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><td colspan="3">The CIRT ID: 3KAF63AXWL</td></tr>
<tr><td>Date of critical incident:

June 19, 2023</td><td colspan="2">Date Department became aware of the fatality:

June 22, 2023</td></tr>
<tr><td>Date Department caused an investigation to be made:

June 19, 2023</td><td colspan="2">Date of child protective services (CPS) assessment disposition:

September 29, 2023</td></tr>
<tr><td>Date CIRT assigned:

June 27, 2023</td><td colspan="2">Date Final Report submitted:

October 5, 2023</td></tr>
<tr><td>Date of CIRT meetings:

July 24, 2023
September 1, 2023</td><td>Number of participants:
17
19</td><td>Members of the public?
No
No</td></tr>
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Description of the critical incident and Department contacts regarding the critical incident:

Date of report: June 19, 2023 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect and Threat of Harm by the mother	**Disposition(s):** Founded

On June 19, 2023, ODHS received a report a 22-month-old child was found unresponsive at home. The child regained consciousness after being administered Narcan by first responders and was taken by ambulance to the hospital along with the child's mother. The mother acknowledged using fentanyl and reported she had other opiates in the home that were given to her by an ex-partner. She kept these substances locked up and indicated she did not know how the child came into contact with them. The child was reported to be sedated, intubated, and in stable condition. The child had two older siblings, ages 7 and 3. The reporter did not have information on who was caring for the child's siblings while the mother was at the hospital. Allegations of neglect by the mother to the child and threat of harm by the mother to the child's siblings were assigned for CPS assessment with a 24-hour response time.

On June 19, 2023, the CPS caseworker contacted the child at the hospital. A nurse reported the child's condition was critical but stable. The CPS caseworker then spoke with a maternal relative who reported the mother had been getting ready for work when the relative noticed the child was not breathing normally and was unresponsive, so they called 911. The mother was interviewed by the CPS caseworker at the hospital. She admitted actively using fentanyl, and said she last used prior to going to work. The mother did not know how the child obtained the substance, but speculated they must have gotten into a drawer containing items left by the father. She said the child's siblings were currently in the care of relatives.

On June 20, 2023, the CPS caseworker spoke to hospital staff, who reported the child had suffered a brain injury as a result of the incident. The CPS caseworker then visited the home of maternal relatives and had contact with the child's two siblings who were sleeping. No concerns for the safety of the child's siblings were observed at the relative's home. The CPS caseworker then contacted the mother who agreed to a safety plan for the child's siblings to remain in the care of her relatives. On June 21, 2023, the CPS caseworker received information from a detective investigating the incident. The detective reported when police arrived at the home after the incident, the mother's apartment was cluttered and unsanitary. Animal feces and urine were observed throughout the home and a dog had torn apart some bedding. A fentanyl straw was found, but no other paraphernalia or drugs were observed. The mother admitted to using 15-20 fentanyl pills per day to police and disclosed occasionally using methamphetamine to stay awake. She said her substance use was interfering with her ability to safely parent her children. The detective also reported the child's siblings had both tested positive for fentanyl and methamphetamine when seen by medical personnel. On June 21, 2023, the CPS caseworker was notified by the hospital the child was declared brain dead and the family would be making end-of-life decisions. On June 22, 2023, the CPS caseworker received news the child had passed away.

On June 23, 2023 a maternal relative was interviewed by the CPS caseworker and reported not being aware the mother was currently using substances but said relatives had cared for the mother's children in 2022 while the mother was addressing her dependence on substances. The relative stated they had not been in the mother's home until recently and speculated it was dirty due to the family's pets, the young ages of the children, and small size of the apartment. Another maternal relative told the CPS caseworker they would regularly care for the child and the child's siblings while the mother worked. The relative denied animal feces and urine were commonly found in mother's apartment, and stated the dogs were trained to relieve themselves on the porch, which the mother would clean up. The relative explained the rest of the mess in the apartment was due to the child getting into everything. The relative stated they had suspected the mother was using substances prior to the child's birth. After being asked about their suspicions, the mother admitted her substance use

and went to a detox center. The relative said the mother appeared to be doing well for a while but went to detox a second time after the child's father was sentenced to prison. More recently, the relative said they had observed the mother's apartment to have a funny smell and they saw the mother with black marks on her face and hands, but she denied using substances. The mother told the CPS caseworker on June 23 she moved into her apartment in January 2023, prior to her relatives moving into the same complex. On a typical workday she stated she would take the child's 7-year-old sibling to school then she would be at home with the child and the child's 3-year-old sibling until about 1:30 p.m. when she would take the children to her relatives' apartment. The mother would then go to work and pick the children back up from her relatives about 1:30 a.m. The mother disclosed using fentanyl for the past year. She said she had two stints in detox but felt she did not need treatment at the time, believing she was strong enough to stop using on her own. She reported the child's father used fentanyl prior to going to prison, but he would not allow her to use. The mother denied ever overdosing on the substance. She said she typically used the substance in the bathroom or in her car, but stated the children were never present in the bathroom or car while she was using. When asked about the condition of her home, she stated it was typically messy but had gotten worse due to her being at the hospital for the past few days. The mother said the child was always opening doors, drawers, and throwing clothing everywhere.

On July 24, 2023, the CPS caseworker spoke to the father, who was incarcerated, by phone. The father agreed to sign paperwork granting a maternal relatives guardianship of the child's 3-year-old sibling. The same relatives had already been granted guardianship of the child's 7-year-old sibling. Over the course of the assessment, the CPS caseworker made numerous contacts with the child's siblings in the care of the maternal relatives and no concerns for their safety were observed.

The allegation of neglect by the mother to the child was determined to be founded as the child ingested fentanyl they accessed in the mother's home leading to their death. The allegations of threat of harm by the mother to the child's siblings was also determined to be founded as the siblings both tested positive for methamphetamine and fentanyl and the mother admitted

to ongoing fentanyl use in the home and in her car, both places the children had regular access to.

Description of relevant prior Department reports (Please note the child and the child's youngest sibling have the same legal father who will be referred to as "the father' throughout this report. The child's oldest sibling has no legal father) :

Date of report: January 26, 2016 **Assignment decision:** Within 24 hours	**Allegation(s):** Threat of Harm by the mother	**Disposition(s):** Unfounded

On January 26, 2016, ODHS received a report the mother and the child's oldest sibling, who was two weeks old at the time, were residing in a home with several other individuals. The reporter stated one of the people living in the home was no longer parenting their own child due to their use of substances and their partner, who was also residing in the home, was said to be dealing heroin. An allegation of threat of harm by the mother to the child's oldest sibling was assigned for CPS assessment with a 24-hour response time.

The CPS caseworker made face-to-face contact with the mother and child's oldest sibling on January 27, 2016. The mother stated the person who was alleged to be dealing heroin was a relative and they and their partner were permitted to move into the home under the condition they were addressing their substance use. The mother said they were not aware the relative was alleged to be dealing substances, but stated when she suspected they were using them, she asked them to leave. The mother said the relative who was alleged to have been dealing heroin had been out of the home for several weeks, but their partner was allowed to stay as they were pursuing services.

The allegation of threat of harm by the mother to the child's oldest sibling was determined to be unfounded as she asked the person alleged to be

dealing heroin to move out of the home prior to the birth of the child's oldest sibling.

Date of report: December 12, 2019 **Assignment decision:** Within 24 hours	**Allegation(s):** Threat of Harm by the father	**Disposition(s):** Founded

On December 12, 2019, ODHS received a report stating the father of the child had assaulted the mother in the presence of their 2-month-old child as well as the mother's 3-year-old child. It was reported the mother and father were preparing to go to the store when they became involved in an argument. The father yelled at the mother and called her names, then grabbed her by the throat and pushed her up against a wall. The mother picked up the 2-month-old and said she was going to call the police and the father responded by grabbing the mother's hair, pushing her back, and throwing her phone to the floor. The couple continued to argue while the mother held the 2-month-old. At one point, the father pushed past the mother, accidentally striking the 2-month-old in the face. He told the mother not to yell while she was holding his child and asked how she would feel if he yelled in her 3-year-old child's face. The father then went over to the 3-year-old and started to scream in their face, causing them to cry. The mother left the apartment with both children. When she returned, the father had gathered his things and left. The father was said to have an extensive criminal history as well as a history of methamphetamine use. Allegations of threat of harm to the child's two older siblings by the child's father were assigned for CPS assessment with a 24-hour response time.

The CPS caseworker responded to the home on December 13, 2019 and spoke to a maternal relative who was caring for the children. The relative said the children were sleeping and the mother was at work, telling the CPS caseworker they would need to speak to the mother in order to see the children. The relative did not know the whereabouts of the father. The CPS caseworker later spoke with the mother by phone. The mother

reported the father was no longer in the home and said she had filed for a restraining order against him. She stated she and the children were currently living with her relatives. On March 9, 2020, the CPS caseworker made face-to-face contact with the mother and the children. The mother confirmed the information in the report and stated she had filed a restraining order against the father the day after the incident but stated he had not yet been served with it. The mother denied any substance use of her own but said the father had a history of methamphetamine and heroin use and she believed he had relapsed at the time incident occurred. The mother denied knowing the father's current whereabouts but stated she had exchanged a few text messages with him.

The allegations of threat of harm to the child's siblings by the father were determined to be founded as he assaulted the mother in the presence of the children.

Date of report: September 8, 2020 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother Neglect, Threat of Harm, and Physical Abuse by the father	**Disposition(s):** Unfounded Unfounded

On September 8, 2020, ODHS received a report the mother was leaving the child's siblings, who were 1 and 4 years old at the time, in the care of the father while she was working. The father was said to be actively using heroin and was passed out at times he was supposed to be caring for the children. He was also reported to carry a backpack containing heroin, a gun, and large amounts of cash obtained through illegal means. The reporter stated that on September 6, 2020, the 4-year-old sibling was climbing on a dresser and fell off, resulting in a fat lip. The father became upset about this and begun spanking the sibling. The mother asked the father to stop as the sibling was already hurt and crying from the fall, leading to the father to start screaming at the mother and attempting to leave with the 1-year-old sibling. The mother and a paternal relative prevented him from taking the 1-year-old and he left on his own. The

mother was said to be aware the father was not an appropriate caregiver for the children, but she reportedly had no other options for childcare. The reporter stated the mother would come check on the children during her lunch breaks to ensure they were being fed. Allegations of neglect and threat of harm by the father to the child's siblings, physical abuse by the father to the child's 4-year-old sibling, as well as neglect by the mother to both of the child's siblings to were assigned for CPS assessment with a 24-hour response time.

On September 9, 2020, the CPS caseworker attempted to contact the family at home but was unable to do so as they resided in a secure building, and no one was home. A voicemail message was left for the mother, and another was left for the father. On September 11, 2020, the CPS caseworker spoke with a paternal relative by phone. The relative said the mother was a good parent who worked full time and also reported the children had been approved for day care. Also on September 11, the CPS caseworker spoke with the mother by phone. She said the father had stayed at her home on occasion but did not regularly do so. The mother stated she believed the father was currently using substances resulting in her telling him he could not come to her home or have any contact with his child until he addressed his use. She acknowledged using him to watch the children on a few occasions in the past but reported the children had been in day care full time since December 2019. She was not aware of any occasions where he used substances in her home and was not aware he had a gun. She confirmed the incident where the father had spanked her oldest child after they fell off of a dresser and said that was the final straw causing her to ask him to leave the home until he addressed his substance use. Later that day, the CPS caseworker made face-to-face contact with the child's siblings at their daycare program. Staff reported the 4-year-old had been attending daycare since December 2019 and the 1-year-old since January 2020, and they had no concerns for the children's care. On November 16, 2020, the CPS caseworker visited the mother and children at home. The mother reported the father had not had any contact with the children for several months but stated she has spoken to him by phone. She said she would not allow him to see the children until he had addressed his substance use problems. Also on November 16, the CPS

caseworker left another voicemail message for the father, which was not returned.

The allegations of neglect to the child's siblings by the mother were determined to be unfounded as she took action to prevent the father's access to the children once she became concerned by his behaviors. The allegation of neglect to the child's siblings by the father were determined to be unfounded as there was insufficient evidence to suggest he was using substances while caring for them or leaving substances or firearms within their reach. The allegations of threat of harm by the father to the child's siblings were determined to be unfounded as he was not having contact with them, and the allegation of physical abuse by the father to the child's oldest sibling was determined to be unfounded as the sibling was not injured when spanked by the father.

Date of report: January 31, 2022 **Assignment decision:** Closed at Screening	**Allegation(s):** Threat of Harm by the father	**Disposition(s):** Not Applicable

On January 31, 2022, ODHS received a report the father had been heard yelling at the child, who was 6 months old at the time, and the child's 6- and 2-year-old siblings. The children had been consistently crying in the family's home for an hour and a half prior to the report being made. The reporter stated the father had arrived at the home at approximately 9 p.m. and knocked on the door while yelling for an extended period of time before being allowed inside. Once inside, the father could be heard yelling, pounding sounds could be heard, and the children could be heard crying consistently until approximately 10:30 p.m. The father and the mother were said to yell and argue frequently but the arguments had reportedly increased in the past month. Both parents have been heard yelling at the children to shut up, but the reporter denied ever seeing the children with injuries or hearing anyone crying out in pain. The family had also been seen by the reporter laughing and playing at times, and the children did not

appear to be fearful of the parents. It was also reported the parents may be using substances as the mother had been overheard referring to herself as an addict to another person outside the home, however neither parent had been observed to be visibly intoxicated while parenting the children.

The report was closed at screening as it was determined it was not a report of abuse.

Date of report: March 19, 2022 **Assignment decision:** Within 24 hours	**Allegation(s):** Threat of Harm by the father	**Disposition(s):** Unable to Locate

On March 19, 2022, ODHS received a report the mother was involved in a physical argument then was assaulted outside her home by a man she identified as the father of her two youngest children. During the confrontation, the father was observed to pick the mother up and throw her to the ground before punching her. The reporter then knocked on the mother's door. The mother answered the door and the father left. The mother reported she was OK and said the father was trying to prevent her from leaving the home because she was experiencing suicidal ideation. She stated she had been dealing with postpartum depression and had discontinued the use of her medication five months prior. The mother said she was planning to refill her medication that day and stated she was no longer suicidal. The reporter observed two children the mother identified as the child, who was 7 months old at the time, and the child's 2-year-old sibling. Allegations of threat of harm to the child and child's siblings by the father were assigned for CPS assessment with a 24-hour response time. The allegations in this report were assessed together with allegations made in a report from June 20, 2022, and the results were documented in a single report.

The CPS caseworker attempted contact with the family at home on the day the report was made, but no one answered the door. On March 21, 2022, the CPS caseworker attempted contact with the child's oldest sibling at

school, but they were not present. The CPS caseworker interviewed school staff on March 24, 2022 and attempted contact with the father later that day. On April 4, and again on April 15, 2022, the CPS caseworker attempted contact with the family at home. The CPS caseworker noted making numerous home visits without an answer at the door and also noted leaving numerous business cards for the family. It was also noted the oldest child's school reported they had been disenrolled due to a lack of attendance.

On May 29, 2022, a case note was made by the Oregon Child Abuse Hotline stating a new report had been received regarding the family. The reporter stated the children cry frequently, usually after being at yelled at by the father. It was further reported one parent was overheard saying "I'm an addict too" in response to another person saying, "he's an addict." On the day the report was made, the reporter said children could be heard screaming and a banging noise was also heard, leading the reporter to speculate the children could be locked alone inside a room. The report was case noted as there was no new allegation of abuse. Messages were sent to the CPS caseworker and their supervisor to make them aware of the report.

The allegations of threat of harm to the child and their siblings by the father were coded as unable to locate as the family did not respond to numerous attempts to contact them.

Additional efforts by the CPS caseworker to contact the family are documented under the following summary of the CPS assessment assigned in response to a report made on June 20, 2022.

Date of report: June 20, 2022 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother and father	**Disposition(s):** Unable to Locate

On June 20, 2022, ODHS received a report the mother and father were using substances while caring for the child and the child's siblings. Both parents were reported to be using methamphetamine, opiates, and cocaine. The father was said to be selling drugs and was known to frequently carry a gun. It was further reported domestic violence had been occurring between the parents for the past 2-3 years, but details of those incidents were unknown. The reporter stated the family would likely attempt to avoid ODHS contact. Allegations of neglect to the children by the mother and father were assigned for CPS assessment with a 24-hour response time. The allegations in this report were assessed together with allegations made in a report from March 19, 2022, and the results were documented in a single report.

The CPS caseworker spoke to the reporter on June 20, 2022 and found they obtained the information in the report from a third party. On June 21, 2022, the CPS caseworker attempted contact with the family at their reported address. A family answered the door and reported not knowing the child's family. The CPS caseworker also attempted contact with the family on June 23 and June 29, 2022. On October 4, 2022, the CPS caseworker spoke with staff at the child's oldest sibling's school who reported he was not enrolled, and they did not have emergency contact information for him. Also, on October 4, 2022, the CPS caseworker spoke with a paternal relative. The relative said they saw the children occasionally and believed the mother was doing the best she could in parenting them. The relative said the father was a negative influence on the mother and felt she would be better off having no contact with him. The relative told the CPS caseworker they believed the mother was clean and sober but could not say the same for the father. The relative said they would give the mother a message to contact the CPS caseworker and stated they believed the family was still residing at the address the CPS caseworker last had contacted. The CPS caseworker subsequently sent a letter to the mother explaining ODHS was trying to contact her and did not receive a response.

The allegations of neglect to the children by the mother and father were coded as unable to locate as the family did not respond to numerous attempts to contact them.

Date of report: June 16, 2023 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother Threat of Harm by the father	**Disposition(s):** Unable to Determine Unable to Determine

On June 16, 2023, ODHS received a report the child, who was 22 months old, had fallen down a flight of stairs, hitting a concrete landing, outside the family's apartment. The reporter did not know if the child was injured and stated the child was not taken anywhere to receive medical care. Just prior to the incident, the child and their 3- and 7-year-old siblings had been seen playing outside unsupervised in the apartment parking lot and all three children were said to be unclothed. The children were reported to frequently be unsupervised outside of the home, which was located on a busy street. Residents of the complex would occasionally take the children back home and let them inside, often without seeing the mother. The mother had been heard in the past yelling at the children to get back in the house. It was noted by the screener the prior CPS assessment on the family was related to concerns of substance use by both parents and threat of harm due to domestic violence by the father resulted in an unable-to-locate dispositions. Allegations of neglect to the children by the mother and threat of harm to the children by the father were assigned for CPS assessment with a 24-hour response time.

On June 17, 2023. a CPS caseworker responded to the family's residence, but there was no answer at the door. On June 18, 2023, a CPS caseworker made contact with the mother and the children at home. The mother would not allow the CPS caseworker to enter the home. From the front door, the living room appeared cluttered, and the apartment smelled of trash and animal odors. Interviews were conducted on the front porch. The mother told the CPS caseworker the child fell on the stairs two days prior, but said they only fell down the last two stairs and not the entire flight. The child appeared comfortable, and no significant injuries were observed. The child did have a small fading bruise on their forehead, which the mother said was not a result of the fall. She told the CPS caseworker the child had recently learned how to unlock and open doors. The mother reported her relatives

lived in the apartment directly below hers and provided care for the children while she was at work. She stated that if her neighbors had witnessed the children on the stairs, it because they were coming or going to their relatives' apartment. The mother stated the child's father had been in prison since November 2022. She denied having any substance use challenges. The CPS caseworker interviewed the child's siblings, and they made no concerning disclosures. The mother agreed to take the child to the hospital for an examination that afternoon. Later that day, the CPS caseworker confirmed with the hospital the mother had brought the child in. Hospital staff photographed the bruising to the child's face but reported no significant injuries or medical concerns. Hospital staff provided the mother with a gift card to purchase child-proofing supplies for her doors. This CPS assessment was open at the time of the critical incident that led to the death of the child.

The allegations of neglect to the children by the mother were determined to be unfounded as the child did not have significant injuries from their fall and there was insufficient information the children were routinely unsupervised at the time of the incident.

The allegations of threat of harm to the children by the father were coded as unable to determine as there was insufficient information to come to a founded disposition. The children did not make disclosures of witnessing violence perpetrated by the father, however prior collateral contacts reported there was violence occurring in the home perpetrated by the father. The allegations against the father were initially assigned in a March 2022 CPS assessment where the family could not be located and by the time of this assessment the father had been incarcerated and was no longer in the home.

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:

Though the CIRT did not identify concerns regarding actions taken or not taken by the Department or law enforcement agencies in response to the critical incident or the events that led to the critical incident, it noted the CPS assessment linked to the reports made on March 19, 2022 and June

20, 2022 resulted in unable-to-locate dispositions. CPS caseworkers are required to make extensive efforts to contact a family before coming to an unable-to-locate disposition. Prior to the incident that led to this child's death, the local district implemented a protocol requiring district leadership or the manager of the Child Safety Program approve the use of this disposition in cases where a family is unable to be contacted.

The CIRT also recognized the importance of assessing the safety of children in the care of extended family when there is a history of generational trauma and familial patterns of need. Guiding Principle 1 of the Child Welfare Vision for Transformation involves supporting families with trauma-informed, family and community centered, and culturally responsive programs and services focused on engagement, equity, safety, well-being, and prevention.

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 did not make any recommendations for improvement in the administration of the child welfare system.