Child Fatality Report Release of Information to the Public

Person ID: 73100007

County of Child's Residence: HARRIS

Gender: Male

Age: 11 Year(s) 6 Month(s)

Date of Death: 06/19/2022

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: Atkins,Derion

Current Report(s) of Abuse/Neglect:

Intake Date(s): 06/13/2022

Summary of Allegation(s)/Investigation:

The Department received a report notifying it of a fatal event after emergency medical services responded to a child drowning. The deceased child was found by the deceased child's mother at the bottom of a pool. The deceased child's mother had taken the deceased child and two other children to the apartment swimming pool and left them unattended for five minutes. The children were the only people in the pool and two of the children did not know how to swim. The deceased child's mother could not swim either. The mother had reportedly walked back to the pool fence and scanned the pool when she saw the two unrelated children playing. She saw the deceased child at the bottom of the five foot end of the pool. The deceased child's mother instructed one of the younger children to retrieve the unresponsive deceased child even when the other child could not swim.

The Department's investigation determined that the deceased child's mother was employed as a home health aide when she was at her client's home with her child. The deceased child's mother took her child and two of the client's children to the pool. The mother's child and one of the other children did not know how to swim and there were posted signs on the pool fence and gate advising visitors that there was no life guard on duty and not to leave children unsupervised.

However, the deceased child's mother still left her child and two younger children in the pool when she went back to

her client's apartment. The mother did not ask the children to get out of the pool or take them with her when she left the pool area. She returned to the pool a few minutes later and found the child at the bottom of the pool. The deceased child's mother asked one of the other children to retrieve the unresponsive child as she did not know how to swim either. The apartment complex had video footage showing the mother leaving the children in the pool without another appropriate caregiver or person to supervise them. The deceased child was observed on video as he had wandered to the deeper end of the pool and began to struggle. The deceased child's mother was observed standing outside of the gate across from the apartment and was not aware that the child was struggling in the pool. The deceased child was transported to the local hospital where he did not recover from the drowning. The child's father is deceased and the mother was the child's sole caregiver at the time of the fatal event. The deceased child's mother has no other children in her care and is no longer employed with the home-health company.

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

The medical examiner did not conduct a full autopsy.

Investigation Findings:

The Department confirmed allegations that the deceased child's mother committed Neglectful Supervision of the deceased child, which led to the child's death. The deceased child's mother admitted to leaving the child inside the pool when she walked back to her client's apartment. The deceased child did not know how to swim and there were posted signs on the pool fence and gate advising that there was no life guard on duty and not to leave children unsupervised. The mother did not take the necessary safety precautions and measures when she left the child unsupervised in the pool. There was no other designated adult or appropriate caregiver when the child drowned in the community pool. The deceased child had been in the care of the mother prior to his drowning, and she failed to provide the needed supervision.

Safety and Risk Assessment Factors Identified:
06/14/2022: Structured Decision Making Safety Assessment - Initial Safe
Structured Decision Making Risk Assessment Final Level: N/A, Only Child Died

Safety and Risk Assessment Factors Identified:

Case Action:

Close - Kinship Investigation

Services and Referrals Provided to the Family:

Other Services:

The parent was provided with grief counseling resources.

No Service Referrals and deceased child was an only child.

Other Actions Taken to Mitigate Risk:

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): 09/28/2011

Summary of Previous Allegation(s)/Investigation:

The Department received a report notifying it of concerns the deceased child's mother using pills and marijuana every day around the deceased child. The mother drinks to the point of passing out daily leaving the deceased child unattended. The mother is prostituting herself and will leave the deceased child with anybody.

The Department's investigation determined the deceased child and his adolescent sibling resided in the same home. The deceased child's mother admitted to using marijuana, but denied using in the children's presence. She relied on the adolescent sibling to care for the deceased child when she smoked marijuana. She denied drinking alcohol in excess and denied abusing any pills. The mother's drug screening was positive for the prescribed medications. The mother denied engaging in prostitution. The deceased child was not verbal and the sibling did not make any disclosures of abuse or neglect. The maternal grandmother was available to offer support to the family. The mother was provided with community resources to address her substance abuse issues.

Investigation Findings:

The Department was unable to confirm or refute the allegations of Neglectful Supervision of the deceased child and older sibling by their mother. The deceased child's mother admitted to using marijuana and tested negative during the investigation. The deceased child's sibling did not make any disclosures of abuse or neglect. He denied that the mother leaves them home alone or that he has witnessed her under the influence of drugs and alcohol. The deceased child was not verbal and could not provide information to verify how the mother's drug use impacts his safety.

Safety and Risk Factors Identified:
12/30/2011 - Safety Assessment- Safe/ No Safety Plan Needed.
01/02/2012 - Risk Assessment- Factors Controlled

Safety and Risk Assessment Factors Identified:

Case Action:

Close

Services and Referrals Provided to the Family:

Other Services:

The mother was provided with community resources to address her substance abuse issues.

Other Actions Taken to Mitigate Risk:

The maternal grandmother was available for support and was willing to monitor.

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.