

6-Month Final 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: 120904DSP-Port-243 **Agency:** Portage County Health and Human Services Department

Child Information (at time of incident)

Age: 14 years Gender: Female Male

Race or Ethnicity: Caucasian

Special Needs: Learning Disabilities

Age: 15 years Gender: Female Male

Race or Ethnicity: Caucasian

Special Needs: None

Date of Incident: 9/4/12

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

On 9/4/12, the agency received a report regarding a 14-year-old girl and a 15-year-old boy who reported being shot several times with a BB gun. The children reported that before school that morning, the mother accused the 14-year-old of stealing \$3.00. The child denied taking the money and argued with her mother until she and her brother left for school. When the children returned home from school, their mother instructed them to go to a neighbor's home. The 15-year-old entered the neighbor's home first and the 14-year-old could hear a loud "popping" sound coming from inside. The 14-year-old then entered the home and observed the neighbor holding a BB gun and pointing it at her. The neighbor then started shooting the gun at the 14-year-old. She was struck several times on the left side of her body. The 14-year-old sustained five red marks on her left arm, some with dried blood. She also sustained eight red marks on her lower left stomach, some which broke the skin and dried with blood. The 15-year-old sustained five red marks on his elbow area. Law enforcement spoke to the mother and the neighbor regarding the incident. The neighbor stated he shot the children at their mother's request. The mother initially denied she made this request, but later admitted she asked the neighbor to shoot the 14-year-old one time to scare her because the mother believed she stole the money. The mother was criminally charged with two counts of Child Abuse-Intentionally Cause Harm, two counts of Neglecting a Child, one count of Disorderly Conduct, and one count of Possession of Drug Paraphernalia. The neighbor was criminally charged with two counts of Child Abuse-Intentionally Cause Harm. A criminal charge is merely an allegation and a defendant is presumed innocent until and unless proven guilty.

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

The agency screened in the report and collaborated with law enforcement to assess the family. Concerns regarding the condition of the home and possible drug use by the mother were also assessed. The agency substantiated the allegation of physical abuse to the children by the mother and the neighbor. Both children were injured after being shot by an air soft BB gun. The mother admitted to law enforcement she asked the neighbor to shoot the children on 9/4/12. The neighbor admitted involvement in the incident. The allegation of neglect was unsubstantiated. The agency determined the condition of the home was concerning; however, the conditions did not seriously endanger the physical health of the children. The children were determined unsafe and placed in out-of-home care.

Yes No Criminal investigation pending or completed?

Yes No Criminal charges filed? If yes, against whom? The mother and the neighbor

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):

The 14-year-old and 15-year-old lived with their mother.

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:

N/A

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.)

None

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 3/11/05, the agency screened out a CPS Report.

On 4/7/05, the agency screened out a CPS Report.

On 7/18/05, the agency screened out a CPS Report.

On 5/31/07, the agency screened in a CPS Report. Maltreatment was unsubstantiated and the family was referred to community services.

On 4/28/08, the agency screened in a Services Report. The family was referred for services.

On 9/8/08, the agency screened out a CPS Report.

On 9/18/08, the agency screened in a CPS Report. Maltreatment was unsubstantiated and the agency closed the case.

On 3/12/09, the agency screened in a CPS Report. Maltreatment was unsubstantiated and the family was referred to community services.

On 11/20/09, the agency screened out a CPS Report.

On 12/14/09, the agency screened in a Services Report. The family was referred for services.

On 1/14/10, the agency screened in a CPS Report. Maltreatment was unsubstantiated and the agency closed the case.

On 6/3/10, the agency screened in a Services Report. The family was referred to community services.

On 9/7/10, the agency screened in a CPS Report. Maltreatment was unsubstantiated and the family was referred to community services.

On 12/1/10, the agency screened out a CPS Report.

On 3/7/11, the agency screened out a Services Report.

On 4/15/11, the agency screened out a CPS Report.

On 4/21/11, the agency screened out a CPS Report.

On 9/20/11, the agency screened in a CPS Report. Maltreatment was unsubstantiated and the family was referred to community services.

On 10/4/11, the agency screened out a CPS Report.

On 10/12/11, the agency screened out a CPS Report.

On 12/5/11, the agency screened out a CPS Report.

On 3/9/12, the agency screened out a CPS Report.

On 4/17/12, the agency screened out a CPS Report.

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 completed an assessment of the family. Physical abuse to the children by the mother and the neighbor were substantiated. Neglect by the mother was unsubstantiated. The children were determined unsafe and placed in out-of-home care. A Child in Need of Protection or Services Petition was filed in juvenile court and the family is receiving ongoing case management services.

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

N/A

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.

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 type="checkbox"/> Protective plan implemented | <input checked="" type="checkbox"/> Referral to services |
| <input checked="" type="checkbox"/> Initial assessment conducted | <input checked="" 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 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. In accordance with the DCF memo Series 2010-13, dated December 7, 2010 pertaining to the Child Welfare Case Review Protocol, the DSP completed a full case record review in #120904DSP-Port-243and prior reports involving the family. The report found: three Child Protective Services (CPS) Reports from 2011 and 2012 were screened out in error. The CPS Report associated with the incident was appropriately documented and screened in for an Initial Assessment and in compliance with Wisconsin statutes and standards. The Initial Assessment and determination was not completed per Statute and Standards. The Initial Assessment contained insufficient information in multiple required areas required by Standards. Collateral sources were not utilized for information gathering as required by Standards.

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

None at this time.

Yes No Not Applicable This 6-Month Final 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.