



Texas Department of Family and Protective Services

COMMISSIONER
H. L. Whitman, Jr.

A Review of Department of Family and Protective Services Involvement Child Fatality

On July 15, 2017, during an open Child Protective Services (CPS) investigation, Logan Garza drowned while in the care of his paternal grandmother's paramour. CPS was involved with the family due to concerns for abuse and neglect by Logan's mother that was initially received on May 30, 2017.

The Office of Child Safety completed a review of all current and past CPS involvement concerning Logan's family. This report presents the Office of Child Safety's findings, summary of CPS involvement, actions taken, and assessment of strengths in casework practice. It further explores areas for improvement that merit further examination.

Family Composition

Region 6 - Harris County

| Name or Relationship to Logan Garza | Age at time of incident |
|-------------------------------------|-------------------------|
| Logan Garza/Deceased Child | 2 years |
| Mother | 22 years |
| Sibling | 1 year |
| Father | 21 years |
| Paternal Grandmother | 55years |
| Paternal Grandmother's Paramour | 56 years |

Summary of CPS History on Logan Garza / Family of Logan Garza

**CPS and Adult Protective Services (APS) history under paternal grandmother:*

- On February 22, 2013, CPS received a report alleging neglectful supervision and physical abuse of Logan's then 17 year-old father by Logan's paternal grandmother. The allegations were investigated and the case was closed on April 17, 2013.
- On April 13, 2015, APS received a report alleging self-physical neglect of Logan's paternal grandmother. The investigation was closed on April 21, 2015.

**CPS history under Logan's mother:*

- On October 15, 2015, CPS received a report alleging neglectful supervision of 6 month-old Logan by his mother. The allegations were investigated and the case was closed on January 5, 2016.
- On October 29, 2016, CPS received a report alleging neglectful supervision of Logan and his younger sibling by their mother. The allegations were investigated and the case was closed on November 26, 2016.
- On May 30, 2017, CPS received a report alleging neglectful supervision of Logan and his younger sibling by their mother. The investigation was closed on October 13, 2017.

- On July 15, 2017 during the open investigation initiated in May, three subsequent reports were received in regard to the drowning death of two year-old Logan. The reports were merged into one investigation. The allegations were investigated and the investigation was closed on October 19, 2017 validating the fatal neglectful supervision of Logan by the paternal grandmother's paramour.
 - On September 21, 2017, CPS was awarded Temporary Managing Conservatorship (TMC) of Logan's sibling and the case was transferred to a CPS conservatorship stage of service.

Detailed Account of CPS History on Family of Logan Garza

**CPS and Adult Protective Services (APS) history under paternal grandmother:*

On **February 22, 2013**, CPS received a report alleging neglectful supervision of Logan's then 17 year-old father by Logan's paternal grandmother. On **March 1, 2013**, CPS received a subsequent report alleging neglectful supervision and physical abuse of Logan's father by Logan's paternal grandmother. The report alleged Logan's father continuously ran away, exhibited delinquent behavior and Logan's paternal grandmother was unable to control Logan's father's behavior. It was also alleged there had been an incident in which Logan's paternal grandmother pepper-sprayed Logan's father. A subsequent intake was called in after Logan's father was found in a home where law enforcement was called out to. Logan's father was identified as being a runaway. Marijuana was smelled in the home and Logan's father admitted to smoking with a friend. Additional concerns were that Logan's paternal grandmother may have mental health issues.

During the investigation, Logan's father stated he used drugs and that his mother had used drugs in the past as well but was clean now. He stated the family had CPS history in Virginia related to drug use. Logan's father further stated his mother was on mood stabilizers and that he also had depression and took medication. Logan's grandmother expressed frustration with Logan's father's uncontrollable behavior stating he was dealing and using drugs, running away, and that he threatened to beat her up. An Information Report (I/R) was received stating Logan's father was hospitalized and receiving treatment at a hospital. Logan's grandmother was asked to submit to a urinalysis but never submitted to the drug test as requested. The investigation was closed on April 17, 2013, with a disposition of unable to determine for neglectful supervision and physical abuse of Logan's father by Logan's paternal grandmother.

OCS Assessment:

- CPS in Virginia was not contacted to obtain CPS history involving Logan's father.
- There was no follow up with ensuring Logan's paternal grandmother submitted to a drug test.
- Although Logan's father was receiving services through the hospital, no services were offered to Logan's grandmother to address parent/child conflict or even possible mental health issues in the home.

On **April 13, 2015**, APS received a report alleging self-physical neglect of Logan's paternal grandmother. The report stated Logan's grandmother had traumatic brain injury in the past and was diagnosed with depression with mixed features. It was further alleged that Logan's mother had gotten access to Logan's paternal grandmother's checking account and stole \$800. Logan's grandmother was reportedly facing eviction. The report also alleged that Logan's father was

verbally abusive, had foul moods and may have physically abuse his mother (Logan's paternal grandmother.)

During the investigation, Logan's grandmother stated her son (Logan's father) is her paid provider but she only receives 17 hours of service by her provider per week which was not enough. She indicated her bank account was compromised by "someone" (no specific name provided) so she lost \$760 and was unable to pay her rent. She appeared to have financial problems and indicated she suffered from depression, a mood disorder, fibromyalgia, and arthritis. Logan's grandmother was residing with her son (Logan's father) at the time and the apartment manager indicated they would be filing for eviction. It was determined Logan's paternal grandmother did not qualify for APS services per policy guidelines. The case was closed on April 21, 2015.

OCS Assessment:

- Initial investigation determined Logan's paternal grandmother did not qualify for APS services.

**CPS history under Logan's mother:*

On **October 15, 2015**, CPS received a report alleging neglectful supervision of 6 month-old Logan by his mother. The report alleged Logan's paternal grandmother had been taking care of Logan for a few days, as Logan's mother often leaves him with the grandmother for days. Logan's mother was alleged to have used drugs.

During the investigation, an attempt to see the family timely was unsuccessful and a subsequent face-to-face was not attempted timely. Several telephone calls were made and caseworker was finally able to observe Logan just over a month after the intake was received. Logan's mother was not drug tested at the time of the visit despite allegations of drug use. The safety assessment concluded Logan was "safe". A subsequent intake was received on **December 17, 2015**, alleging drug use by Logan's mother and that she had been charged with possession. The intake stated that the mother was pregnant. The intakes were merged and Logan's mother was again visited by staff and Logan was observed. Logan's mother denied drug use and submitted to a urinalysis in December 2015 and a hair follicle in January 2016, both of which were negative. The mother denied being on probation. Although the caseworker noted Logan's mother had a charge for drug possession, this was not reflected in the risk assessment. The allegations were ruled out and the investigation was closed on January 5, 2016.

OCS Assessment:

- The initial contact with the child was not timely.
- The initial safety assessment was not completed or documented timely.
- The risk assessment does not accurately reflect the mother's criminal history.
- The probation department was never contacted to confirmed or refute Logan's mother's statement that she was not on probation.
- A hair follicle test was completed to adequately address recent drug use.

On **October 29, 2016**, CPS received a report alleging neglectful supervision of Logan and his younger sibling by their mother. The report stated law enforcement had been dispatched to a location where two children had been left alone in a vehicle. The vehicle and air condition were on and the doors were unlocked. A passer-by noticed the children alone and contacted law

enforcement at 3:20 PM. Law enforcement responded at 3:28 PM and waited 10 minutes before Logan's mother arrived back at the vehicle.

In response to the allegations, Logan's mother stated she was not feeling well and had to stop to throw up. She stated she was only gone for 5 minutes and law enforcement only issued her a ticket. There is no indication that the length of time the children were left alone was discussed with Logan's mother (although from reports, it would have been a minimum of 18 minutes). The only other contact made was with the maternal grandmother. The allegations were ruled out, citing Logan's mother stated she was sick and was only gone a few minutes. The investigation was closed on November 26, 2016.

OCS Assessment:

- Risk assessment was not completed accurately with regard to parent's assessment of current incident and historic drug use.
- A copy of the police report was not requested, nor was it clarified with either Logan's mother or law enforcement as to the reason a ticket was issued.
- Logan's mother was not given a drug test despite her criminal history of drug possession and prior CPS allegations.
- The disposition given is not appropriate given the young age of the children (6 months and 1 year) and the fact that they were left alone in a vehicle for a minimum of 18 minutes according to information provided by law enforcement.

On **May 30, 2017**, CPS received a report alleging neglectful supervision of Logan and his younger sibling by their mother. The report alleged Logan's mother would often leave the children alone when she went to work. The allegations further stated Logan's mother was on probation for Driving While Intoxicated (DWI) and also had a possession charge for cocaine. Additionally, Logan's father had previously been charged with possession of heroin and was on probation for that offense. The children were alleged to be present in the home when marijuana was smoked.

During the investigation, the children were observed at the paternal grandmother's home and photos were taken. Logan's mother tested positive for cocaine on June 20, 2017 and June 22, 2017 on a hair follicle test. The initial safety assessment was completed on June 1, 2017, indicating the children were safe, as they were staying with the paternal grandmother. It is unclear whether a safety plan or parental child safety placement (PCSP) was implemented at that time. Prior to case closure, CPS received notification of Logan's passing on July 15, 2017. The initial allegations received in May 2017 continued to be investigated simultaneously with the fatality investigation. The allegations were given a disposition of reason to believe for neglectful supervision of Logan and his sibling by their mother. The investigation was closed on October 13, 2017.

OCS Assessment:

- When the intake report on May 30, 2017, was received the case was flagged as a multiple referral (M-Ref) case which requires a full case review by the CPS Child Safety Specialist with recommendations for next steps. The full review was completed after the fatality on August 15, 2017, two and a half months after the initial intake was received.
- There was a significant lag in contact with the family during the investigation prior to receiving notification of Logan's passing.

On **July 15, 2017**, CPS received three subsequent reports in regard to the drowning death of 2 year-old Logan. The reports stated Logan and his 1 year-old sibling had been in the care of their paternal grandmother since May 2017. On July 14, 2017, the grandmother went to the store and left both children in the care of her paramour. The grandmother's paramour reported that he was outside with the children and went inside for about 30-40 seconds to get a drink. When he returned, Logan was found face down in the pool. He attempted to revive Logan and contacted 911. In one intake report, there was mention of alcohol being present in the backyard where the pool was located. In another report, law enforcement indicated Logan's grandmother's paramour stated he had one beer earlier in the day and had gone inside for water.

The reports were merged into one fatality investigation. The last documented contact for the open investigation received in May 2017, was on June 1, 2017. After receiving the fatality notification, caseworker interviewed Logan's father, paternal grandmother, the paternal grandmother's paramour, and the surviving sibling. CPS approved placement of Gabriella with her father; however, temporary managing conservatorship was later awarded to CPS in order to address any risk factors involving Logan's father. The allegations of neglectful supervision of Logan and his sibling by their paternal grandmother and her paramour were given a disposition of reason to believe.

Overall Case Review Findings and Recommendations

Child Protective Services (CPS) was in the process of investigating allegations of neglectful supervision of Logan and his sibling by their mother when Logan drowned while in the care of his paternal grandmother's paramour. Logan's family had two previous investigations involving neglectful supervision both of which were ruled out. However, it does not appear the caseworkers in both cases appropriately identified risk factors present; therefore, services were never offered to mitigate pattern of neglect involving Logan and his sibling.

During the review of a child fatality, certain areas of improvement may be identified including individual training needs, statewide trainings, policy revisions, updates to best practice guidance, and/or revisions to state statutes. The Office of Child Safety recommends evaluating the following:

- Review the importance of completing full M-Ref reviews in a timely manner.
- Staff should consider consulting with the CPS risk manager or regional leadership for case reviews and recommendations when the family has history and criteria is not met for a full review or screened out by a CPS child safety specialist.