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: UC5P8Z2Z48</td></tr>
<tr><td>Date of critical incident:

December 25, 2023</td><td colspan="2">Date Department became aware of the fatality:

February 2, 2024</td></tr>
<tr><td>Date Department caused an investigation to be made:

February 6, 2024</td><td colspan="2">Date of child protective services (CPS) assessment disposition:

April 15, 2024</td></tr>
<tr><td>Date CIRT assigned:

February 7, 2024</td><td colspan="2">Date Final Report submitted:

May 17, 2024</td></tr>
<tr><td>Date of CIRT meetings:

March 4, 2024
April 15, 2024</td><td>Number of participants:
16
22</td><td>Members of the public?
No
No</td></tr>
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Level 3 - Restricted

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

Date of report: February 2, 2024 **Assignment decision:** Within 72 hours	**Allegation(s):** Physical Abuse by a Third Party	**Disposition(s):** Founded

On February 2, 2024, ODHS received a report a 10-year-old child had died due to injuries sustained in a head on vehicle collision that occurred on December 25, 2023. On January 1, 2024, the child was determined to have no brain activity and was taken off life support. The accident involved three different families traveling in two vehicles that collided head on at high speed. The child was riding in a vehicle driven by their relative. The other occupants of the vehicle were the child's mother, the child's 6-year-old sibling, and the relative's 1-year-old child. The driver of the other vehicle was observed to be impaired at the scene and upon their admission to the hospital their blood alcohol content was determined to be 0.24%. The child's sibling was treated for their injuries at the hospital and released. The relative's child was seriously injured and hospitalized. Allegations of physical abuse to the child, the child's sibling, and the relative's child by the other driver were assigned for an Office of Training, Investigations and Safety (OTIS) investigation with a 72-hour response time.

On February 7, 2024, the OTIS investigator gathered information confirming the other driver's blood alcohol content was 0.24% at the time of their hospitalization and open containers of alcohol were found in their vehicle at the time of the accident. The other driver was on probation for previous assault charges and a DUII and was required to be using an IID/Interlock device, however they did not have this device in the vehicle they were driving at the time of the accident. The other driver was charged with second degree manslaughter, six counts of third-degree assault, driving under the influence of intoxicants, reckless driving, and three counts of recklessly endangering another person.

The police report regarding the incident stated the other driver was driving under the influence of alcohol and had crossed over the center lane into oncoming traffic before colliding head on with the vehicle driven by the child's relative. All five individuals in the vehicle the child was riding in sustained injuries from the collision. The child sustained a skull fracture resulting in their eventual death. The child's sibling experienced a severe injury to their left orbital socket and left leg. The relative's child suffered numerous injuries including bruised lungs and severely stretched neck ligaments.

The allegations of physical abuse to the child, child's sibling, and relative's child by the other driver were determined to be founded as the other driver was under the influence of alcohol and had crossed the center line into oncoming traffic, striking the vehicle the children were riding in.

Description of relevant prior Department reports under the case name of the child's mother:

Date of report: January 14, 2022 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother Neglect by a relative	**Disposition(s):** Unfounded Unfounded

On January 14, 2022, ODHS received a report the mother and a relative residing in the home were neglecting the child (8) and the child's sibling (4). The mother was said to be drinking and driving with the children and had posted a picture of herself to social media drinking alcohol and smoking marijuana with the children in the backseat. The mother was reported to have a drinking problem and used mushrooms and cocaine. The father of the child's sibling was supposed to have parenting time with them for a week the prior summer but kept them for a month due to concerns about the mother's drinking. The relative residing in the home was reported to have taken the child with them to buy drugs and was assaulted by the dealer in the child's presence. It was further reported the mother came home from work on one occasion to find the relative passed out on the couch when they were supposed to be watching the children. The mother thought the relative had overdosed and there were needles out on the table from their substance use. The children were said to be asleep in their room when this occurred. Allegations of neglect to the child

and child's sibling by the mother and the relative were assigned for CPS assessment with a 24-hour response time.

On January 14, 2022, the CPS caseworker made initial contact with the mother, the child, and the child's sibling at the family's home. When the mother was informed of the reported allegations, she denied driving the children while under the influence. She acknowledged daily marijuana use and drinking every other weekend but stated it was not in the presence of her children. When asked about her relative's substance use, the mother said the relative would drink alcohol frequently and suspected they had relapsed and began using substances seven months prior. The CPS caseworker walked through the home and noticed half-filled and empty alcohol containers throughout the home, which the mother attributed to the relative. The mother was advised to clean up the empty containers and to put the half-filled ones out of the children's reach. When the child was interviewed by the CPS caseworker, they disclosed being disciplined by being spanked with a belt by the mother. The child said the most recent time they had been spanked with a belt was when they missed the school bus. The child stated the mother told them to run after the bus despite there being cars in the road. The CPS caseworker attempted to interview the child's sibling, but they were too young to provide coherent answers. The mother was advised by the CPS caseworker not to use an object to discipline the children as it may result in injuries.

On January 18, 2022, an absent parent search was conducted for the children's fathers. No contact information could be found for either child's father. The mother said she had not had any contact with the child's father in several years and had not heard from the father of the child's sibling since the previous summer.

On January 27, 2022, the CPS caseworker met with the child at school. When asked about the mother's alcohol use, the child reported their mother drank frequently and would become tired and forget things when she was drinking. The child talked about a time the mother was driving and was swerving, and they were pulled over by the police. They also disclosed licking the lid of a liquor bottle they found on the floor on one occasion and thinking it tasted good; saying the mother encouraged them to lick it again.

Between January 28, 2022, and February 15, 2022, the CPS caseworker made numerous unsuccessful attempts to schedule a home visit with the mother.

On February 2, 2022, the mother was arrested and charged with a DUII and hit and run. Neither of the children were in the vehicle with her when the incident occurred. The police report regarding the incident stated the mother had crashed her vehicle near the hit and run location and had a blood alcohol content of 0.18% at the time of the incident. On February 8, 2022, the CPS caseworker requested police records and spoke to a detective about the DUII the mother received.

On February 15, 2022, the CPS caseworker met with the mother, the child's sibling, and a relative who was present for the DUII incident, at the family's home. When the mother was asked about the incident, she said members of her family had come to visit when an argument occurred resulting in a lapse of judgement on her part. She stated when the incident happened the children were in the care of her relatives. A relative who was present that day stated they were at the family's residence when the mother came home from work. The relative and the mother became involved in an argument resulting in the mother leaving the home in a rush. The mother hit the relative's car while backing out of the driveway then collided with a neighbor's fence. The relative told the CPS caseworker the child's sibling came outside as the mother was leaving the home but was taken back inside by another relative. The relative reported neither child's safety was at risk during the incident.

On February 18, 2022, a second walkthrough of the home was conducted, and no safety concerns were observed. The CPS caseworker interviewed the relative who resided in the home with the mother and children, who reported they had never taken the child on a drug deal. The relative disclosed there was an incident where a friend was trying to force their way into the car while the child was with them, and they locked the doors and drove away. The relative stated the child was frightened and needed comforting. When the relative was asked about their substance use, they reported being in recovery after relapsing about 6 months prior. Despite reporting they were in recovery, the relative disclosed daily marijuana use and drinking three to four beers a day but stated it did not hinder their ability to watch the children. When asked about the mother's substance

use, the relative said the mother would drink and drive but never with the children in the car.

The allegations of neglect by the mother to the child and child's sibling were determined to be unfounded as no information gathered during the CPS assessment confirmed she was driving under the influence with the children in the car or that her substance use was negatively impacting the safety of her children. The allegations of neglect by the relative to the child and child's sibling were also determined to be unfounded as the child did not disclose being taken by the relative to purchase substances nor did they disclose witnessing the relative being assaulted. No information was gathered during the CPS assessment to confirm the relative lost consciousness due to substance use while caring for the children.

Date of report: May 31, 2023 **Assignment decision:** Within 24 hours	**Allegation(s):** Neglect by the mother	**Disposition(s):** Founded

On May 31, 2023, ODHS received a report the child's sibling (5) was seen unsupervised outside the family's home. The sibling told the reporter they were going across the street to get a friend. When asked where their mother and the child were, the sibling stated their mother was sleeping, and the child was at the park. While the reporter was speaking with the child's sibling, the child (9) arrived from the park on a scooter. There was no timeline for how long the children were outside unattended. When the children were brought back to their home, the mother appeared to have just woken and said the children frequently played outside the home. Allegations of neglect to the child and the child's sibling by the mother were assigned for CPS assessment with a 24-hour response time.

On June 1, 2023, the CPS caseworker spoke with an ODHS caseworker who was contacting another family in the apartment complex when they observed the child and the child's sibling unsupervised. The assigned CPS caseworker then attempted contact with the family at home. The children were in school at the time of the home visit, but the caseworker was able to interview the mother and a friend. The mother told the CPS caseworker she worked the graveyard shift and slept during the day. She stated when

she was asleep, her friend was awake. The mother felt the children were safe in the apartment complex and they would come and go from the home throughout the day. She said she did not ask the neighbors to watch her children when they were outside, but she assumed the neighbors did look after them. When asked about the children's fathers, the mother said she hadn't spoken with the child's father in years and had not spoken with the child's sibling's father in almost a year. She denied having contact information for either father. An absent parent search was later completed for both fathers, but no current contact information was found for either. The caseworker was denied access to the children by the mother.

On August 15, 2023, the CPS caseworker spoke with the apartment manager who reported there had been numerous times the children were left unattended, and he has had to redirect the child from playing in the busy parking lot as it is unsafe. The apartment manager also shared they had only seen the mother outside with her children two times in the last year.

The allegation of neglect by the child and child's sibling by the mother was determined to be founded as the children were allowed to play unsupervised within the apartment complex and witnesses had observed the children playing in the parking lot and crossing a busy road.

Date of report: December 25, 2023 **Assignment decision:** Closed at Screening	**Allegation(s):** No Allegation	**Disposition(s):** Not Applicable

On December 25, 2023, ODHS received a report the mother, the child (10) and the child's sibling (6) were passengers in a vehicle driven by a relative when a head-on, high-speed collision occurred. The relative's child (1) was also a passenger in the vehicle. All parties were taken to various hospitals within the area. The child's sibling was admitted to the hospital with multiple facial fractures and lacerations. The mother was also admitted to the hospital where a urine drug screen showed she was positive for THC and cocaine. When the mother awoke in the emergency room, she did not remember what happened and said she last remembered smoking marijuana prior to waking up.

It was determined this report did not meet criteria for a CPS assessment and was closed at screening.

Date of report: February 1, 2024 **Assignment decision:** Closed at Screening	**Allegation(s):** No Allegation	**Disposition(s):** Not Applicable

On February 1, 2024, ODHS received a report the child (10) was declared brain dead and was taken off life support after being involved in a vehicle accident with their mother and sibling on December 25, 2023. The child's sibling was reportedly able to visit with them before they passed away.

It was determined this report did not meet criteria for a CPS assessment and was closed at screening.

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 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 it as the child died as the result of the vehicle they were riding in being struck by third party more than three months after the family's last contact with ODHS. The CIRT did identify opportunities for improvement in practice in the two CPS assessments completed prior to the critical incident.

The CIRT noted the January 2022 CPS assessment lacked comprehensiveness. Further information was needed from collateral contacts to fully understand how the mother and the relative's substance use was impacting child safety. CPS caseworkers are required to contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed, and supervisors must ensure the information is adequate to ensure child safety before approving all CPS assessments.

The CIRT found the May 2023 CPS assessment also required additional information from collaterals to complete an accurate assessment of child safety, especially since the mother did not allow ODHS access to the children.

The CIRT identified further efforts were necessary to contact the fathers in both the January 2022 and May 2023 CPS assessments. Fathers have been identified as an integral relationship and resource for children who come into contact with ODHS Child Welfare. It has been recognized the relationship with fathers is often overlooked, underutilized, or discouraged due to inherent system biases and a lack of system infrastructure to support fathers specifically. CPS caseworkers are required to interview non-custodial legal parents, and CPS supervisors must ensure reasonable and diligent efforts are made to find legal parents or involved putative fathers. While computerized absent parent searches can be a useful tool, other efforts are necessary when they are unsuccessful. The Child Fatality Prevention and Review Program (CFPRP) completed a Safe Systems Mapping in 2023 regarding father engagement resulting in multiple recommendations to improve ODHS practice regarding the identification and engagement of fathers and non-custodial 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 ODHS Alcohol and Drug Services Coordinator work with local office leadership to provide training and assistance around assessing the impacts of parental substance use on child safety. This additional training and assistance will be provided to the local office no later than August 2024.

Further statewide exploration around the absent parent search process is warranted based on information from this review and other recent CIRTs. The CFPRP will conduct this exploration and work with local branches to determine if adjustments need to be made to absent parent search protocols. The exploration of the process is to begin no later than August 2024.