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">CIRT ID: Q4RSKCWKXO</td></tr>
<tr><td>Date of critical incident:

March 16, 2022</td><td colspan="2">Date Department became aware of the fatality:

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

March 16, 2022</td><td colspan="2">Date of child protective services (CPS) assessment disposition:

May 13, 2022</td></tr>
<tr><td>Date CIRT assigned:

March 21, 2022</td><td colspan="2">Date Final Report submitted:

June 29, 2022</td></tr>
<tr><td>Date of CIRT meetings:

April 8, 2022
May 24, 2022</td><td>Number of participants:
23
31</td><td>Members of the public?

Yes
Yes</td></tr>
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Description of the critical incident and Department contacts regarding the critical incident:

Date of report: March 16, 2022 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother Threat of Harm by the mother Physical Abuse by unknown person	**Disposition(s):** Founded Founded Unfounded

On March 16, 2022, the Oregon Department of Human Services (ODHS) received a report that the child, who was four months old, was brought to the emergency room at 10:47 a.m. by the mother and her friend. The child was unresponsive on arrival and was unable to be resuscitated. The child was pronounced deceased at 11:18 a.m. The mother was reported to have said she last saw the child alive at 2:00 a.m. She said she later woke at approximately 10:00 a.m. to find the child's three-year-old sibling sitting on the child's head and the child was unresponsive. The child reportedly had bruising to the legs and shoulders when brought into the hospital, the child's diaper was soiled, there was dirt and hair around the neck, and the child's fingernails were dirty. It was reported the mother smelled of marijuana. After the child was pronounced deceased, the mother and her friend left the hospital and did not wait for law enforcement to arrive.

CPS caseworkers made contact with the mother and the child's sibling on March 16, 2022. Law enforcement was present at the home. The mother was asked to provide a timeline of the events leading up to the child's death. On the evening prior to her child's death, the mother said she fed both children about 6:30 p.m. and the child fell asleep on the bed around 7:00 p.m. She reported watching a movie with the child's sibling until the sibling went to sleep around 10:30 p.m. The mother said she woke around 2:00 a.m. and noted the child was stirring, so she tried to bottle feed the infant, burped them, and changed their diaper before putting the child back to sleep on the bed with three pillows placed around the infant. She said when she woke in the morning, she found the sibling sitting on the child. The mother reported the child was not breathing. She began screaming and ran outside to find her friend who started performing chest compressions on the infant and yelled for a relative to call 911. The child's sibling was left with the friend's relative as the mother and her friend drove the child to the hospital. It was reported the mother's friend was trying to perform chest compressions on the infant as they drove. When they arrived at the hospital, the mother's friend rushed inside with the child as the mother stayed in the car, saying she could not speak or move. She said someone came to get her and bring her into the hospital where she was told the child was deceased and she left the hospital with her friend shortly afterwards. It was later learned from collateral

sources the child was likely deceased for four to six hours before being brought to the hospital.

Some of the statements the mother made regarding the events of the evening were inconsistent. The mother provided several different accounts of where she and her children had been sleeping that evening. She confirmed an ODHS caseworker had counseled her regarding the risks of bed sharing a few weeks prior and had been advised to have the child sleep in a bassinet. The ODHS caseworker later confirmed that conversation and said while the home was messy at the time of the last home visit, conducted on February 10, 2022, no safety threats were observed.

The CPS caseworkers were given permission by the mother to take photos inside the family's home. They found the inside to be in disarray. Two butane torches and what appeared to be a methamphetamine pipe were noted to be next to the pillows on the bed and two small whiskey bottles were found within reach of the bed. Empty beer bottles and marijuana, garbage, dirty dishes, and other clutter were found throughout the home. The child's bassinet was being used to store various items including a large bag of marijuana.

The CPS caseworkers attempted to work with mother to identify safety service providers to create an in-home safety plan for the child's sibling but were unsuccessful. An out of home safety plan was implemented for the sibling. A hair follicle sample was collected from the sibling the following day during a medical examination. On March 24, 2022, it was learned the child's sibling's hair follicle test was positive for methamphetamine. The mother denied any knowledge of how the sibling tested positive for the substance and insisted she did not use methamphetamine. She speculated the sibling could have been exposed while a friend had watched the sibling and suggested the methamphetamine pipe found in her home could have been dropped by a friend.

The CPS caseworker was present when the father was interviewed by law enforcement on March 21, 2022. He confirmed he was out of town on the day of the incident. The father denied knowing the mother was using any substances other than marijuana and he denied using substances other than alcohol. He questioned whether he was the child's biological father, saying the mother had admitted to having an affair around the time she became pregnant with the child.

The allegations of neglect by the mother to the child and the child's sibling were determined to be founded due to the unsafe sleeping conditions, evidence of substance use in the home at the time of the child's death, and due to the sibling being exposed to methamphetamine in the home. The allegation of threat of harm by the mother to sibling was also determined to be founded due to the unsafe living conditions in the home. An allegation of physical abuse by an unknown perpetrator to the child was determined to be unfounded as what initially appeared to be bruising observed to the child's body when the child was brought to the hospital was later determined to be the result of lividity.

Description of relevant prior Department reports:

Date of report: August 26, 2020 Assignment decision: Within 24 hours	Allegation(s): Threat of Harm by father of sibling	Disposition(s): Unfounded

On August 26, 2020, ODHS received a report of substance use and domestic violence occurring in the home in the presence of the child's sibling, who was two years old at the time. The reporter stated the parents were often arguing and the child's sibling was heard screaming on a daily basis. It was reported the mother has been seen with bruises and lacerations. The reporter speculated the parents were using methamphetamine as they were up all night arguing but had no further information about substance use. It was also reported the sibling was unsupervised at times because the parents were overheard saying they could not find the child's sibling. An allegation of threat of harm to the child's sibling by the father was assigned with a 24-hour response time.

The CPS caseworker made several unsuccessful attempts to contact the family in the following days. On August 31, 2020, the CPS caseworker, accompanied by law enforcement, arrived at the home and overheard a child talking inside, but no one answered the door. Approximately fifteen minutes later a man was seen exiting the rear door of the apartment, but he denied anyone else was home. He did say the family was aware that Child Welfare wanted to speak to them. It was later learned the man received a founded disposition for sex abuse in a 2017 CPS assessment. Multiple other attempts to contact the family were made before the mother texted the CPS caseworker that she was out of town. The mother did not respond to subsequent texts from the caseworker.

A new report regarding the family was received on October 20, 2020. The allegations from the August 26, 2020 report and the allegations from the October 20, 2020 report were assessed together and the results were documented in a single report. The parents declined to be interviewed for the CPS assessment. A relative was interviewed and denied any knowledge of physical violence between the parents but reported controlling behaviors by the father, including father taking the mother's car keys when he was not home, and refusing to give the mother a ride home for a week after her mother had passed away. During contact with Child Welfare caseworkers in November 2020, the mother presented with a black eye but denied it was caused by the father. The child's sibling was too young to be interviewed for the assessment.

The allegation of threat of harm to the child's sibling by the father was determined to be unfounded as there was insufficient evidence of domestic violence occurring in the home.

Date of report:	Allegation(s):	Disposition(s):
October 20, 2020	Neglect, threat of harm by the relative	Founded
Assignment decision:		
Within 24 hours	Neglect by the parents	Founded

On October 20, 2020, ODHS received a report the child's sibling, who was two years old at the time, was found in the care of the sibling's uncle who appeared to be passed out in a car. When police responded, the uncle was reported to be awake but disoriented and was changing the sibling's diaper. The uncle, who said he lived with the family, was said to have been convicted of sex abuse in the first degree in another state. Paramedics eventually cleared the uncle to drive, but police were not willing to release the child's sibling to him and were requesting immediate Child Welfare assistance. Allegations of neglect and threat of harm by the uncle and neglect by the parents were assigned for assessment with a 24-hour response time.

CPS caseworkers responded to the scene in a grocery store parking lot and found the child's sibling to be dirty, in soiled clothing, and without shoes. The sibling had a sore on the bottom of one foot that appeared to be causing them pain. The uncle said they frequently cared for the sibling while the mother was not at home. The relative stated they had been caring for the child's sibling that day while the mother was at a casino and was not sure when the mother would be picking the child's sibling back up. The uncle denied using any substances, but said he had been awake for several days, and this is why he needed to nap in the parking lot with the child's sibling. The CPS caseworkers attempted to contact the mother by phone but were unsuccessful. The uncle was not aware of any phone numbers for the mother and said he normally contacted her through social media. The uncle was not able to contact the mother at the time due to a lack of a Wi-Fi hot spot. The uncle admitted being convicted of a sex offense as a juvenile. Police on the scene said the uncle's victim was under the age of eight and confirmed he was a registered sex offender. An out of home safety plan was implemented for the child's sibling as the parents could not be located. The parents later declined to be interviewed for the CPS assessment.

A relative was interviewed by police and said both parents use substances but the relative was not aware of exactly what they were using. The relative reported seeing the mother under the influence of substances in the past year. They said another relative, who had recently died, had told them the father was selling drugs in another state prior to moving to Oregon and further stated he was trading drugs for the couple's rent in Oregon. The relative reported the family's home was frequently dirty and in disarray and said the child's sibling would often wake before the parents and be unsupervised in the home. The relative said the sibling's uncle would help the couple with childcare. The relative confirmed the uncle had been convicted of a sex offense as a juvenile in another state

and he was a registered sex offender. She said the mother did not feel the uncle had done anything wrong and did not see any harm in allowing him to care for the child's sibling.

On November 16, 2020, Child Welfare caseworkers made a home visit and observed the mother to be lethargic, having difficulty engaging in conversation, appearing to nod off, and rocking back and forth. They suspected she was under the influence of substances, but the mother reported she had just woken from a nap.

The allegations of neglect and threat of harm to the child's sibling by the sibling's uncle were determined to be founded as he was observed to be unable to safely care for the sibling when police and Child Welfare found the sibling in his care. Additionally, the uncle was a convicted sex offender with a victim under the age of eight which placed the child's sibling in danger of severe harm.

The allegations of neglect to the child's sibling by the parents were determined to be founded as they left their child with an unsafe caregiver.

Date of report: January 7, 2022 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother	**Disposition(s):** Unfounded

On January 7, 2022, ODHS received a report of neglect to the child, who was two months old at the time, and the child's sibling by their mother. The reporter stated the mother appeared to be under the influence of substances when picking up the child's sibling from the bus stop on January 6, 2022. It was said neither parent was at the bus stop to pick up the child's sibling and after waiting a few minutes, a school assistant on the bus attempted to contact both parents by phone but neither answered. The main office was able to speak to the father who reported being surprised the mother was not there. The father stated he would pick up the child's sibling within a few minutes, but the mother arrived instead accompanied by the child. The mother reportedly took approximately three minutes to exit her car and appeared to be stumbling as she approached the bus. The reporter stated the mother was having problems focusing and almost walked into the bus door. Upon returning to her vehicle with the child's sibling, the mother struggled for some time to open the rear door of the car before managing to open it from the inside. She then put the child's sibling into a car seat and drove away quickly with the two children. It was said the mother has a history of being late to drop off and pick up the child's sibling. The report was assigned for assessment with a 24-hour response time.

The assigned CPS caseworker attempted contact with the family on January 7, 2022, but only the father was home. He stated the mother and children had just left. The father denied any substance use by the mother other than an occasional beer or two late at night. He reported the mother was exhausted and getting minimal sleep from parenting the two-month-old child. On January 11, 2022, the CPS caseworker had contact with family at their home. Due to age, a full interview of the child's sibling was not able to be conducted. The mother reported being exhausted due to parenting the child on the day she was late to pick up the child's sibling, saying she had only two hours sleep the previous night. She denied any substance use other than a drink or two on rare occasions and denied any substance use on the day in question. She said after returning home with the children that day she went back to sleep, leaving the children in the care of the father, who confirmed her story. The children's sleep areas were observed. The child's sibling was said to sleep on a pull-out bed and the mother reported the child slept in bed with the parents or in a swing. The CPS caseworker counseled the parents on safe sleep practices, completed a safe sleep checklist, and encouraged them to obtain a bassinet for the child. On a home visit conducted on January 20, 2022, the CPS caseworker noted a bassinet was set up for the child and safe sleep practices were being followed. The child's sibling's school was contacted, and they reported no other concerns for the mother's parenting of the children and said there had not been any other occasions where they were concerned about the mother's use of substances.

The allegation of neglect to the child and the child's sibling by their mother was determined to be unfounded as there was insufficient evidence she was under the influence of substances or drove unsafely with the children on the day in question.

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 noted ODHS did not fully understand the scope of the mother's substance use and its potential impact on child safety. In addition, information gathered in the August 2020 CPS assessment resulting in an unfounded disposition for threat of harm did not reconcile reports of the father's alleged controlling behavior or the injuries observed on the mother. The family was not always open to working with ODHS regarding safety concerns, which resulted in an overall limited understanding of family functioning. In these situations, working with community partners to engage families as well as gathering records and interviewing collateral contacts to learn about family functioning becomes even more important.

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 Program continue their active collaboration with external subject matter experts to support improved staff understanding of key aspects of the Oregon Safety Model thereby increasing safety for children and families during Child Welfare contact. This technical assistance is expected to enhance staff skills for gathering and documenting sufficient information to make safety decisions and will include the development of a child protective service tool for staff use. This work is scheduled to continue through early fall, 2022.