

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

Case Tracking Number: 111026DSP-Port-162 Agency: Portage County Health and Human Services Department

Child Information: Age: 2 Years Gender:  Female  Male  
Race or Ethnicity: Hispanic  
Special needs: None

Child's Residence:  In-home  Out-of-home care placement

Date of Incident: October 26, 2011

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

On October 26, 2011, the agency received a report regarding a two-year old child who was transported by ambulance from his residence to the ER. Medical personnel immediately requested a Detective be sent from the Sheriff's Department. Initial examination of the child indicated multiple fractures of the child's right arm, possible retinal hemorrhaging in the right eye and suspicion of head injury based on information the child had experienced vomiting, breathing problems and loss of consciousness just prior to the call for an ambulance. The child was reported to be in critical condition and was transported to another hospital for further evaluation and treatment of his injuries.

The child was reportedly in the care of his mother's live-in boyfriend at the time he developed difficulties breathing. The child's mother was reportedly at work at the time of the incident. The boyfriend began providing occasional day time child care for the child while his mother worked. On October 26, 2011, the boyfriend reportedly became frustrated with the child due to his crying. The boyfriend stated the child had fallen from a vanity in the bathroom which was what caused him to begin crying. When the child continued to cry, the boyfriend admitted he threw the child on the floor repeatedly with great force and grabbed him by the arms shaking him violently in an attempt to get him to stop crying. The boyfriend reported he then placed the child on the couch in the living room where the child fell asleep. When the boyfriend could not wake the child, he placed him on the floor at which time he noticed he was not breathing well and was bleeding from the mouth. The boyfriend attempted CPR on the child and then contacted 911 requesting emergency medical assistance.

The child was removed from life support and subsequently died. The preliminary autopsy report concluded the child suffered multiple blunt force injuries to the head, abdomen, lumbar spine and extremities, and that he also had healing fractures of the right 10<sup>th</sup> and left 11<sup>th</sup> ribs. The Medical Examiner also concluded that the child's spinal cord had been severed.

The boyfriend was charged with 1<sup>st</sup> Degree Reckless Homicide and Child Abuse-Recklessly Cause Great Harm. The boyfriend was found guilty of 1st Degree Reckless Homicide and Child Abuse-Recklessly Cause Great Harm. The mother was charged with two counts of Neglecting a Child. The mother was found guilty of two counts of Neglecting a Child.

### Findings by agency, including material circumstances leading to incident:

The case finding was substantiated for maltreatment of physical abuse against both the child's mother and her boyfriend. The substantiation of physical abuse to the child by the boyfriend resulted in the child's death. The substantiation of physical abuse to the child by his mother is the result of statements by the boyfriend and an admission by the mother that she struck the child with a belt resulting in bruising on his body which was documented by the boyfriend on his cell phone. Mother indicated the child cried often and this was a source of tension between her and her boyfriend, as his crying regularly interrupted their sleep and other daily activities. Mother described the child as "inconsolable" at times. The injuries sustained by the child were fatal and he was pronounced deceased on October 28, 2011.

### Additional information for children in home:

#### Description of the child's family:

At the time of the incident, the child resided with his mother, her boyfriend, and a relative of the boyfriend. Three other children related to the boyfriend also intermittently visited and stayed overnight at the residence.

Yes  No **Statement of Services:** Were services under ch. 48 or ch. 938 being provided to the child, 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:

N/A

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 at the age of 18 years or older:

N/A

Summary of any investigation conducted under ch. 48 or ch. 938 and any services provided to the family since the date of the incident:

The case finding was substantiated for maltreatment of physical abuse against both the child's mother and her boyfriend. The substantiation of physical abuse to the child by the boyfriend resulted in the child's death. The substantiation of physical abuse to the child by his mother is the result of statements by the boyfriend and an admission by the mother that she struck the child with a belt resulting in bruising on his body which was documented by the boyfriend on his cell phone. Mother indicated the child cried often and this was a source of tension between her and her boyfriend, as his crying regularly interrupted their sleep and other daily activities. Mother described the child as "inconsolable" at times. The injuries sustained by the child were fatal and he was pronounced deceased on October 28, 2011.

Additional information for children in out-of-home (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 actions taken by agency in response to the incident:

An Initial Assessment was completed with regard to this incident and the case was closed. Given the egregious nature of this incident, the Initial Assessment was conducted jointly with Law Enforcement.

For DSP completion only:

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

N/A

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

N/A

\*This 90-day summary report completes the Division of Safety and Permanence (DSP) review of this case.

Yes  No  Not Applicable

\* If this case is undergoing a review that was not completed within 90 days, the DSP will complete and submit the final summary report within 6 months.

This 90-Day Summary Report was previously delayed. DSP did determine that releasing the summary report would jeopardize an ongoing criminal/civil investigation/proceeding, and delayed posting as provided under Wis. Stat. § 48.981(7)(cr)7.