

January 6, 2015

To:

On New Year's Eve in the Emergency Department, I was the physician caring for a child who had suffered extensive physical abuse; his injuries met statute definition of Substantial Child Endangerment. Having just served as a member of the Governor's Task Force on Child Protection, I was hopeful that the recommendations that we had put forth, many of which were signed into law, would work to protect this child going forward. Sadly, I was very disappointed. Here is a "Report Card" of the care this child received in Hennepin County. The child and temporary guardian did not receive the protection and support they deserved, leaving them in a very dangerous situation.

(Caveat: Due to patient confidentiality, I cannot release any detailed information that might identify the child.)

Below are standards of practice, followed by what happened with this child.

1. Timing of Screening

A. Standard:

"The local welfare agency shall determine if the report is to be screened in or out as soon as possible but in no event longer than 24 hours after the report is received." (Minnesota Statute 626.556 Subd 7.b)

"All child maltreatment reports must be screened as soon as possible, but no later than 24 hours of receipt. This includes reports that are received after normal business hours." (Minnesota Child Maltreatment Intake, Screening, and Response Path Guidelines, pg 22)

B. This child: We made a report from the hospital on New Year's Eve, Thursday evening. The intake worker told us that Child Protection would address it Monday morning, because they were closed for the holiday weekend.

I called the next day to ask whether it would be screened, and they again said that the situation would need to be addressed on Monday.

2. Timing of contact with child

A. Standard: “ Upon receipt of a report, the local welfare agency shall conduct a face-to-face contact with the child reported to be maltreated and with the child's primary caregiver sufficient to complete a safety assessment and ensure the immediate safety of the child. The face-to-face contact with the child and primary caregiver shall occur IMMEDIATELY if sexual abuse or substantial child endangerment is alleged .” (Minnesota statute 626.556 Subd 10 j.)

B. This child: His case was not addressed, and he was not seen by a worker until Monday, 4 days later.

3. Availability of child protection worker

A. Standard. “The local agency shall ensure that child protective services are available on a 24 hour basis to respond to reports alleging imminent danger. “ (Screening guidelines pg 22)

B. This child: A contracted Catholic Charities intake worker took a report, but takes no action or provides any resources. I called the next day and asked to talk with a worker on call, and was told that they could not page one as the situation did not meet “criteria”. I called again later and asked/ demanded to talk with a worker on call and received a call back, but the worker told me “they do not have enough staff” to deal with this situation on non-business hours.

I was told that, after daily business hours and until 10 pm., Hennepin County has only contracted Catholic Charities workers to take reports; they essentially take information and refer the report to Child Protection the next business day.

From 10 pm to 8 am, I was told that Hennepin County has no Child Protection workers or intake workers. All calls are referred to law enforcement.

4. Intake workers

A. Recommendation of task force: “Require the professional receiving and taking the report of child maltreatment to be a child welfare professional with a minimum of a bachelor’s degree and someone who has completed training specific to child maltreatment intake.” (Task Force Recommendations Number 6.)

B. This child: When I called the next day, the intake worker identified herself as a contract worker from Catholic Charities, who is currently a social work student.

5. Referencing previous child protection reports.

A . Standard: “ When determining whether a report will be screened in or out, the agency receiving the report must consider, when relevant, all previous history, including reports that were screened out. “ (Minnesota Statute 626.556 Subd 7b)

B. This child: The Catholic Charity intake workers told me that they have no access to SSIS or any access to any information on prior reports of a child. So, in this case, there were 4 calls to Child Protection about this child on this holiday weekend, and they had no knowledge of the other calls. Granted, they were not doing the screening, but screening should have been done within this time period, and the information about previous reports known at time of the call.

6. Providing information to mandated reporters

A . Standard: “ A local social services or child protection agency, or the agency responsible for assessing or investigating the report of maltreatment, shall provide relevant private data on individuals obtained under this section to a mandated reporter who made the report...” (Minnesota Statute 626.556 subd 10 J)

B. This child: When I called to Child Protection about this child, the worker told me she could not talk with me about the child because I had not called in the report. I was the physician caring for the child, but our protocol is to have our social worker make the actual call as much of the call is giving information such as names, phone numbers, etc. and I need to be using that time caring for other patients. So even though I was the provider of the child’s care, the worker would not talk with me. I got around this by calling in another report myself, which was redundant.

7. Minneapolis Police Department:

A. A hold should be placed on a child who is imminent danger. Police should communicate with Child Protection. Police should arrest known perpetrator in a timely manner if possible. Police should be sensitive to child’s situation.

B. This child: Minneapolis Police came out and took a report in the Emergency Department. They did not place a hold, but said child could go home with temporary guardian/family member. Police officer said he would tell parent that child was with that person, and would instruct parent not to interfere as it would cause more problems for them in the ensuing process.

When I asked the police about apprehending the perpetrator, he said that they would start an investigation, but “ It is a 4 day holiday weekend” so might be delayed.

According to guardian/family member, police officer told child and family member in the ED that child would probably be going back to primary caregivers eventually, after they have had

some education in disciplining children as “they like to keep the family together.” Both were very disturbed to hear that at this juncture due to significant acute injuries, and history of prior alleged abuse.

The parent/secondary perpetrator, with the perpetrator on two of the occasions, appeared 4 times over the next 4 days, at the temporary guardian’s home.

The day after the ED visit, the primary and secondary perpetrators appeared at the family member’s home. The primary perpetrator, was noted to have prior warrants, and was arrested and jailed, temporarily, for those, but was not charged for this incident. When I found out about this 3 days after the event, and asked why he had not been charged, I was told they could not do so now because it was “beyond 48 hours.”

Two days after the ED visit, parent/secondary perpetrator showed up with police over weekend with alleged report to police that family member had “kidnapped child” and they were there to take child back. Police left after reviewing family member’s copy of police and ED reports. Why would police not have a record of the charge, and why would they be going to family member’s home with alleged secondary perpetrator?

Four days after the ED visit, the primary perpetrator was released from jail and family member received a call that that perpetrator and secondary perpetrator were coming to the home to get child. I called police. When I asked the Sargent why a hold had not been placed despite 3 involvements of police in 4 days, he said he did not know, but seemed like it should have been.

8. Court system

A. I believe, the court system should be referencing police and child protection reports.

B. Three days after the ED visit, the family member was served a restraining order requested by the parent/secondary perpetrator. How does the court not know that they are granting this to someone who has an open child abuse report against the person who is currently caring for the child? Family member was terrified that police would show up and take child.

Bottom line: For 4 days, this child and family member had no support from Child Protection. During that time the perpetrator and secondary perpetrator/parent came to the home multiple times to try to get the child. The police also came under the initial premise of removing the child. The family member had no resources or support and did not know what to do.

The family member said to me, "They can't have this "gap" for 4 days before they do something." Another family member in another state couldn't believe the delay and also called Child Protection the day after the ED visit.

The family member also asked, "Why am I like the criminal " running from the perpetrators , and from the police, afraid that they too, might remove the child.

We have to bring our systems in accordance with current statutes and recommendations. Children deserve to be protected, no matter what holiday, day of the week, or time of day.