

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: 130830DSP-Jack-362 **Agency:** Jackson County Department of Health and Human Services

Child Information (at time of incident)

Age: 4 Years Gender: Female Male

White/Native Hawaiian/Other Pacific

Race or Ethnicity: Islander

Special Needs: None

Date of Incident: August 30, 2013

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

On August 30, 2013, the agency received a report regarding a four-year-old admitted to the hospital after being shot in the face by her six-year-old sibling. The children's mother left the home at 7:30am, leaving the children in the care of their father. When leaving the home, the mother noted the firearm was lying on the dog kennel, within reach of the children. Shortly after 9:00am, while the father was sleeping on the couch, the six-year-old and four-year-old children were playing with the loaded shotgun. The six-year-old aimed the gun towards his four-year-old sibling and pulled the trigger. The weapon fired and the four-year-old received injuries to her face, neck, and back. The father took both children to the hospital and the four-year-old was treated for her injury and released from the hospital. The shotgun was placed on the dog kennel by the father after he cleaned it due to it being left outside in the rain for approximately two days.

The father was arrested and charged with 948.55(2) Leave/Store Loaded Firearm Near Child and 946.41(1) Resisting or Obstructing an Officer. He was released on a signature bond and required to surrender all of his firearms to Law Enforcement. 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 collaborated with law enforcement, medical personnel, and other collateral sources to complete the assessment. The Initial Assessment completed by the agency found a preponderance of evidence to substantiate neglect to the children by both parents. The gun was left within reach of the children. While the mother told the father to put the gun away after seeing it was accessible to the children, she did not ensure the gun was out of the reach of the children. After the incident, the mother left the home with her two children and is currently residing elsewhere. The agency determined both children unsafe in the care of the father and filed a Child in Need of Protection or Services petition and the case remained open to provide ongoing case management services.

Yes No Criminal investigation pending or completed?

Yes No Criminal charges filed? If yes, against whom? The father.

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 four-year-old child resided with her mother, her father, and her six-year-old brother.

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.)

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. (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 November 23, 2009, the agency screened-out a CPS Report.

On April 26, 2011, the agency screened-in a CPS Report alleging neglect to the then three-year-old child by the father. The agency found a preponderance of evidence to substantiate neglect to the child by the father. The agency referred the family to counseling. The agency found the children to be safe in the care of their parents and closed the case.

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 screened in and assessed the allegation of neglect which resulted in the child's injuries. The Initial Assessment completed by the agency found a preponderance of evidence to substantiate neglect to the children by both parents. The gun was left within reach of the children. While the mother told the father to put the gun away after seeing it was accessible to the children, she did not ensure the gun was out of the reach of the children. After the incident, the mother left the home with her two children and is currently residing elsewhere. The agency determined both children unsafe in the care of the father and filed a Child in Need of Protection or Services petition and the case remained open to provide ongoing case management services.

B. Children residing 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 any actions taken by agency in response to the incident: (Check all that apply.)

- | | |
|--|--|
| <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 checked="" type="checkbox"/> Safety plan implemented | <input checked="" type="checkbox"/> Collaboration with law enforcement |
| <input type="checkbox"/> Temporary physical custody of child | <input type="checkbox"/> Collaboration with medical professionals |
| <input checked="" type="checkbox"/> Petitioned for court order / CHIPS (child in need of protection or services) | <input type="checkbox"/> Supervised visitation |
| <input 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. The DSP completed a review in case #130830DSP-Jack-362. The review found: The Child Protective Services (CPS) report dated August 30, 2013, was accurately identified as a Present Danger situation and the screening decision by the agency was in compliance with Wisconsin statute and standards. The Initial Assessment completed by the agency was not in compliance with standards.

The agency collaborated with the Division of Safety and Permanence and other external stakeholders in order to address the identified issues. The agency plan focused on compliance with standards and safety intervention guidelines. Agency management and staff participated in safety intervention trainings in order to ensure practice is aligned with standards and statutes.

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.

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.