

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: 131022DSP-Dane-376 **Agency:** Dane County Department of Human Services

Child Information (at time of incident)

Age: 5 years Gender: Female Male

Race or Ethnicity: White

Special Needs: None

Date of Incident: 10/22/2013

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

On October 22, 2013, the agency received a report regarding a five year old male who presented at the emergency room of a local hospital with multiple injuries. Medical professionals reported the child to have a large bruise across his chest, bruising to his right hip, right inner ear, and some bruises on his anterior legs. A CAT scan of the child's head showed acute head trauma and subdural bilateral bleeds. Medical Professionals indicated the injuries appeared acute, less than 24 hours old. The child required immediate surgery, his injuries considered life-threatening. The child was transported by med-flight to a Children's Hospital. Medical professionals diagnosed the child with physical abuse of a child/abusive head trauma. The child was pronounced deceased on October 24, 2013, due to blunt force trauma to the head.

Law enforcement initiated a joint investigation with the agency and found on the day the child was injured, he attended school and played outside with other children after returning home from school. The child's mother and the other adult male in the household were at work that day. The other adult female left the home with her three children and left the child and his one year old half sibling in the care of the mother's boyfriend, who is also the father of the one year old. The last time the child was observed to be fully functioning, a neighbor child reported hearing the mother's boyfriend call him inside the house.

The mother reported she received a ride home from work by a relative and found her youngest child in the main living room. The mother stated she went to the lower level of the home and found the injured child unresponsive. Relatives called 911 and paramedics transported the child to a hospital. The boyfriend refused to participate in interviews with the agency. He denied harming the child to law enforcement, but admitted to being the adult in the home when the child arrived from school. As a result of law enforcement's investigation, the mother's boyfriend was charged with First Degree Reckless Homicide. 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 and medical personnel to complete the assessment. The Initial Assessment completed by the agency found a preponderance of the evidence to substantiate physical abuse to the child by the mother's boyfriend. The mother's boyfriend did not admit to harming the child; he acknowledged the child was in his care at the time the injuries would have occurred. Medical personnel reported the child would have been immediately incapacitated at the time he was injured and collateral contacts confirm the child was acting normally and showed no signs of abuse before entering the home with the boyfriend. The mother's other child received extensive medical testing and no physical signs of abuse were discovered. The child was assessed safe in the care of the mother. The agency, using the mother's secondary residence, filed a Child in Need of Protection or Services in that county and an ongoing services case was opened for the family, which includes case management. The mother was also referred for grief counseling in a community setting.

Yes No Criminal investigation pending or completed?

Yes No Criminal charges filed? If yes, against whom? The mother's boyfriend.

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 child resided with his mother, her boyfriend, and their one-year-old son in a temporary living situation with two adult home owners and their three children. The child's father resided in a different household with his girlfriend and the child's five older siblings.

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:

On October 17, 2013, the agency screened-in a CPS Report with concerns of sexual abuse of the child's 14-year-old sister by the child's father and 17-year-old brother. The agency collaborated with law enforcement during the assessment timeframe and determined there was a preponderance of evidence to substantiate sexual abuse of the 14-year-old by her father and her brother. Both the father and the brother are facing criminal charges of sexual assault of a child. Based on information obtained during interviews, the 14-year-old and her three younger siblings were determined unsafe in the care of their father; Temporary Physical Custody was taken, a Child in Need of Protection or Services was filed and the children were placed in out-of-home care and opened with ongoing services for case management.

The agency made contact with the children's mother on October 18, 2013, and she explained she originally had joint custody of the children following her divorce from the children's father, but the father refused her placement of the children. She stated she did not contact law enforcement out of fear of the children's father who she reported was abusive to her during the marriage.

On October 23, 2013 and October 24, 2013, the agency facilitated supervised contact between the child and his father at the hospital. The father reported he had not had contact with the child for two years following the divorce between himself and the child's mother.

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 June 22, 2009, the agency screened-out a report with a referral to community services.

On February 2, 2012, the agency screened-out a report.

On December 11, 2012, the agency screened-out a report.

On January 16, 2013, the secondary county of residence agency screened-in a report with concerns of physical abuse to the child by his mother and her boyfriend. The child was interviewed and observed, the child's infant half -brother was observed, the mother and her boyfriend were interviewed and no indications of safety concerns or maltreatment were identified.

On January 30, 2013, the secondary county of residence agency screened-out a report.

On February 11, 2013, the agency screened-in a CPS report with concerns of physical abuse to the child's older sister by her father and brother. This report was mistakenly not assigned for assessment. The failure to assign was eventually discovered and a child welfare report was created and assigned on April 4, 2013. The agency made contact with the child's father who stated the family was involved in services. He declined to meet with the worker.

On March 19, 2013, the secondary county of residence agency screened-in a report with concerns of physical abuse to the child by the mother's boyfriend. The child was interviewed and his younger half- brother was observed. The child's mother was interviewed. The mother's boyfriend was incarcerated during the assessment period and could not have caused the

injury to the child during the reported timeframe. The agency collaborated with medical personnel and a plausible explanation for the injury was obtained.

On July 12, 2013, the agency screened-out a report.

On October 7, 2013, the agency screened-in a report with concerns of sexual abuse to the child's older sister by her father and her brother.

On October 16, 2013, the agency screened-out a 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 collaborated with law enforcement and medical personnel to complete the assessment. The Initial Assessment completed by the agency found a preponderance of the evidence to substantiate physical abuse to the child by the mother's boyfriend. The mother's boyfriend has not admitted to harming the child; he acknowledged the child was in his care at the time the injuries would have occurred. Medical personnel reported the child would have been immediately incapacitated at the time he was injured and collateral contacts confirm the child was acting normally and showed no signs of abuse before entering the home with the boyfriend. The mother's other child received extensive medical testing and no physical signs of abuse were discovered and the child was assessed safe in the care of the mother. The agency, in the mother's secondary residence filed a Child in Need of Protection or Services in that county and an ongoing services case was opened for the family, which includes case management. The mother was also referred for grief counseling in a community setting.

The agency is monitoring the out-of-home placements of the child's older siblings, which include petitions filed for Children in Need of Protection or Services. Ongoing services are provided to this part of the child's family. The agency provides supervised visitation between the child's mother and his older siblings.

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.)

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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 type="checkbox"/> Transportation assistance |
| <input type="checkbox"/> Safety plan implemented | <input checked="" type="checkbox"/> Collaboration with law enforcement |
| <input 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 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. In accordance with the DCF memo Series 2010-13, dated December 7, 2010 pertaining to the Child Welfare Case Review Protocol, the DSP will conduct a records review in case #131022DSP-Dane-376.

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

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.