



**Department of Social and Health Services
Children's Administration
Child Fatality Review**

C.C.

March 2011

Date of Child's Birth

October 8, 2012

Date of Fatality

February 15, 2013

Date of Fatality Review

Committee Members:

Peggy Devoy, Indian Child Welfare Program Manager, Region 3 Children's Administration
Tom Stokes, Area Administrator, Region 3 Children's Administration
Dr. Frances Chalmers, Medical Consultant, Aging & Disability Services Administration
Cammy Hart-Anderson, Division Manager, Snohomish County Human Services Department
Detective Cori Shackleton, Police Detective, Marysville Police Department
Lori Vanderburg, Manager, Compass Health and Dawson Place Child Advocacy Center

Legal Consultants:

Sheila Huber, Senior Counsel, Office of the Attorney General
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Observer:

Sharon Gilbert, Deputy Director of Field Operations, Children's Administration
Thomas Shapley, Senior Director, Department of Social and Health Services Public Affairs
Chris Case, Assistant Director, Department of Social and Health Services Public Affairs
Diana Hefley, Reporter, The Herald Newspaper

Co-Facilitators:

Judge Tom Tremaine, Presiding Judge, Kalispel Tribal Court
Ronda Haun, Critical Incident Case Review Specialist, Children's Administration

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Executive Summary

On February 15, 2013, Children’s Administration (CA) convened a Child Fatality Review¹ (CFR) Committee to examine the practice and service delivery in the case involving a female Native American 18-month-old toddler named C.C. and her family. The incident initiating this review occurred on October 8, 2012 when C.C. was discovered not breathing and unresponsive in a vehicle parked on tribal land. Resuscitation attempts were unsuccessful, and she was pronounced dead at a local hospital. The Snohomish County Medical Examiner later determined C.C. died from parental neglect by her mother, Christina Carlson.²

The Child Fatality Review Committee included CA staff and community members selected from diverse disciplines with expertise relevant to the dynamics of this case, including child welfare, law enforcement, substance abuse, mental health, pediatric medicine, and the Indian Child Welfare Act. The Tulalip Tribes of Washington, of which J.C. was eligible for membership, was notified of the review and invited to identify a tribal representative to participate in the review. In response to the invitation, Tulalip Tribes prepared a written statement for the committee explaining Tulalip tribal laws have no provisions for sharing any child welfare information and thereby prohibited tribal participation in the review. The invited representative from the Office of the Family and Children’s Ombudsman was unable to attend. Legal consultants from the Office of the Attorney General participated in the review by providing a summary of Washington state laws pertaining to child abuse and neglect and the state³ and federal⁴ Indian Child Welfare Acts. They also answered the committee’s legal questions generated during the review. Neither CA staff nor committee members had previous direct involvement with the case.

Prior to the review, each committee member received a case chronology of known information regarding the parents and child, and un-redacted CA case-related documents. Additional documents were made available to the committee at the time of the review. These included a medical summary, the memorandum of understanding

¹ Given its limited purpose, a Child -Fatality Review (CFR) should not be construed to be a final or comprehensive review of all of the circumstances surrounding the death of a child. The CFR Committee’s review is generally limited to documents in the possession of or obtained by DSHS or its contracted service providers. The committee has no subpoena power or authority to compel attendance and generally only hears from DSHS employees and service providers. It does not hear the points of view of the child’s parents and relatives, or of other individuals associated with the deceased child’s life or death. A Child Fatality Review is not intended to be a fact-finding or forensic inquiry or to replace or supersede investigations by courts, law enforcement agencies, medical examiners or other entities with legal responsibility to investigate or review some or all of the circumstances of a child’s death. Nor is it the function or purpose of a Child Fatality Review to recommend personnel action against DSHS employees or other individuals.

² Christina D. Carlson is named in this report because she was charged with committing a crime related to this report of neglect investigated by Children’s Administration.[Source- Unites States Attorney’s Office and Revised Code of Washington 74.13.500(1)(a)].

³ The legislature finds that the state is committed to protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children that is inconsistent with the rights of the parents, the health, safety, or welfare of the children, or the interests of their tribe. [Source- Revised Code of Washington 13.38.030.]

⁴ The federal Indian Child Welfare Act (ICWA) of 1978 (25 U.S.C. 1901 et seq.) was the first federal legislation enacted to protect Indian children and families. This landmark law defines the rights of Tribes to assume jurisdiction over children who are members or eligible to be members in a Tribe.[Source-CA Indian Child Welfare manual]

between the Tulalip Tribes and Children's Administration, copies of media coverage of the incident, and relevant CA policies and practice guides.

During the course of the review, the CFR Committee members interviewed the Child Protective Services supervisors and the social worker involved with the case. Following review of the case file documents, interviews, and discussion regarding social work activities and decisions, the review committee made findings and recommendations, which are detailed at the end of this report.

Case Overview

Since 1995, Children's Administration (CA) has been intermittently involved with Ms. Carlson. Children's Administration, in collaboration with Tulalip Tribes, investigated a number of reports alleging Ms. Carlson was neglectful of C.C.'s older siblings. Shortly before C.C.'s birth in March of 2011, Children's Administration received a report indicating Ms. Carlson was abusing pain medication while pregnant. The resulting Child Protective Services intake⁵ was screened out for further investigation because the alleged victim was an unborn child.

On December 2, 2011, when C.C. was nine months old, Child Protective Services received a report alleging C.C. was being neglected by her mother. The allegations included lack of supervision, inadequate nutrition, and untreated medical needs. The report generated a non-emergent⁶ intake and was assigned for investigation by Child Protective Services. Prior to initiating the investigation, in accordance with the "Memorandum of Understanding Between the Tulalip Tribes of Washington and DSHS Children's Administration for Sharing Responsibility in Delivering Child Welfare Services to Children of the Tulalip Tribes,"⁷ the Child Protective Services social worker assigned to investigate the reported concerns contacted a social worker from bedahel, the Tulalip Tribes family services agency.

Between December 2, 2011 and December 6, 2011, the CA social worker documented several unsuccessful attempts to locate C.C. on tribal land. Under state and federal law, CA social workers have no authority to independently investigate allegations of abuse and neglect on tribal land and do so only under the auspices of an agreement which provides permission from the tribe. At each attempt, the CA social worker was accompanied by the tribal social worker. On December 8, 2011, the CA social worker contacted the tribal social worker and requested permission to independently search for the family on tribal land. The request was not granted but the tribal social worker

⁵ An "intake" is a report received by Children's Administration in which a person or persons has reasonable cause to believe a child (person under the age of 18 years of age) has been abused or neglected. [Source: Revised code of Washington 26.44.030]

⁶ Intake social workers determine program response type and response times (emergent or non-emergent) for an investigation. CA intakes fall into three categories: CPS – Involves a child who is allegedly abused, neglected, or abandoned and includes child abuse allegations. CPS Risk Only – Involves a child whose circumstances places him or her at imminent risk of serious harm but does not include child abuse allegations. Non-CPS – Involves a request for services for a family or child

⁷ The Indian Child Welfare Act (ICWA), 25 U.S.C. 1901, et. seq., authorizes the state of Washington to enter into agreements concerning the care and custody of Indian children and jurisdiction over child custody proceedings involving Indian children. [Source: Children's Administration Indian child Welfare manual.]. A copy of the agreement between Tulalip Tribes and Children's Administration is available at www.dshs.wa.gov/pdf/ca/tulalipAgreement.pdf

agreed to meet with the CA social worker within a few days to try again to locate the family.

Meanwhile, the CA social worker contacted one of Ms. Carlson's relatives and learned Ms. Carlson might be intentionally avoiding contact with both the tribal and CA social workers. Contact was eventually made on December 14, 2011 when both social workers met with C.C. and her parents in their home. During the home visit, the CA social worker did not observe any safety or neglect concerns regarding C.C. Specifically, she was clean, dressed appropriately, appeared well-nourished and had no signs of injury or bruising. There were no observable safety hazards in the home. The social workers confirmed there was an ample supply of food in the home. Regardless of no observable signs of child abuse or neglect, the parents indicated an interest in the case services available from their tribe and agreed to engage in the services offered by the tribal social worker.

For the next several months, the CA social worker and tribal social worker communicated by email and during case staffings about the family's progress toward engaging in tribal services. Together the social workers attempted to conduct home visits in May, June and July of 2012 but were repeatedly unsuccessful in locating the family.

In August, the CA social worker documented her attempts to reestablish contact with the family by leaving phone messages with relatives, checking various state databases, and an on-line jail registry. On September 19, 2012, the CA social worker and supervisor decided to close the investigation because the family still could not be located, and the investigation had extended far beyond the standard investigative timeframe.

On October 8, 2012, the Child Protective Services supervisor finalized the closure of the investigation. A few hours later, Children's Administration was notified by the Snohomish County Medical Examiner that C.C. was deceased after being found in a parked car on tribal land. C.C. had been unattended in the car for long periods of time. This report generated a new Child Protective Services investigation.

A subsequent medical examination revealed C.C., at the time of her death, was severely malnourished, and her body was covered with feces, urine, lice, bedbugs and a bleeding rash. On November 6, 2012, the Snohomish County Medical Examiner determined C.C.'s death was a result of neglect and her manner of death was homicide.

The Child Protective Services investigation regarding CC's death was completed on December 6, 2012 resulted in a founded allegation of child maltreatment.⁸

On January 13, 2013, Ms. Carlson was charged in United States District Court with second-degree murder and two counts of criminal maltreatment.⁹

⁸ Findings are based on a preponderance of the evidence. Child Abuse or Neglect is defined in RCW 26.44, WAC 388-15-009, and WAC 388-15-011. Findings are determined when the investigation is complete. Founded means the determination that, following an investigation by CPS, based on available information: it is more likely than not that child abuse or neglect did occur.

Committee Discussion

The discussion began by reading a statement from a legal representative of the Tulalip Tribes explaining why Tulalip Tribes was unable to participate in the review. The letter also provided cultural suggestions for consideration by the committee. In honor of the traditions of the Tulalip Tribes and those involved in this incident, a moment of silence was observed by the committee. While the committee believed it would have been beneficial to have tribal participation during the review, the committee respects the decision of the Tulalip Tribes and its tribal laws and policies and appreciated Tulalip Tribes for providing the written statement.

The committee then engaged in a discussion of case activities and case planning provided to this family. The discussion focused on the Indian Child Welfare Act, coordination with tribal social workers to provide Child Protective Services to Native American children living on tribal land, timeframes for Child Protective Services investigations,¹⁰ protocols for locating families, recent changes in the executive order pertaining to Child Protection Teams¹¹ and the impact of staff changes.

The committee learned about state and federal laws and state policies relevant to child welfare services for Native American children. The committee explored how CA social workers notify tribes of new investigations involving Native American children, how CA social workers must request tribal permission to access children and parents living on tribal land, information sharing between CA and tribal social workers and how tribes and CA have distinct child welfare laws, policies and timeframes. The committee discussed the current “Memorandum of Understanding between the Tulalip Tribes of Washington and DSHS Children’s Administration for Sharing Responsibility in Delivering Child Welfare Services to Children of the Tulalip Tribes” and questioned if the memorandum provides adequate guidance to social workers and supervisors from CA and Tulalip Tribes. The committee noted the importance for CA to build and maintain positive working relationships with tribes and how frequent staff changes make it more difficult to maintain those relationships.

The committee noted this case remained open beyond the timeframes required by policy to complete a Child Protective Services investigation in order to attempt to engage the parents in voluntary services. From information obtained from the involved social worker and supervisors, it is the understanding of the committee that the decision

⁹ Source: www.justice.gov/usao/waw/press/2013/Jan/carlson.html

¹⁰ The social worker shall complete an investigative risk assessment on all investigations of child abuse and neglect upon completion of the investigation within 45 calendar days of Children’s Administration receiving the intake [CA Practices and Procedure Guide 2520] For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.[Source; Revised Code of Washington 26.44.030]

¹¹ Child Protection Teams provide confidential, multi-disciplinary consultation and recommendations to the Department on cases where there will not be a Family Team Decision meeting and there is a risk of serious or imminent harm to a young child and when there is dispute if an out-of-home placement is appropriate. Source: Children’s Administration Practice and Procedures Guide 1740.]

to keep the case open beyond the standard timeframe for an investigation was based on concerns about the family history of child neglect.

The committee discussed the appropriateness of the investigation timeframes and suggested some flexibility to extend the timeframes is necessary when there are extenuating case circumstances. In addition to the requests from law enforcement or prosecuting attorneys for timeframe extensions allowed by the Revised Code of Washington and CA policy, the committee supports extending the timeframes when a family cannot be located. The committee noted extending the timeframes for completing CPS investigations might result in larger caseloads and present a workload challenge to CA.

The committee reviewed the current and proposed revision of the CA guidelines for reasonable efforts to locate children and parents. The committee endorsed the revisions. The committee acknowledged the Children's Administration social worker tried a variety of methods to locate this family but questioned why several months passed in which there were no documented efforts to locate the family.

Effective July 25, 2012, the Executive Order for Child Protection Teams¹² was amended by then Governor Gregoire. The committee discussed if the amendments were relevant to this case, why this case was not staffed by a local Child Protection Team (CPT) and the role tribes have in determining when a CPT staffing occurs for a child for whom the tribe has an interest.

The committee explored workload for Child Protective Services social workers, the specialized skills and knowledge required for CA staff assigned to cases involving Native American children and their families, and the importance of retaining an experienced child welfare workforce by both tribes and CA.

Findings

1. After reviewing the current "Memorandum of Understanding Between the Tulalip Tribes of Washington and DSHS Children's Administration for Sharing Responsibility in Delivering Child Welfare Services to Children of the Tulalip Tribes" the committee believes the agreement does not clearly establish the roles and responsibilities of tribal social workers and CA social workers working together to provide child welfare services to the children and families of Tulalip Tribes.
2. The committee supports the decision of the CA social worker to maintain an open Child Protective Services case beyond the time frames established by the department and recognized that the decision was prompted by the social worker and supervisor's desires to engage the parents in voluntary services. However, the committee expressed concern about the lack of documented attempts to locate the family between December 14, 2011 and mid-May, 2012.

¹² A copy of Executive Order 12-04 can be found at governor.wa.gov/office/execorders/eoarchive/eo_12-04.pdf

3. Although CA policy requires active cases to be reviewed monthly by a supervisor,¹³ the committee found no documentation that a supervisory review occurred between May 7, 2012 and October 8, 2012. The committee questions if the lack of supervisory reviews was a consequence of a change in supervisors that occurred in June of 2012.
4. The committee recognizes the impact of this case on all involved CA and tribal staff and expressed appreciation for their work.

Recommendations

1. The current “Memorandum of Understanding Between the Tulalip Tribes of Washington and DSHS Children’s Administration for Sharing Responsibility in Delivering Child Welfare Services to Children of the Tulalip Tribes” should be revised to increase the specificity of the roles and responsibilities of tribal and Children’s Administration social workers.
2. The hiring and retention of Child Protective Services social workers and supervisors should be a top priority of Children’s Administration.
3. When a change in supervisory coverage for a work unit of Indian Child Welfare social workers occurs, the cases assigned to that unit should be jointly staffed by the previous and new supervisors. The committee believes this approach would highlight for the new supervisor which cases are particularly complex or involve children at greater risk of maltreatment.

Nondiscrimination Policy

The Department of Social and Health Services does not discriminate and provides equal access to its programs and services for all persons without regard to race, color, gender, religion, creed, marital status, national origin, sexual orientation, age, veteran’s status or the presence of any physical, sensory or mental disability.

¹³ Social work supervisors must conduct monthly supervisor case reviews with each assigned social worker and document each case reviewed in the client electronic case file.[Source: Children’s Administration Practice and Procedures Guide 46100.]