

90-Day Summary Report for Child Death, Serious Injury or Egregious Incident

Reports submitted to the Division of Safety and Permanence (DSP) that do not include all of the required information will be returned to the agency for proper completion. Do not identify individuals by name when completing this report. Individuals may be referenced by relationship or position; e.g., mother, father, child, sibling, physician, detective, etc.

Case Tracking Number: 130929DSP-Milw-368 **Agency:** Bureau of Milwaukee Child Welfare

Child Information (at time of incident)

Age: 6 months Gender: Female Male

Race or Ethnicity: African American

Special Needs: Ventricular septal defect

Date of Incident: September 29, 2013

Description of the incident, including the suspected cause of death, injury or egregious abuse or neglect:

On September 29, 2013, the agency received a report of an infant pronounced deceased at the hospital, after the infant was found unresponsive at home that morning. Law enforcement responded when called to investigate the infant's sudden, unexplained death. The mother reported she was sleeping on the couch with the infant and the infant's 1-year-old half-sister. The mother indicated she last fed the infant in the early morning hours then the infant fell asleep on her chest. However, she later changed her account of events several times and ultimately denied co-sleeping with the infant. Approximately six hours after the infant was fed, a relative stopped by the home and found the infant was not breathing. The mother attempted CPR but was unable to revive the infant. The paramedics were called and transported the infant to the hospital, where she was pronounced deceased. There were concerns that the mother had been drinking heavily prior to the incident, based on information gathered by law enforcement at the scene. No criminal charges have been filed and law enforcement's investigation is still pending. The Medical Examiner's Office reported the autopsy found no signs of trauma to the infant; official cause of death was undetermined.

Findings by agency, including maltreatment determination and material circumstances leading to incident:

The agency collaborated with law enforcement and medical professionals to complete the assessment. The Medical Examiner's Office reported the autopsy found no signs of trauma to the infant, but official cause of death was still undetermined pending final toxicology reports. The Initial Assessment completed by the county agency has insufficient evidence to substantiate the maltreatment allegations of neglect to the infant and the infant's 1-year-old half-sister by the mother. While it appears the mother may have been drinking alcohol the day the incident occurred, there was not a preponderance of the evidence to conclude the mother's actions or lack thereof caused the infant's death or seriously endangered the physical health and safety of the infant or the infant's 1-year-old half-sister. However, the agency determined the 1-year-old and 16-year-old half-sisters unsafe, took Temporary Physical Custody, and placed them with relatives. The agency filed a Child-in-Need of Protection or Services petition and on-going management services continue.

Yes No Criminal investigation pending or completed?

Yes No Criminal charges filed? If yes, against whom?

Child's residence at the time of incident: In-home Out-of-home care placement

Complete the appropriate following section (A. or B. based on the child's residence at the time of the incident).

A. Children residing at home at the time of the incident:

Description of the child's family (includes household members, noncustodial parent and other children that have visitation with the child and / or in the child's family home):

At the time of the incident, the infant and her 1-year-old half-sister resided with the mother. The infant's 13-year-old half-brother resided in a separate residence while placed with a relative under a CHIPS order in juvenile court. The infant's 16-year-old half-sister lived in the same relative's home as a family-arranged plan along with the 16-year-old's 6-month-old daughter.

Yes **No** **Statement of Services:** Were services under ch. 48 or ch. 938 being provided to the child, any member of the child's family or alleged maltreater at the time of the incident, including any referrals received by the agency or reports being investigated at time of incident?

If "Yes", briefly describe the type of services, date(s) of last contact between agency and recipient(s) of those services, and the

person(s) receiving those services:

At the time of the incident, the infant's 13-year-old half-brother was placed with a relative on a CHIPS order in juvenile court and the family was receiving on-going case management services from the agency. The family case manager visited the 13-year-old half-brother at school on 9/19/2013; there were no concerns noted at that time. The family case manager also visited the home of the mother on 9/19/2013; the mother, the infant and the infant's 1-year-old half-sister were all present at the time. The children appeared to be clean and well cared for, and there were no signs of drugs or alcohol observed in the home.

Summary of all involvement in services as adults under ch. 48 or ch. 938 by child's parents or alleged maltreater in the previous five years: (Does not include the current incident.)

In August 2010, the mother was taken into protective custody and the agency filed a petition for Protection or Care of an Unborn Child in juvenile court. The mother was found to be in the jurisdiction of the court and was ordered to reside in an inpatient treatment facility. The case was opened to provide the family with ongoing case management services.

In September 2010, the (now three-year-old) half-brother of the deceased infant was taken into protective custody immediately after his birth and placed into out of home care. The case remained open and the agency continued to provide the family with ongoing case management services. The mother's parental rights to that child were terminated in June 2012 and he has since been adopted.

In January 2013, the agency placed the deceased infant's 12-year-old (now 13-year-old) half-brother with a relative. A petition was filed in juvenile court alleging the half-brother was a Child in Need of Protection or Services. The case was opened and the agency is providing the family with ongoing case management services.

Summary of actions taken by the agency under ch. 48, including any investigation of a report or referrals to services involving the child, any member of the child's family living in this household and the child's parents and alleged maltreater. (Does not include the current incident.)

(Note: Screened out reports listed in this section may include only the date of the report, screening decision, and if a referral to services occurred at Access. Reports that do not constitute a reasonable suspicion of maltreatment or a reason to believe that the child is threatened with harm are not required to be screened in for an initial assessment, and no further action is required by the agency.)

On 3/16/2000, the agency screened in a report alleging neglect to the newborn (now 13-year-old) half-brother of the deceased infant. The mother tested positive for cocaine and marijuana at the time of the half-brother's birth and admitted to drug use while pregnant with him. An assessment was completed and neglect by the mother to the (now 13-year-old) half-brother was substantiated. The agency's assessment determined the half-brother and his two older siblings to be safe. The family was referred to community resources and the case was closed.

On 12/3/2003, the agency screened in a report alleging sexual abuse to the then 11-year-old (now adult) older half-sister by an unknown maltreater. An assessment was completed and the allegation of sexual abuse was unsubstantiated. The family declined the agency's offer of referrals to services, so the case was closed.

On 4/24/2004, the agency screened out a report.

On 4/27/2004, the agency screened in a report alleging neglect to the infant's 12-year-old (now adult) oldest half-sister. A relative was providing care for the mother's three oldest children for several years due to their mother's alleged drug use. The relative was no longer willing to care for the 12-year-old (now adult) half-sister. The agency was unable to locate the mother to determine her capacity to care for this half-sister. An assessment was completed and the allegation of neglect by the mother to the 12-year-old was substantiated. The 12-year-old (now adult) half-sister was placed in out of home care and the agency filed a petition alleging her to be a Child in Need of Protection or Services. The case was opened to provide the family with ongoing case management services.

On 2/27/2006, the agency screened in a report while the case was still open for ongoing services. The report alleged unborn child abuse by the mother as she admitted using cocaine regularly while pregnant with the infant's unborn (now 7-year-old) half-sister. The mother's participation with ongoing services was minimal and her whereabouts were not known. An assessment was initiated by the agency but the assigned worker was unable to make contact with the mother despite repeated attempts. The assessment concluded with a finding of "Not able to locate sources," and the case remained open for ongoing case management services.

On 5/1/2006, the agency screened in a report alleging sexual abuse to the infant's 14-year-old (now adult) oldest half-sister by an unknown maltreater/non-caregiver. The 14-year-old half-sister was residing in out of home care at the time; however, there were no concerns for the provider's care of the 14-year-old. An assessment was completed and sexual

abuse was unsubstantiated. The case remained open for ongoing case management services.

On 6/5/2006, the agency screened in a report alleging neglect to the newborn (now 7-year-old) half-sister, who tested positive for cocaine at birth. An assessment was completed and neglect by the mother to the newborn (now 7-year-old) half-sister was substantiated. The newborn (now 7-year-old) half-sister was determined unsafe and placed into out of home care. A petition was filed alleging her to be a Child in Need of Protection or Services. The case was remained opened and the agency continued to provide the family ongoing case management services.

On 5/6/2010, 5/28/2010, and 7/19/2010, the agency screened in three separate reports alleging unborn child abuse by the mother to the unborn (now 3-year-old) half-brother of the deceased infant. An assessment was completed which addressed all three reports. The allegation of unborn child abuse was substantiated for each report. The agency's assessment found a preponderance of the evidence the mother habitually lacked self-control in her use of alcohol and controlled substances to a severe degree while pregnant with the (now 3-year-old) half-brother. The case had been open in Safety Services at the time of the last report due to the mother's continued AODA issues. Because of the mother's inability to keep her unborn child safe by abstaining from drugs and alcohol, the mother was taken into protective custody in August 2010. The agency filed a petition for Protection or Care of an Unborn Child in juvenile court. The mother was found to be in the jurisdiction of the court and was ordered to reside in an inpatient treatment facility. The case was opened to provide the family with ongoing case management services.

On 7/16/2010 and 7/18/2010, the agency screened out two reports as allegations were similar to the 7/19/2010 report being assessed at the time.

On 9/15/2010, the agency screened in a subsequent report alleging unborn child abuse by the mother while still pregnant with the (now 3-year-old) half-brother of the deceased infant. An assessment was completed and the allegation of unborn child abuse was substantiated. Based on the information gathered, the agency found a preponderance of the evidence that the mother was drinking heavily while pregnant. There were also concerns of domestic violence between the mother and the unborn half-brother's father. The half-brother was taken into protective custody immediately after his birth and placed into out of home care. The case remained open and the agency continued to provide the family with ongoing case management services.

On 10/12/2011, the agency screened in a report for Alternative Response, which alleged neglect by the mother while pregnant with the unborn (now 1-year-old) half-sister. The mother had left AODA treatment and was thought to have relapsed. Workers eventually made contact with the mother after many unsuccessful attempts to assess her need for services. The agency's assessment concluded with a finding of "Services Needed" after the mother was located and returned to AODA treatment. The case remained open and the agency continued to provide the family with ongoing case management services.

On 1/28/2013, the agency screened in a report alleging neglect to the deceased infant's 12-year-old (now 13-year-old) half-brother by the maternal grandmother. An assessment was completed and the allegation of neglect was substantiated. The grandmother was the 12-year-old's (now 13-year-old) primary caregiver by informal arrangement for many years. At the time of the report, the grandmother dropped him off at a mental health agency and refused to provide further care for him. As a result, the child was determined unsafe and placed with another relative. The mother was residing in a residential AODA treatment facility with the deceased infant's 9-month-old (now 17-month-old) half-sister and was unable to care for the 12-year-old (now 13-year-old) half-brother. A petition was filed in juvenile court alleging the 12-year-old (now 13-year-old) half-brother was a Child in Need of Protection or Services. The case remained open and the agency continued to provide the family with ongoing case management services.

On 3/19/2013, the agency screened out a report not related to the mother.

Summary of any investigation involving the child, any member of the child's family and alleged maltreater conducted under ch. 48 or ch. 938 and any services provided to the child and child's family since the date of the incident:

The agency collaborated with law enforcement and medical professionals to complete the assessment. The Medical Examiner's Office reported the autopsy found no signs of trauma to the infant; the official cause of death was undetermined. The Initial Assessment completed by the county agency has insufficient evidence to substantiate the maltreatment allegations of neglect to the infant and the infant's 1-year-old half-sister by the mother. While it appears the mother may have been drinking alcohol the day the incident occurred, there was not a preponderance of the evidence to conclude the mother's actions or lack thereof caused the infant's death or seriously endangered the physical health and safety of the infant or the infant's 1-year-old half-sister. However, the agency determined the 1-year-old and 16-year-old

half-sisters unsafe, took Temporary Physical Custody, and placed them with relatives. The agency filed a Child-in-Need or Services petition and on-going management services continue.

B. Children residing in out-of-home care (OHC) placement at time of incident:

Description of the OHC placement and basis for decision to place child there:

N/A.

Description of all other persons residing in the OHC placement home:

N/A.

Licensing history: Including type of license, duration of license, summary of any violations by licensee or an employee of licensee that constitutes a substantial failure to protect and promote the welfare of the child.

N/A.

Summary of any actions taken by agency in response to the incident: (Check all that apply.)

- | | |
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| <input checked="" type="checkbox"/> Screening of Access report | <input type="checkbox"/> Attempted or successful reunification |
| <input checked="" type="checkbox"/> Protective plan implemented | <input type="checkbox"/> Referral to services |
| <input checked="" type="checkbox"/> Initial assessment conducted | <input type="checkbox"/> Transportation assistance |
| <input type="checkbox"/> Safety plan implemented | <input checked="" type="checkbox"/> Collaboration with law enforcement |
| <input checked="" type="checkbox"/> Temporary physical custody of child | <input checked="" type="checkbox"/> Collaboration with medical professionals |
| <input checked="" type="checkbox"/> Petitioned for court order / CHIPS (child in need of protection or services) | <input checked="" type="checkbox"/> Supervised visitation |
| <input checked="" type="checkbox"/> Placement into foster home | <input checked="" type="checkbox"/> Case remains open for services |
| <input checked="" type="checkbox"/> Placement with relatives | <input type="checkbox"/> Case closed by agency |
| <input checked="" type="checkbox"/> Ongoing Services case management | <input type="checkbox"/> Initiated efforts to address or enhance community collaboration on CA/N cases |
| | <input type="checkbox"/> Other (describe): |

FOR DSP COMPLETION ONLY:

Summary of policy or practice changes to address issues identified during the review of the incident:

Under the Child Welfare Disclosure Act (Section 48.981 (7)(cr), Stats.), the DSP completes a 90-Day review of the agency's practice in each case reported under the act. The Medical Examiner determined that the child death was not due to trauma and there was insufficient evidence to substantiate the maltreatment allegations of neglect. This concluded the Department's review.

Recommendations for further changes in policies, practices, rules or statutes needed to address identified issues:

None

Yes No Not Applicable This 90-day summary report completes the Division of Safety and Permanence (DSP) review of this case.

If the case review was not completed within 90 days, the DSP will complete and submit the final summary report within 6 months.

The agency must submit an electronic copy of the completed 90-Day Summary Report to RobertB.Williams@wisconsin.gov