.

Law enforcement officers observed the home to be safe and appropriate and observed no notable injuries to the child. There was no indication the father was under the influence of a substance on the day of the incident.

Based on information contained in the law enforcement report, the allegation was closed through collateral without a CPS assessment.

Description of concerns regarding actions taken or not taken by the Department or law enforcement agencies in response to the critical incident or events that led to the critical incident:

The CIRT discussed the systemic deficits in the timeliness of toxicology reporting, which affected the safety of the siblings in this case. The child died February 11, 2022, and a report was made February 18, 2022. The report was initially closed as no allegation of child/abuse neglect based on information gathered by a law enforcement collateral. The toxicology report was not received by law enforcement until seven months later, on August 31, 2022. Additionally, a report was not made to the Oregon Child Abuse Hotline until September 20, 2022, which prompted the new CPS assessment. ODHS requested a drug screen for the siblings that showed metabolites for cocaine, the same drug the child tested positive for seven months earlier. ODHS has a procedure for requesting rush toxicology within the fatality protocol. This request for rush toxicology was not completed because the fatality report was closed as no allegation of child abuse/neglect. It was not verified that law enforcement or other professionals completed a request for rush toxicology, preventing a feedback loop from being clearly established in the event the results revealed a concern for abuse.

The CIRT considered factors that yielded insufficient understanding about the scope of substance use and allegations of domestic violence in the

household. During the November 18, 2021, CPS assessment, no collateral sources were contacted, citing the parents' concerns for privacy. This was the third report to ODHS with concerns for violence and substance misuse in the home, indicating a need for deeper exploration of the family condition. While family privacy is important, gathering collateral information to determine child safety is a critical step in any CPS assessment, and privacy concerns do not relieve ODHS of a responsibility to complete a comprehensive assessment of child safety. The CIRT discussed how professional bias in casework practice can at times contribute to limited assessment of family functioning and the extent and impact of substance use by parents.

Recommendations for improvement in the administration and oversight of the child welfare system that are specific to the critical incident and any historical information reviewed by the team:

The CIRT recommends the Child Safety and Child Fatality Prevention and Review Programs review the fatality protocol to determine what additional measures or modifications are needed to support child welfare professionals in requesting rush toxicology and following up to ensure results are gathered and necessary actions related to child safety are taken. This analysis will include follow up with the State Child Death Review Prevention Team to better understand the barriers to obtaining rush toxicology and communicate the need for timely reporting of new information related to the death of a child that may indicate abuse. Any recommendations for change to the fatality protocol will be completed by June 2023.

The local office will be using the learning from this case to support reflection and professional development for supervisors and caseworkers through facilitated conversations focused on identifying assessment strategies when families provide limited information and collateral contacts. Additionally, a Child Fatality Prevention and Review Program Safe Systems Coordinator will partner with the local office to identify any underlying factors contributing to the challenges in this scenario from a systems perspective. Changing practice takes time, and efforts must be multi-faceted. Safe Systems Analysis is a process designed to support a broader understanding of child welfare practice challenges. The analysis in this case will be completed and

included in the aggregate Safe Systems Analysis data set to guide system learning and improvement by March 2023.