

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: 140119DSP-Milw-407 **Agency:** Bureau of Milwaukee Child Welfare

Child Information (at time of incident)

Age: 5 months Gender: Female Male

Race or Ethnicity: White, Hispanic/Latino

Special Needs: None

Date of Incident: January 19, 2014

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

On January 20, 2014, the agency received a report regarding a 5-month-old infant admitted to the hospital with suspicious injuries. The infant presented as unresponsive and was not breathing. Law enforcement was contacted and initiated a criminal investigation regarding the infant's multiple serious injuries. The mother reported that the infant had been struggling to breathe recently, and the mother's boyfriend had been giving the infant rescue breaths since January 17th. The mother's boyfriend had been living in the home for approximately six months and watched the infant and the infant's 3-year-old and 6-year-old siblings while the mother was working. On the evening of the incident, the boyfriend reported that the infant stopped breathing and he was unable to revive her, so he called 911. The paramedics transported the infant to the hospital where she was evaluated and treated by medical professionals. The infant was diagnosed with abusive head trauma. Medical personnel advised that the injuries sustained by the infant were highly specific for inflicted or abusive head trauma with "reasonable medical certainty" and were inflicted during the timeframe when the boyfriend was the primary caregiver. Additionally, medical professionals advised that the infant's injuries would have caused symptoms to clearly indicate the infant was in need of medical attention. Due to concerns about the mother's ability to protect, the children were taken into Temporary Physical Custody and placed in out-of-home care. On June 5, 2014, the child passed away as a result of the injuries sustained during the incident. As a result of law enforcement's investigation, the mother's boyfriend is criminally charged with one Felony count of 1st -Degree Reckless Homicide and one Felony count of Neglecting a Child (Consequence is Death). 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 professionals to complete the assessment. Based on the information gathered for the Initial Assessment, the child welfare agency found a preponderance of the evidence to substantiate the allegation of physical abuse to the infant by the mother's boyfriend. The infant sustained significant injuries indicative of abusive head trauma while in the boyfriend's care; the boyfriend is criminally charged with felony counts of reckless homicide and neglect. The agency substantiated the allegation of neglect to the infant by the mother. The mother failed to seek medical attention for the infant despite warning signs that the child was clearly in distress. The agency determined the infant and the infant's two siblings unsafe so all three children were taken into Temporary Physical Custody and placed in out-of-home care. The agency filed Child in Need of Protection or Services petitions in juvenile court regarding the infant and her two siblings. The case remains open and the agency is providing the family with Ongoing case management services.

Yes No Criminal investigation pending or completed?

Yes No Criminal charges filed? If yes, against whom? The mother and 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):

Prior to the incident, the infant lived with the mother, the infant's 6-year-old half-brother and 3-year-old brother, and the mother's boyfriend.

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?

At the time of the incident, the case was open with the agency for an Assessment regarding a CPS Report screened-in on May 21, 2013, which alleged physical abuse to the infant's 6-year-old half-brother and neglect to the infant's 2-year-old (now 3-year-old) brother by the mother and her significant other (father of the 2-year-old).

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:

The assigned worker's last attempted contact to interview the mother's former significant other (alleged father to the infant and father to the 3-year-old brother) occurred on July 3, 2013, but was unsuccessful.

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 August 27, 2012, the agency screened in a report alleging physical abuse to the infant's 3-year-old (now 6-year-old) half-brother by the mother's significant other. An Assessment was completed and the allegation of physical abuse was unsubstantiated. There were no observable marks on the child and he did not make any disclosures of abuse. The infant's half-brother and brother were assessed as safe and the case was closed.

On March 14, 2013, the agency screened out a report.

On April 10, 2013, the agency screened in a report alleging sexual abuse to the infant's 5-year-old (now 6-year-old) half-brother and the infant's 2-year-old (now 3-year-old) brother by an unknown maltreater. An Assessment was completed and the allegations of sexual abuse were unsubstantiated. The brother and the half-brother were assessed as safe and the mother appeared to be protective. The family was provided with community resources and the case was closed.

On May 21, 2013, the agency screened in a report alleging physical abuse to the infant's 6-year-old half-brother and neglect to the infant's 2-year-old (now 3-year-old) brother by the mother and her significant other (father of the 2-year-old). An Assessment was completed and the allegations of physical abuse and neglect were unsubstantiated. There were no safety concerns found; the family was provided with community resources.

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. Based on the information gathered for the Initial Assessment, the child welfare agency found a preponderance of the evidence to substantiate the allegation of physical abuse to the infant by the mother's boyfriend. The infant sustained significant injuries indicative of abuse while in the boyfriend's care; the boyfriend is being charged with felony counts of child abuse and neglect. On June 5, 2014, the child passed away as a result of the injuries sustained during the incident. The agency substantiated the allegation of neglect to the infant by the mother. The mother failed to seek medical attention for the infant despite warning signs that the child was clearly in distress. The agency determined the infant and the infant's two siblings unsafe so all three children were taken into Temporary Physical Custody and placed in out-of-home care. The agency filed Child in Need of Protection or Services petitions in juvenile court regarding the infant and her two siblings. On January 20, 2014, the agency screened out a second report regarding the incident containing similar information as the first report which was already screened-in. The case remains open and the agency is providing the family with 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.)

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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 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 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 type="checkbox"/> Supervised visitation |
| <input 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. In accordance with the DCF memo Series 2010-13, dated December 7, 2010 pertaining to the Child Welfare Case Review Protocol, the Bureau of Performance Management (BPM) completed an on-site review in case # 140119DSP-Milw-407.

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

None at this time.

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

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