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Governor Tony Evers  
Secretary Emilie Amundson

Secretary's Office

April 26, 2019

Jeffrey Renk  
Senate Chief Clerk  
State Capitol, B20 SE  
P.O. Box 7882  
Madison, WI 53707

Patrick Fuller  
Assembly Chief Clerk  
Risser Justice Center  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Mr. Renk and Mr. Fuller:

In compliance with the 2009 Wisconsin Act 78, the Child Welfare Public Disclosure Act, please accept the attached summary report and one notice of delay prepared by the Department of Children and Families on April 26, 2019.

In accordance with Wisconsin Statutes section 48.981(7)(er) 3.b., the Department is required to "transmit to... the appropriate standing committees of the legislature under s 13.172(3)" summary reports prepared by the Department concerning incidents of death or serious injury to a child that results from suspected abuse or neglect or incidents of egregious abuse or neglect of a child. The summary reports are also made available to the public on the Department's public website.

A handwritten signature in cursive script that reads "Danielle Melfi".

Danielle Melfi  
Assistant Secretary

cc: Governor Tony Evers

Attachments

# 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:** 181219DSP-MILW-890      **Agency:** Division of Milwaukee Child Protective Services

**Child Information** (at time of incident)

Age: 2 weeks      Gender:  Female  Male

Race or Ethnicity: White/Caucasian

Special Needs: None

**Date of Incident:** 12/19/2018

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

On January 16, 2019, the agency received a report regarding a 2-week-old infant pronounced deceased in his home on December 19, 2018. Law enforcement was contacted and initiated a criminal investigation. The Medical Examiner's Office determined the death of the infant was due to intoxication of methadone. As a result of law enforcement's investigation, the mother was arrested and criminally charged with 1<sup>st</sup> 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 neglect of the infant by the mother. The Medical Examiner's Office determined the death of infant was due to intoxication of methadone. The agency found insufficient evidence to substantiate neglect of the infant by the father. The agency determined the infant's 2-year-old sibling safe with his father and he remained in the home with the father. The agency closed the case upon completion of the Initial Assessment.

Yes  No Criminal investigation pending or completed?

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

**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 infant resided with his mother, his father and his 2-year-old sister.

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 December 19, 2018, the agency screened-out a CPS Report.

On December 19, 2018, the agency screened-out a CPS Report.

On December 6, 2018, the agency screened-out a CPS Report.

On November 22, 2016, the agency screened-out a CPS Report.

On December 30, 2005, the agency screened-in a CPS Report alleging physical abuse by the infant’s father to the infant’s now adult half-sibling. An assessment was completed by the agency and the allegation of physical abuse was unsubstantiated. The infant’s now adult half-sibling was deemed unsafe and the case was opened to provide ongoing case management services.

On March 19, 2002, the agency screened-in a CPS Report alleging physical abuse by the infant’s father to the infant’s now adult half-sibling. An assessment was completed by the agency and the allegation of physical abuse was unsubstantiated. The case was closed upon completion of the Initial Assessment.

**Summary of any investigation involving the child, any member of the child’s family and alleged maltreater conducted under ch. 48 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 neglect of the infant by the mother. The Medical Examiner's Office determined the death of infant was due to intoxication of methadone. The agency found insufficient evidence to substantiate neglect of the infant by the father. The agency determined the infant’s 2-year-old sibling safe with his father and he remained in the home with the father. The agency closed the case upon completion of the Initial Assessment.

**B. Children residing in out-of-home care (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 or other actions that constitute 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 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 type="checkbox"/> Petitioned for court order / CHIPS (child in need of protection or services) | <input checked="" type="checkbox"/> Supervised visitation  |
| <input type="checkbox"/> Placement into foster home   | <input type="checkbox"/> Case remains open for services  |
| <input type="checkbox"/> Placement with relatives   | <input checked="" type="checkbox"/> Case closed by agency  |
| <input 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):   |

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**FOR DSP COMPLETION IF RECORD OR ON-SITE REVIEW WAS UNDERTAKEN:**

**Summary of policy or practice changes to address issues identified based on the record or on-site review of the incident:**

N/A

**Recommendations for further changes in policies, practices, rules or statutes needed to address identified issues based on the record or on-site review:**

N/A

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Yes    No    Not Applicable   This 90-day summary report completes the Division of Safety and Permanence (DSP) action on 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.

## **NOTICE OF DELAYED POSTING**

### **90-Day Summary Report for Child Death, Serious Injury or Egregious Incident Case #190127DSP-EauCl-894**

The Wisconsin Department of Children and Families, as required by 2009 Wisconsin Act 78 (Section 49.981(7)(cr), Stats.), makes available to the public, a 90-day summary report for cases involving child death, serious injury, and egregious incidents involving abuse or neglect. Under these statutory provisions, the posting of information which potentially interferes with or jeopardizes the integrity of an investigation or trial is exempt from the public disclosure requirement.

The Department has determined that releasing the summary report would jeopardize an ongoing criminal proceeding, and is delaying posting as provided under Wis. Stat. § 49.981(7)(cr)7. The Department will release the 90-day summary once the investigation and/or trial has been concluded.