

## LGFCU Excellence in Innovation Award Project Evaluation

<b>Project ID</b>	HS-6
<b>Title of Program</b>	Child Fatality Protocol
<b>Program Category</b>	Human Services
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<b>Implementation Date</b>	1/3/2016
<b>FLSA Designation</b>	Exempt
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### Description of Productivity Improvement

A lack of effective communication and collaboration among community agencies regarding child fatalities led New Hanover County Department of Social Services (DSS) to develop a written Child Fatality Protocol, with the assistance of law enforcement and the District Attorney (DA). Due to the DA's authority over all criminal matters, it was imperative that he support our fatality protocol.

The goal in the protocol's development was to bring justice to those who have inflicted harm upon a child and to bring protection to those whose lives could be in danger at the hands of someone already responsible for a child's death. After a year of planning, the protocol was implemented in 2012 and all involved agencies were provided training on how to best perform their specific roles. Additionally, our DSS agency developed an operational protocol detailing our specific role and responsibilities.

Child fatalities typically occur infrequently in New Hanover County; but over the last year, there have been multiple child fatalities necessitating our frequent utilization of the protocol. Due to these circumstances, we have been able to see how successful and vital this seamless collaboration is in the effective, timely response to all child deaths. The protocol has enhanced the successful criminal

prosecution of fatalities involving abuse and neglect. Additionally, it has assisted DSS in providing effective intervention with families to ensure the safety of surviving children. The DA recently cited the success of this protocol to the media following a tragic child death. He cited the collaboration and information provided by DSS personnel at the death scene as critical in the investigative response of law enforcement and the DA. We continue to review child deaths as a team and to assess and improve our processes.

Our three primary objectives in developing the Child Fatality Protocol were:

- To ensure a consistent, coordinated, and timely response to all child fatalities
- To ensure justice to those who have inflicted lethal harm upon a child
- To ensure protection to those whose lives could be in danger at the hands of someone already responsible for a child's death

The success in reaching these desired objectives required bringing all involved agencies together to both have a better understanding of each other's roles and to develop a shared best practice for investigating all child deaths. This New Hanover County protocol demonstrates that this is a community problem which requires a community solution.

#### **Description of why this project was initiated**

Prior to the New Hanover County Fatality Protocol, deaths of children were being investigated inconsistently and there was a lack of coordination between law enforcement, DSS, and the medical community. With the increase in child deaths, the goal of DSS was to ensure that these tragic deaths are neither invisible nor in vain. Too often there was a shared assumption that infant deaths, in particular, were a result of Sudden Infant Death Syndrome "SIDS" or natural causes. While that may be true in some cases, frequently there are additional significant contributing factors to consider. Also, assuring accurate data in regards to child fatalities is essential in identifying trends and developing appropriate preventive interventions.

The development of the New Hanover County Child Fatality Protocol took nearly a year of collaboration among DSS and the DA. During this time, numerous meetings and discussions involving law enforcement, the Medical Examiner, New Hanover Regional Medical Center, and Emergency Management Services (911) were held. Ensuring input by all involved parties was paramount in making the protocol a success. Our protocol is unique in the state of North Carolina in that it is the only one that mandates that the District Attorney and the Assistant Director of the Department of Social Services be notified immediately upon the death of all children.

Our protocol reads as follows:

"Although we do not like dealing with child fatalities, it is our responsibility as professionals to respond to all child fatalities in a consistent manner. It is our responsibility as professionals to bring justice to those who have inflicted lethal harm upon a child and to bring protection to those whose lives could be in danger at the hands of someone already responsible for a child's death. We each have an important role in answering one or more of the following key questions outlined below. Is there a suspicion of child abuse or neglect in this death? Is a criminal sentence or other consequence regarding the responsible caregiver(s) a reasonable and appropriate option? What sentence or other consequence best fits the situation? What else should be done?"

Our task is to develop a consistent response to all child fatalities as the common link in the wrongful death of a child. It can be difficult to determine what constitutes the best possible response case by case. Our goal is to achieve the right balance between considering unique circumstances in each case and ensuring a reasonable degree of uniformity.

In order to provide consistency when the death of a child is reported, the following protocol has been implemented. When a report is received by law enforcement and/or the medical community, a call should be made immediately to the District Attorney or his designee. I can be reached at work at 777-3934 or, after work, at 352-1015. It is also important that the Department of Social Services be contacted immediately in order to assess risk for other children in the home. You may notify the Department of Social Services by alerting 911. You may also call Wanda Marino at 798-3486 (work), 350-1988 (home) or 471-9001 (cell).

The District Attorney will always take the lead role in all child fatalities. Your strict adherence to this protocol is vital in protecting children and prosecuting those individuals involved in child maltreatment. If you have any questions, please contact Ben David or Mrs. Marino."□

In addition to the county Child Fatality Protocol, the New Hanover County Department of Social Services also developed a DSS Child Fatality Investigation protocol to ensure a consistent agency response to child deaths. Because DSS is state supervised and county administered, the following protocol ensures our ability to provide consistent and thorough fatality documentation to the state:

#### Initial Response

After the initial information is received, a brief staffing should be held with the assigned SW, the supervisor, program manager and assistant director. A determination on which law enforcement has jurisdiction will be made and the appropriate law enforcement agency should be contacted. The SW and Law Enforcement will coordinate initial contacts that will be made.

The District Attorney's Office should be notified as soon as the initial information is gathered to be advised of the situation. The family's past Child Protective Services history as well as any criminal history should be reviewed as soon as possible. The Department's main role in these cases is to assess the safety of the other children in the home. Until there is a determination that the child's death does not involve a crime, law enforcement should take the lead in interviews and family contacts. Once the initial information has been gathered by the assigned SW, a staffing should be held to determine whether the other children are safe and should remain in the home.

#### Autopsy

The department should communicate with law enforcement and/or the Medical Examiner's office concerning the initial autopsy results. This information should be obtained the day of the autopsy from the Detective who attended the autopsy.

#### Information Needed / Contacts

Information should be gathered from the following sources: law enforcement, first responders, hospital staff who treated the child, parents/other adults in the home, other children in the home, primary medical providers, 911 call history, EMS report, medical records (from the hospital related to the current incident, past ED visits and hospitalizations and primary doctor medical records), other family members who have knowledge of the family and neighbors and family friends if applicable. A visit to the home should be made with law enforcement to assess the overall condition of the home. A request should be made to the hospital staff to secure all of the child's belongings present when the child was brought to the ED. Law enforcement should collect this as evidence if appropriate. A request should also be made for a full skeletal of the child and any marks, bruises or injuries to the

child should be clearly documented by medical staff. The other children in the home should be interviewed to assess safety and determine if they have any information related to the child fatality. In most cases, the parents should be asked to submit to a drug screen.

**Quantifiable results (sustainability, cost savings, cost avoidance and/or a higher level of service).**

**Indication of what resources were used and what was done with any accrued time savings**

The only cost of the project was the time investment from our Assistant Director of Social Work Services who wrote the actual protocol with the assistance of the District Attorney. Ongoing training of DSS staff, law enforcement, and first responders is an additional investment of time by the Department of Social Services and the District Attorney.

Historically, there has been no accurate accounting of child deaths resulting from abuse or neglect in North Carolina. This lack of data is due largely to a systemic failure to thoroughly investigate circumstances surrounding child deaths. For example, a child drowning in a bath tub will likely be attributed as an accidental death. However, it is likely due to lack of parental supervision (neglect). In New Hanover County, we have seen a significant rise in child fatalities over the past two years, largely due to our community's opioid epidemic. In the seven-year period from 2007 thru 2014, we had 29 fatalities, an average of 4.15 per year. In the two-year period of 2015 and 2016, we had 22 fatalities, an average of 11 per year, which is a 165% increase. The 29 fatalities from 2007 to 2014 resulted in only two criminal charges and no convictions, primarily due to a lack of a coordinated and timely response to the deaths. Conversely, the 29 fatalities in the past two years have resulted in three criminal charges with convictions for abuse/neglect. We can reasonably conclude that our Child Fatality Protocol facilitated the successful criminal charges and convictions in these cases where children were killed at the hands of their caregivers.

Accurate identification of parental neglect and/or abuse in a child's death has enabled New Hanover County DSS to make safe plans for the surviving children in the home. These plans vary, but typically include placement of children outside of the home either with a relative or in foster care. We believe our multi-level response has saved many children's lives due to our commitment to utilizing our New Hanover County Child Fatality Protocol.

**Other descriptive information**

New Hanover County's Child Fatality Protocol was implemented in 2012 and all members of the team work closely to investigate every case, with clear paths of communication. From dispatchers and first responders to county agencies, the team works together every step of the way to investigate and determine what, if any, criminal charges can be filed.

New Hanover County's protocol is unique in the state of North Carolina in that it is the only one that mandates that the DA and the Assistant Director of DSS be notified immediately upon the death of all children. Our protocol works as a system and requires that law enforcement call these two individuals immediately, who then coordinate the investigation of the child's death together. The team involved in the protocol are available 24/7 to respond to any child fatality. They are dedicated to ensure the safety of our children and our community.

The protocol is important in developing consistent investigations into all child fatalities, regardless of the situation or the persons involved. By using the protocol, the case moves from just reporting to detailed investigating, and doing it in a standard and efficient way. Law enforcement are trained to: inventory everyone who comes and goes from the incident location, investigate the physical and environmental evidence of the child's location and interaction in the last 24 hours, document the discovered death location and surroundings, take detailed photographs of the entire incident location, interview all parties who had contact with the child in the last 24 hours, collect evidence "" including an inventory of prescription medication, and to search the residence and trash cans.

Because DSS is brought in from the beginning, law enforcement can easily get a full picture of the situation. DSS staff will know if the family has any previous DSS history and they are trained to recognize parental neglect and/or abuse. An accurate identification of abuse or neglect in a child's death enables DSS to make safe plans for the surviving children in the home.

In New Hanover County, opioid addicted infants and substance abuse parents are on the rise. It is necessary to have a plan in place so that each tragedy can be handled consistently and the first responders know and understand the protocol. We believe our multi-level response has saved many children's lives due to our commitment to utilizing our New Hanover County Child Fatality Protocol.