

Child Fatality Review #08-74
Region 2
Kittitas County

This one-month-old Caucasian male died from Overlay Asphyxia.

Case Overview

On December 3, 2008 the Ellensburg Police Department and Emergency Services were summoned to the home of a relative of the deceased child. The child's family was living with this relative. The deceased child was found in the morning not breathing. The mother and infant were co-sleeping on a sofa. The infant was described as being found in a face up position. It was reported that the child was wedged between the sofa back rest and mother. The child was not breathing when the mother woke up.

Law enforcement reported there are no obvious signs of injury or smothering. Law enforcement was immediately concerned as the mother reported she had another child die in her care in 2006. The mother and father were co-sleeping with this older sibling when he passed away. The mother reported the sibling died of Sudden Infant Death Syndrome (SIDS).

Based on this history, law enforcement chose to investigate the most recent infant death despite no obvious signs of maltreatment. The Medical Examiner determined that the manner of death was accidental and the immediate cause was overlay asphyxia and co-sleeping with adult.

Social service professionals and family members reported they warned the parents on numerous occasions of the risks that co-sleeping posed to this child. Law enforcement has determined that the mother's negligence by ignoring the advice not to co-sleep with her child, especially since she lost another child in a similar situation, reached the charging level of manslaughter. Law enforcement forwarded their case to the Kittitas County Prosecutor's office for review. The prosecutor has not made a decision whether to charge the mother.

Referral History

On August 8, 2007, a relative reported to CPS intake that the deceased child's parents regularly yelled at each other and their children. The father was arrested on a warrant for failure to appear on a stolen vehicle charge. The yard was full of trash, dirty diapers, and beer cans and bottles. There were three children approximately ages three and two-years-old and an infant in the home. Law enforcement did not find drugs or paraphernalia. The mother self-reported she had a male infant die about a year prior of SIDS. This referral was screened in for investigation by CPS and closed with an unfounded finding for negligent treatment or maltreatment. The parents agreed to participate in Family Preservation Services (FPS), parenting classes, and random urinalysis.

On June 16, 2008, a relative reported to CPS intake that the family home was filthy on a regular basis. The deceased child's parents, a four-year-old sister, the maternal aunt and her two children all lived in one home. The referrer reported there was too much partying; so much that the parents could not meet needs of the children. There were empty beer cans and bottles in the house and both parents were under age. The referrer suspected that the mother was not drinking as she was pregnant at the time. The referrer also believed the mother was depressed as she did not attend to children needs. The children were dirty and the older children were allowed to go outside with inadequate clothing for the weather.

This referral was screened in for investigation by CPS and closed with an inconclusive finding for negligent treatment or maltreatment. The families cleaned up the home. The deceased child's parents agreed to participate in FPS services. All three adults in the home agreed to submit to urinalysis. The deceased child's mother engaged in mental health counseling, and the family worked with a parenting coach.

On December 3, 2008, law enforcement called CPS intake to report the death of this child. Emergency services were summoned to the family home after the child was found in a face up position and not breathing. There were no obvious signs of injury or smothering. Law enforcement decided to investigate thoroughly to rule out the possibility of death by abuse based on mother's history of a previous infant death in 2006. The parents agreed to place the surviving four-year-old daughter in the care of her grandfather pending the outcome of the law enforcement and CPS investigations. This referral was screened in for investigation by CPS. The finding is still pending as of the date of this report.

Issues and Recommendations

Issue: Review members indicated concern over the inability to complete in-state criminal background checks on subjects as was previously practiced.

Recommendation: Review members would like the in-state criminal background check re-instated to compliment the existing process of the National Crime Information Center (NCIC). This request is for the sake of thoroughness as field staff have reported NCIC checks sometimes do not capture local crimes and convictions. The DSHS Background Check Central Unit (BCCU) checks also produce Record of Arrest and Prosecution (RAP) sheet that field staff can easily review.

Issue: Although it was unclear if domestic violence was an issue in this particular case, the review committee acknowledged that CA does not have a definitive policy regarding domestic violence. Best practice supports assessing whether domestic violence is a cause of harm or creates a risk of imminent harm to a child.

Recommendation: CA's Practice Guide to Intake and Investigative Assessment recommends considering risk factors affiliated with domestic violence at the time of intake and recording those factors. Developing a policy which directly addresses screening for domestic violence at intake and throughout the life of a case supports early identification along with the development of strategies to assist in alleviating such risk factors.

Issue: The referral dated June 16, 2008 referenced neglect due to a filthy home. At the time, the household consisted of two families, the deceased child's family, his aunt, and her children.

Recommendation: A referral should have been generated on each family to eliminate any confusion when documenting assessments and when providing services.

Issue: The currently assigned Child and Family Welfare Services (CFWS) social worker reported that the deceased child's mother is again pregnant (at the time of this report).

Recommendation: The worker's supervisor will consult with the Assistant Attorney General on direction for possible filing of a dependency petition on the child when it is born.