



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

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

On January 26, 2015, during an open Child Protective Services (CPS) investigation, Justice Hull died due to an allegedly intentional drowning by a fourteen year-old child of the responsible caregiver. Justice, who was born on November 26, 2014, had been placed with a friend of her mother's in what is called a Parental Child Safety Placement (PCSP) while her mother was in prison for failure to identify, intent to give false information, and evading arrest. CPS has a history of involvement with Justice's mother--one of Justice's older siblings was adopted while another sibling remained permanently placed with family in a Parental Child Safety Placement.

The Office of Child Safety (OCS) completed a review of all current and past CPS investigations concerning Justice's family. This report presents the Office of Child Safety's findings, summary of CPS investigations, assessment of strengths in casework practice, and areas for improvement. This report describes the timeline and actions taken by CPS as well as issues found during the review of CPS' involvement with Justice Hull's family and the tragic death of Justice that merit further examination.

Family Composition

Name or Relationship to Justice	Age at time of incident
Justice Hull	2 months
Mother	24
Father	63
Caregiver/placement for Justice	39
Caregiver's child	14
Caregiver's child	14
Caregiver's adult child	19

Summary of CPS History on Family of Justice Hull

- On September 22, 2011, CPS received the first report regarding Justice's mother. The allegations were of medical neglect to Justice's eldest sibling. The investigation was closed on March 30, 2012.
- On September 23, 2011, CPS received a second report regarding additional medical neglect allegations of the same child. The report was investigated and merged into the first report.
- On November 5, 2011, CPS received a third and fourth report regarding medical neglect, neglectful supervision, and physical abuse of the same child. The reports were investigated and merged into the first report.
 - The investigation was completed and case transferred to Family Based Safety Services on March 30, 2012.
 - On April 24, 2012, CPS was given Temporary Managing Conservatorship of Justice's eldest sibling.
 - On April 28, 2014, Justice's eldest sibling was adopted by relatives.
- On August 4, 2014, CPS received the fifth, sixth, and seventh report regarding Justice's mother concerning her second child. Allegations were concerning neglectful supervision and physical abuse. The investigation was closed on September 12, 2014.
- On August 26, 2014, CPS received the eighth report of neglectful supervision and physical abuse allegations. The report was investigated and merged into the initial investigation which began on August 4th.
- On November 11, 2014, Justice Hull was born.
- On November 27, 2014, CPS received a ninth report regarding Justice's mother with allegations of neglectful supervision to Justice.
- On November 28, 2014, a Parental Child Safety Placement was approved to have Justice reside with the family friend.
- On December 1, 2014, the tenth report regarding Justice's mother was received regarding physical abuse to Justice. The allegation was currently under investigation and merged with the report received on November 27th.
- On December 22, 2014, staff received the completed contracted kinship home study with no significant concerns.
- On January 26, 2014 the eleventh report regarding the family was received. Justice was discovered deceased. The investigation is ongoing.

Detailed Account of CPS History on Family of Justice Hull

On **September 22, 2011**, Justice's mother was investigated for medical neglect of Justice's oldest sibling. Allegation included concerns that the child was asthmatic with no medication, the family was homeless, and that the mother had no medication for her mental health diagnosis. Three additional intakes were received during the investigation alleging concerns of domestic violence between the mother and her boyfriend, concerns that the boyfriend physically abused the child resulting in an injury, concern that the mother did not seek treatment for the injury, as well as concerns of substance abuse.

The allegations were determined to be reason to believe regarding medical neglect, neglectful supervision, and physical abuse by the mother due to the child's asthmatic episodes, domestic violence in the presence of the child, and substance abuse. The child was placed in a Parental Child Safety Placement (PCSP) with relatives during the investigation and the case transferred to Family Based Safety Services in March 2012. In April 2012, information was received that

the mother attempted suicide and tested positive for phencyclidine (PCP) and cocaine. Temporary Managing Conservatorship (TMC) of the child was obtained while the child remained with the relatives. Parental rights were later terminated and the child was adopted by the relatives.

OCS Assessment:

- While it was identified during the investigation that the child should be placed in a Parental Child Safety Placement, a case transfer to Family Based Safety Services was not completed until four months later.
- There were minimal efforts to locate and engage the biological father in services.
- The physical abuse allegation by the boyfriend was ruled out although the concerns were not addressed in the investigation. The boyfriend was neither located nor interviewed.

On **August 4, 2014**, Justice's mother was investigated for physical abuse and neglectful supervision of Justice's second older sibling. Allegations included that the mother had mental health issues, substance abuse, and domestic violence concerns. The mother was arrested by law enforcement while driving intoxicated and tested positive for phencyclidine (PCP), marijuana, as well as cocaine. The mother was stated to be pregnant. Additional intakes were received regarding similar concerns as well as concerns that the mother is homeless and that caretakers of the child engaged in substance abuse and domestic violence with the mother in front of the child.

All allegations were determined to be ruled out. Although the mother admitted to a history of domestic violence issues, active substance abuse, and untreated mental health issues, she also confirmed that her child was not residing with her. The mother stated that a few days after her child's birth, she chose to have her child reside with a family member where the child remained. The mother agreed to a Parental Child Safety Placement (PCSP) in the same home where her child was residing. The PCSP voluntary caregivers were drug tested with negative results and the investigator confirmed that there were no reports of domestic violence calls to law enforcement. The primary caregiver of the child reported that she filed for "custody" of the child through the Office of the Attorney General (OAG). It is important to note the Office of Attorney General can help family and fictive kin file for child support but does not transfer custodial rights.

OCS Assessment:

- Contact with the child was not made within required time frames. CPS Policy 2253. Time Frames for Initiating Priority I and Priority II Investigations requires a Priority II investigation to be initiated with 72 hours. The child was seen seven days after the initial report was received.
- Contacts with the parent, caregivers, and child during the PCSP were not conducted within required time frames of the policy effective at the time of the case. CPS Policy 2435.62. Contact Requirements for Parental Child Safety Placements required caseworkers to make face-to-face contacts with the parents, caregivers, and children a minimum of every 10 days while the case was in the investigation stage.
- There were no efforts to locate and engage the biological father in services.
- The mother was pregnant at the time of the investigation and admitted to substance abuse, a history of domestic violence, and untreated mental health issues; however, CPS did not pursue ongoing services or discuss engaging the mother in either voluntary services.

On **November 27, 2014**, the mother was investigated at Justice's birth for neglectful supervision. The mother tested positive for cocaine and phencyclidine (PCP). The mother was reported to have mental health issues. Allegations included concerns that the mother did not have necessary items to care for the newborn. A report was later received stating that Justice's meconium tested positive for cocaine and phencyclidine (PCP).

Justice was placed in a Parental Child Safety Placement (PCSP) with a family friend developed by CPS and her mother while Justice remained hospitalized due to withdrawal symptoms. In December 2014, it was discovered that the mother had been arrested and would not be released until March 2015. The case was then determined to be set for closure without further CPS involvement, as the mother would be incarcerated and unable to work services. On January 5, 2015, the PCSP voluntary caregiver contacted the investigator requesting daycare assistance. She was informed that daycare would not be provided because it would require keeping the case open and the case was already delinquent. She was advised to contact Child Care Management Services (CCMS) directly and to complete an application with the Office of the Attorney General (OAG) for "custody" of Justice. On January 15, 2015, the PCSP voluntary caregiver again contacted the investigator requesting childcare assistance, as her adult child would be returning to school and thus unable to provide childcare. It was reiterated that the case was set for closure and the placement was encouraged to contact CCMS. The PCSP voluntary caregiver explained that she was on a waiting list for CCMS and stated that she could not financially afford childcare and it was a possibility she would no longer be able to provide care for Justice. After being informed that Justice may have to be moved to a different family and/or brought into foster care, the PCSP voluntary caregiver worked with family members caring for Justice's siblings to find a way to pay for daycare to avoid Justice being moved or brought into foster care. The PCSP voluntary caregiver continued to care for Justice because of the promised assistance in childcare funding from family members.

OCS Assessment:

- A staffing on November 27, 2014 indicates that the supervisor advised for a base petition to be filed based on extensive drug history. This was not completed.
- During a conversation with the PCSP voluntary caregiver on November 28, 2014, she explained her work hours and stated that her adult child who resides in the home would provide care for Justice during those hours. There is no documentation that the investigator interviewed the adult child or other children in the home. A contracted kinship home study was completed after the PCSP was initiated and all home members were interviewed by the contractor. There were no significant concerns identified in the home study.
- Contacts with the parent, caregivers, and child during the PCSP were not conducted within required time frames of the policy effective at the time of the case. CPS Policy 2435.62. Contact Requirements for Parental Child Safety Placements required caseworkers to make face-to-face contacts with the parents, caregivers, and children a minimum of every 10 days while the case was in the investigation stage.
- The PCSP voluntary caregiver requested daycare assistance twice and was denied general protective daycare assistance as the investigation was identified for closure. However, there is conflicting information on whether or not the investigation was set for closure or if CPS was filing for temporary managing conservatorship of Justice as a contracted kinship home assessment had been completed. Irrespective of case closure or filing for custody, the PCSP voluntary caregiver was eligible for daycare assistance as it would have provided stability to the placement while addressing child safety. Upon case closure, general protective daycare services could have been switched over to

former CPS daycare services to continue providing support until Texas Workforce Commission's Child Care Management System would be able to help the caregiver.

On **January 26, 2015**, a report was received that Justice died from a reportedly intentional homicidal act where Justice was intentionally drowned. The PCSP voluntary caregiver's 14-year-old daughter was arrested in the death.

Overall Case Review Findings and Recommendations

Over the course of four and a half years, Child Protective Services conducted four investigations into allegations that Justice Hull or her siblings had been abused or neglected by their mother. Attempts by CPS to address the patterns of behaviors exhibited by the mother were not successful and CPS instead either sought or approved alternative placements of the children without legal intervention. While CPS was in the process of case closure after what was believed to be an appropriate placement for Justice, she died from a reportedly intentional homicidal act by another child in the home.

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:

- Requiring legal staffing when cases close when a child cannot safely return home and a Parental Child Safety Placement is in place. Current CPS Policy 2437.32. Child Cannot Safely Return to Parent does not mandate consultation with the appropriate legal department prior to closure of cases in which a child will remain in a Parental Child Safety Placement at case closure as the child cannot safely return to the parent who made the PCSP. It is recommended that CPS explore requiring a legal staffing be held prior to case closure in these instances.
- Cross training between CPS and the Office of Attorney General (OAG) regarding referrals to family members or fictive kin who desire to file for child support for a child. It is important to note the Office of Attorney General can help family and fictive kin file for child support but does not inherently terminate or transfer custodial rights at the child support hearing.
- Identifying the name and contact information of any individual who has previously cared for the child or are caring for siblings to the child while discussing the Parental Child Safety Placement with parents. Staff should explore with the parent if that person could be a current placement option for the child and contact that person, as appropriate, to inquire about placement options.
- Approving all daycare requests from Parental Child Safety Placements when funding is available and the use of general protective daycare will address the safety of the child as well as provide stability in the placement. Currently, general protective daycare funds may be used when staff assess that the use of daycare will address child safety and prevent the removal of the child from the placement. When daycare funds have been authorized during a stage of service, up to six months of ongoing daycare can be provided through the local Texas Workforce Commission office upon case closure.