Child Fatality Report Release of Information to the Public

Person ID: 108289488

County of Child's Residence: JEFFERSON

Gender: Male

Age: 1 Year(s) 0 Month(s)

Date of Death: 08/08/2023

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: Wauer,Kade

Current Report(s) of Abuse/Neglect:

Intake Date(s): 08/08/2023

Summary of Allegation(s)/Investigation:

The Department received a report the deceased child was found floating in the bathtub. The deceased child's mother had left the child and deceased child's siblings on the couch when she stepped outside to smoke a cigarette.

The Department's investigation determined the deceased child's mother had left the deceased child and siblings in the home for approximately thirty minutes based on the apartment complex's security cameras. The mother tested positive for marijuana on both urine and hair tests.

Law Enforcement investigated and found marijuana in the family's apartment. No charges had been filed when the Department's investigation closed.

The medical examiner conducted an autopsy but the final cause and manner of death were not available when the Department's investigation closed.

Investigation Findings:

The Department confirmed allegations the deceased child's mother committed neglectful supervision of the deceased child, which led to the child' death. The mother left the child and the deceased child's siblings alone in the home for approximately 30 minutes. During this time, the child drowned in the bathtub. Both the mother and father was found to have committed neglectful supervision of the deceased child's siblings. Marijuana was found in the home and the mother was positive for marijuana.

Safety and Risk Assessment Factors Identified:

Case Action:

Removal/Subcare

Services and Referrals Provided to the Family:

Day Care,Counseling and Evaluation,Basic Needs Support

Other Services:

none

Other Actions Taken to Mitigate Risk:

Temporary Managing Conservatorship of the deceased child's siblings was granted to the Department and the siblings were placed together in a relative's home. The family will receive services in the Conservatorship stage of service.

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): 12/15/2018

Summary of Previous Allegation(s)/Investigation:

The Department received a report the deceased child's mother was positive for marijuana when she delivered the deceased child's sibling. The sibling's urine test was negative. The mother confirmed both she and the deceased child's father use marijuana, but they keep the marijuana out of the reach of the deceased child's siblings.

The Department's investigation determined both parents admitted to using marijuana and both parents tested positive for marijuana on urine and hair tests. Both parents denied using marijuana when the siblings were present. The family recently moved back to Texas from Colorado where marijuana is legal to buy and use.

Investigation Findings:

The Department confirmed the allegation of neglectful supervision of the deceased child's siblings by the deceased child's parents. Both parents admit to using marijuana and tested positive for marijuana.

Safety and Risk Assessment Factors Identified:

Case Action:

Family Preservation

Services and Referrals Provided to the Family:

Counseling and Evaluation,Parent/Caregiver Training,Medical Resources/Assessment

Other Services:

Family Preservation (FBSS) was offered and the parent's agreed to work services with the agency

Other Actions Taken to Mitigate Risk:

During the FBSS case, the mother participated in substance use classes and tested negative during the case. The father chose not to participant in services and the mother is no longer in relationship with him.

Previous Report of Abuse/Neglect:

Intake Date(s): 09/20/2022

Summary of Previous Allegation(s)/Investigation:

The Department received a report the deceased child's mother has a new baby. Reported the deceased child's parents are using marijuana and pills daily. The home has little food and the deceased child's siblings do not have enough to eat. The father hits the siblings and red marks have been seen on one sibling.

The Department's investigation determined the mother tested negative for all substances and the father is no longer living in the home with the mother and siblings.

Investigation Findings:

The Department did not confirm the allegations of neglect supervision of the deceased child's siblings by the deceased child's parents. Mother was negative and continued to participate in services with the Department.

Safety and Risk Assessment Factors Identified:

Case Action:

Close

Services and Referrals Provided to the Family:

Other Services:

none

Other Actions Taken to Mitigate Risk:

The Family Preservation (FBSS) stage of service was still open and the mother continues to engage in services.

Previous Report of Abuse/Neglect:

Intake Date(s): 05/16/2021; 08/26/2021; 01/03/2022

Summary of Previous Allegation(s)/Investigation:

The Department received a report the family had unstable living arrangements, there was domestic violence, the deceased child's father used methamphetamine and the deceased child's mother used marijuana. A second report was received the mother was using methamphetamine. A third report was received the father and mother left the siblings with the deceased child's paternal grandmother to use drugs.

The Department's investigation determined the parents refused to drug test for the Department. The children were seen several times during the case and they appeared safe. There is extended family involvement. The case was staffed with legal and orders to cooperate were denied. The mother was pregnant when the investigation closed.

Investigation Findings:

The Department did not confirm allegations the deceased child's parents committed neglectful supervision of the deceased child's siblings. Though the parents refused to cooperate, the children appeared safe during the investigation.

Safety and Risk Assessment Factors Identified:

Case Action:

Fam refusal/No legal interven poss-Close

Services and Referrals Provided to the Family:

Counseling and Evaluation

Other Services:

Other Actions Taken to Mitigate Risk:

Previous Report of Abuse/Neglect:

Intake Date(s): 07/18/2022

Summary of Previous Allegation(s)/Investigation:

The Department received a report the deceased child's mother tested positive for marijuana at the delivery of the deceased child. The child's meconium was positive for marijuana. The mother admitted to using marijuana throughout the pregnancy.

The Department's investigation determined the mother and the child tested positive for marijuana at delivery. The mother refused to cooperate with the Department including not allowing access to the deceased child's siblings and the home.

Investigation Findings:

The Department did not confirm allegations the deceased child's mother committed neglectful supervision of the deceased child and the deceased child's siblings. The mother refused to cooperate with the Department unless court orders were obtained. Legal intervention was denied.

Safety and Risk Assessment Factors Identified:

Case Action:

Fam refusal/No legal interven poss-Close

Services and Referrals Provided to the Family:

Other Services:

none

Other Actions Taken to Mitigate Risk:

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 06/24/2024 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.