

CHILD FATALITY REVIEW



Washington State Department of
CHILDREN, YOUTH & FAMILIES



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Nondiscrimination Policy

The Department of Children, Youth, and Families (DCYF) 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.

Full Report

Child

- E.C.

Date of Child's Birth

- RCW 74.13.515 2013

Date of Fatality

- October 2020

Child Fatality Review Date

- April 12, 2022

Committee Members

- Rosa Hernandez, MSW, Pasco School District, Migrant Student Specialist
- Michelle Hedges, MSW, Department of Children Youth and Families, Supervisor
- Patrick Dowd, JD, Office of the Family and Children's Ombuds; Director
- Julie Melby, Stevens County Sheriff's Office, Chief

Facilitator

- Cheryl Hotchkiss, Department of Children, Youth, and Families, Critical Incident Review Specialist

Executive Summary

On April 12, 2022, the Department of Children, Youth, and Families (DCYF)¹ convened a Child Fatality Review (CFR)² to examine DCYF's practice and service delivery to E.C. and [REDACTED] family.³

In March 2021, DCYF learned that in November 2020, Mexican authorities found E.C.'s nine-year-old and toddler sisters in [REDACTED] Mexico. E.C. was not found. [REDACTED] siblings were suffering from signs of [REDACTED] abuse and torture. E.C.'s siblings were transferred to Washington State custody. E.C.'s siblings disclosed that while in Washington State, they were tortured by their father and stepmother. Upon their return from Mexico, the siblings also disclosed that their father and stepmother [REDACTED] physically [REDACTED] abused them. According to the siblings, during previous DCYF interventions, the father and stepmother forced the children to make false allegations about their mother and paternal grandmother by threatening the siblings with harm if they failed to make such allegations. These false allegations were also made to the Mexican authorities. The siblings also told DCYF and law enforcement they witnessed their father and stepmother waterboard E.C. until [REDACTED] was unresponsive. According to E.C.'s siblings, this occurred at the family home in Washington State. DCYF opened an investigation.

One sibling disclosed torture that included burning, scalding, and waterboarding. This sibling observed the stepmother and father tying E.C. up and placing [REDACTED] in the shower with a mask on [REDACTED] face, turning the water on, and pointing it at E.C. A short time later, the sibling observed that E.C. stopped breathing. [REDACTED] parents then removed [REDACTED] from the shower. The sibling reported never seeing E.C. again and that she and her younger sister were immediately taken to [REDACTED] Mexico. Once they were in Mexico, they were abandoned by their stepmother.

Working with law enforcement, DCYF could not locate E.C. Based on the siblings' statements, E.C. was presumed dead. According to local law enforcement, during a visit to the family home on Sept. 20, 2020, E.C. was seen at the home via law enforcement body cam footage. It was determined that in November 2020, the stepmother and E.C.'s siblings checked into a [REDACTED] hotel. In February 2022, E.C.'s remains were found by hikers on a Washington State trail. The assigned forensic anthropologist estimated E.C.'s date of death to be Oct. 31, 2020. Washington State law enforcement has issued a national warrant for the arrest of E.C.'s father and stepmother.

The CFR Committee (Committee) includes members with relevant expertise selected from diverse disciplines within the community. Committee members did not have any involvement or contact with E.C. or [REDACTED] family. The Committee received a case chronology and other relevant documents including, but not limited to, intakes, case notes, law enforcement reports, and other documents maintained in DCYF's electronic computer

¹ Effective July 1, 2018, the Department of Children, Youth, and Families (DCYF) replaced the Department of Social and Health Services (DSHS) Children's Administration (CA) as the state agency responsible for child welfare; and the Department of Early Learning for childcare and early learning programs. For purposes of this report, any reference to "DCYF" or "department" and events that occurred before July 1, 2018, shall be considered a reference to DSHS.

² "A child fatality or near-fatality review completed pursuant to [RCW 74.13.640] is subject to discovery in a civil or administrative proceeding, but may not be admitted into evidence or otherwise used in a civil or administrative proceeding except pursuant to [RCW 74.13.640(4)]." RCW 74.13.640(4)(a). 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 the Agency or its contracted service providers.

The Committee has no subpoena power or authority to compel attendance and generally hears only from Agency employees and service providers. It does not hear the points of view of the child's parents and relatives, or other individuals associated with the child. A CFR is not intended to be a fact-finding or forensic inquiry or to replace or supersede investigations by courts, law enforcement agencies, or other entities with legal responsibility to investigate or review some or all the circumstances of a child's fatal injury. Nor is it the function or purpose of a CFR to recommend personnel action against Agency employees or other individuals.

³ E.C.'s name is not used because [REDACTED] name is subject to privacy laws. See RCW 74.13.500.

system. The Committee interviewed a Child Protective Services (CPS) supervisor assigned to the 2020 interventions. The CPS investigative caseworker was not interviewed because the investigator no longer works for DCYF.

Case Overview

E.C.'s mother and father have prior department history involving E.C.'s older siblings. Between 2012 and 2018, E.C.'s older siblings and parents received Family Reconciliation Services **RCW 13.50.100**. The discussion below is primarily limited to E.C. and the sisters **RCW 7** had in common with **RCW 7** birth parents.

With regard to the stepmother's five children, E.C.'s stepmother and her previous partner had five screened-out reports between October 2018 and December 2019. The concerns included, but were not limited to, a child suffering from physical and medical issues, involvement with the Mexican drug cartel, threats of violence, school issues resulting in hostile and violent behavior by the stepmother while at the school, and concerns for unknown trauma to one of the children. On Dec. 4, 2019, DCYF received a report that E.C.'s father was in a relationship with E.C.'s stepmother with an infant son in common.

On May 12, 2020, DCYF received a report concerning E.C. and **RCW 7** two sisters. Because the children's mother was deported in 2018, the children had been residing with their father and paternal grandmother. However, when the father entered a relationship with the stepmother, he moved out, leaving the children with the grandmother until he later removed them from her home. The father went to the grandmother's home and forced the children to permanently leave with **RCW 74.13**. E.C.'s nine-year-old sister later sent the grandmother a message asking for help and reporting they did not want to reside with their father. The sister asked the grandmother to remove them from their father's home. It was also reported that the father was hallucinating and talking about fighting with the devil. According to the report, the father also accused the children's biological mother **RCW 13.50.100**. During a police interview, **RCW 13.50.100**. The report screened out⁴ for DCYF intervention.

On May 22, 2020, DCYF received a report that in March 2020, the mother and paternal grandmother made cuts and scratched symbols on the children. On May 23, 2020, after-hours caseworkers unsuccessfully attempted initial contacts with the mother and grandmother at two different residences. The after-hours workers also unsuccessfully attempted contact by calling six different contact numbers.

On May 26, 2020, the assigned caseworker contacted the person who made the May 22, 2020, report. This person said the father told him the children disclosed an incident that occurred at the grandmother's home that sounded like a satanic ritual that involved the children being forced into a circle and the cutting of upside-down crosses and triangles into their skin. The person who reported this did not observe the marks or any photos of the marks. The father also told the person that E.C.'s nine-year-old sibling said she was seeing things in mirrors, hearing voices, and seeing things moving around her. The person said he would work with the family as it related to the child's mental health, and he would look for alternate explanations for the things the child had reported. The person who reported this incident said E.C.'s sister should be medically evaluated. The person did not report concerns about the father's mental health or with substance use and did not observe any erratic or unorganized behavior. DCYF opened the case for a CPS investigation.

⁴ For information about "screened out" reports, see: <https://www.dcyf.wa.gov/practices-and-procedures/2200-intake-process-and-response>.

Also, on May 26, the assigned caseworker contacted the paternal grandmother and discussed the May 12 screened-out report and the May 22 allegations. The grandmother said she was worried for her grandchildren's safety while they were in the care of the father and stepmother. The grandmother stated the last time she saw the children in person had been two months prior. At that time, she only saw E.C.'s sisters. The grandmother said the children were previously living with her. However, the father had day visits with the understanding that he would return the children back to the grandmother's home. The grandmother said they were doing this because the grandmother had a stable living environment and was able to get them to school.

The grandmother stated that on the day she last saw the children, the father picked them up for a visit and later called her and said she would never see the children again. The grandmother said the father told her he had been struggling with the devil. The grandmother stated the father had mental health issues and had recently arrived at her home demanding the grandmother give him the guns that he had previously left at the residence. The grandmother also reported that one year earlier, the father had an exorcism because he had been seeing things that were not there. The grandmother said this occurred after the stepmother had an exorcism due to demonic possession. The grandmother said she had received messages from E.C.'s nine-year-old sibling stating she did not feel safe and asked the grandmother to come to pick her up.

The grandmother believes the father and stepmother are coaching the children to say bad things about her. The grandmother said the father recently called her and alleged the children **RCW 13.50.100** while at the grandmother's house. The grandmother said the mother was deported to Mexico in 2017, is not allowed to come back to the United States, and has not been around the children since 2017. The grandmother denied participating in satanic rituals and said she is **RCW 42.56.235**. She reported that she would never do those things because it would invite the devil into your home. The grandmother said that during the short time the father and stepmother lived with her, the stepmother reported that her father **RCW 13.50.100**. The stepmother recalled **RCW 13.50.100**. The grandmother said the children talked a lot about this story. The grandmother said she has never threatened the children, never heard someone else threaten them, or heard anyone tell the children they would be sold or harmed. Later that afternoon, the assigned caseworker and local police department attempted to contact the parents and children at the residence with regard to the May 22 intake. They were unsuccessful despite hearing children laughing and running inside the home.

On May 27, 2020, the assigned caseworker went to the home alone and contacted the family. The stepmother offered to provide translation for the father, who did not speak English. The assigned caseworker spoke to E.C.'s nine-year-old sibling, who made statements indicating possible **RCW 13.50.100** by the paternal grandmother and mother. However, she could not recall details. E.C.'s sibling disclosed being cut. The caseworker observed no marks except for two small marks on the child's chest. E.C.'s sibling could not recall the last time she saw her mother. E.C.'s sibling told the caseworker there was more to tell her, but "I am worried you will think I am crazy." E.C.'s sibling stated she was tired of her father and grandmother fighting and that her father would not say sorry to her grandmother. She stated she did send a message to her grandmother asking to be picked up because she was scared. She also said her father does not want her to tell the truth about her mother and grandmother and that she will get into trouble if she tells the truth. The caseworker later spoke with the stepmother and father, who tried to show markings on the siblings' legs that were not observed as visible. The parents also stated they do not contact the mother or have her contact information.

On May 28, 2020, the caseworker attempted telephonic contact with the mother using the Spanish interpreter language link. Voicemails in Spanish and English were left requesting a return call. On May 29, the caseworker spoke with a school teacher who reported the grandmother to be very responsive and attended parent-teacher conferences. In comparison, the teacher reported the stepmother would tell the school staff the children didn't reside at her home when they would attempt home visitations. The teacher reported never seeing any cuts on E.C.'s sibling and noted she did not have concerns for her mental health and never expressed concerns while at her grandmother's home. The caseworker unsuccessfully searched for the mother by way of information from a social media website and DCYF's online resources.

On May 29, 2020, the assigned caseworker and a DCYF coworker who is a certified Spanish translator privately spoke with E.C. and [REDACTED] two-year-old sibling at the family home. E.C. stated that [REDACTED] father is really good to [REDACTED] treats [REDACTED] well, and doesn't give [REDACTED] junk food. [REDACTED] stated that [REDACTED] stepmother is really nice, and she likes to cook and take them on walks outside. E.C. stated [REDACTED] felt safe because [REDACTED] didn't get hit and got plenty to eat. The assigned caseworker talked to E.C. about different meanings of safety, and E.C. maintained that [REDACTED] feels safe but not at [REDACTED] grandmother's home. [REDACTED] stated that [REDACTED] grandmother used to mistreat them, and she would hit them and yell at them. [REDACTED] stated [REDACTED] grandmother would make things up about [REDACTED] stepmother and that she wanted to sell [REDACTED] nine-year-old sibling. E.C.'s two-year-old sibling said she lived with her mom and dad, who are nice and cook for her. She stated she didn't get into trouble. The assigned caseworker then spoke with the stepmother and father. The stepmother denied participating in exorcisms, "fighting with the devil," or having weapons in the home. The caseworker observed the home and did not observe any obvious hazards. The caseworker asked about the parents' discipline techniques. The stepmother stated that the children get sent to timeout or have toys taken away. The stepmother denied using physical discipline. The father and stepmother both denied having any evidence that the children's mother was in the United States.

On June 23, 2020, a supervisory case note was entered stating the family was working with [REDACTED] services. The supervisor added that the caseworker would request medical records, complete case notes, and work toward case closure. On July 17, 2020, the caseworker searched DCYF's databases and noted that in September 2018, the [REDACTED] RCW 13.50.100 closed the mother's services because the father called and reported the mother had been deported. The caseworker attempted telephonic contact with the mother and left a message requesting a return call. The caseworker reviewed the medical records for E.C.'s siblings, who were last seen on Feb. 25, 2020, and May 23, 2020. No concerns for bruising or cuts were noted in the report.

The caseworker's records document that the caseworker requested law enforcement records, found a telephone number, and attempted contact at the grandmother's home. The records indicate the mother was residing in [REDACTED] RCW 74.13.515. The caseworker noted that a Nov. 19, 2018, law enforcement report was made by the stepmother, who alleged she found someone in a bedroom in the home. Law enforcement noted the stepmother's story and the alleged crime scene were suspicious because nothing was missing, and all the valuables were left in the home. Later, law enforcement learned the father and stepmother had an argument, and the stepmother fabricated the burglary scene. Law enforcement also learned that she had made similar allegations in the past. The father reported to law enforcement that the stepmother would go to great lengths to guilt and manipulate him into being with her. Law enforcement reported no indication that the father was lying.

On July 29, 2020, the assigned caseworker went to the family home to contact the children and family. The caseworker spoke privately with E.C., who stated things had been going "ok." E.C. said the paternal

grandmother was causing problems, but other than that, things were going well. E.C. believed [REDACTED] father and stepmother did well at meeting [REDACTED] and [REDACTED] siblings' needs. E.C.'s nine-year-old sibling stated things had been going "really well." She said there was less stress because she had not been speaking with her mother or grandmother. She states that she went to counseling at the church and is disciplined with timeouts. She reported sleeping better and having enough food in the home. She reported that lately, she had not heard scary things and that she felt safe at home. The caseworker spoke to the stepmother before leaving, who reported the mother recently emailed her and indicated that E.C. and [REDACTED] nine-year-old and toddler sisters were not the father's children. The caseworker provided community resources for paternity services.

Also, the caseworker attempted telephone contact with the paternal aunt and grandmother on July 29, 2020. Both numbers were out of service. With a Spanish-speaking coworker, the caseworker went back to the family home to speak with the father. The father denied mental health needs for himself and reported [REDACTED] was accessing counseling services for [REDACTED] nine-year-old daughter through the church. The father said he considered seeking paternity testing with regard to E.C. and [REDACTED] sisters and filing a protection order against [REDACTED] mother for harassment. He stated he is protective of the children and wants to ensure they are safe. The father said all the children's needs were being met. The caseworkers had a private conversation with the father about physical violence between him and the stepmother. The father denied there was domestic violence. The caseworkers then spoke privately with the two-year-old, who stated she liked her stepmother "a lot" and loved her dad. She responded "yes" when asked if she felt safe.

On July 31, 2020, a supervisory note stated the caseworker spoke with collateral contacts and neighbors who did not report any concerns for the children. The case was submitted for closure. On Aug. 27, 2020, DCYF completed the investigative assessment,⁵ determined the neglect allegations to be unfounded, and closed the case.

On Sept. 10, 2020, DCYF received a report from E.C.'s school that neither [REDACTED] nor [REDACTED] nine-year-old sibling was in attendance. On Oct. 1, 2020, DCYF received a report from E.C.'s mother. She reported she was living in [REDACTED] Mexico, and she had not received telephone calls from her children for the past eight months. The mother also reported that for two months, no one had seen the children. She reported that she had been receiving calls from the children's school because the father had refused to open the door to allow the school counselor to conduct a school-home visit. The reports did not screen in for intervention.

In February 2022, E.C.'s remains were found by hikers on a Washington State trail. The fatal incident is estimated to have occurred on October 31, 2020.

Committee Discussion

The Committee discussed interpretive services and the accuracy of the information being translated. The Committee noted that the stepmother initially provided interpretation services to the assigned caseworker for the father. The Committee speculates there may have been information that was not relayed or accurately represented by the stepmother. For purposes of using interpretation services to gather and assess information, the Committee learned about the challenges workers face. The supervisor shared that in this case, there were DCYF staff who were certified to translate and who accompanied the assigned caseworker.

⁵ For information about investigative assessments, see <https://www.dcyf.wa.gov/practices-and-procedures/2540-investigative-assessment>.

The supervisor and Committee supervisor told the Committee the DCYF-certified caseworkers who interpret are an improvement over the telephonic language service resources DCYF caseworkers often have to use.

For purposes of practice improvement, the Committee noticed that collateral contacts were not made with **RCW 13.50.100** or a number of extended family members. The Committee believes that corroborating the coordination of services that were being used by E.C.'s father, and E.C.'s sister could have improved the overall assessment of the family functioning, individual functioning and sorted out the siblings' needs and disclosures. For purposes of assessment and efforts to contact the mother, the Committee believes E.C.'s older adult siblings and the stepmother's children and family could have been contacted. The Committee discussed the attempts to contact the mother. However, many relative sources could have also been contacted to assist with contacting the mother. The Committee also noted the stepmother reported she received an email from the mother about paternity. It was unclear if the assigned caseworker followed up with this email resource.

The Committee discussed the impacts the COVID-19 pandemic placed on staff, E.C., and **RCW 7** family. The Committee learned that during the 2020 intervention, the children were not in school and that the school district was offering in-home visitations to students as a resource and support. The Committee discussed the benefit of children being in school and how COVID-19 lockdowns impacted child safety. The Committee discussed how DCYF and law enforcement personnel were limited to interviewing children at the home versus at the schools and away from the parents. The Committee discussed how children are less likely to disclose abuse or concerns while at the home or in the presence of the parents or alleged abuser. The Committee appreciates the caseworker's efforts to privately speak to the children outside the home but believes the children may not have felt safe. The Committee understands and recognizes the interview limitations during the initial contacts with the children.

For purposes of the 2020 intervention, it was unclear to the Committee what DCYF information was shared with local law enforcement. In response to the May 22 DCYF report, the Committee noted that on May 26, law enforcement accompanied the caseworker to the home. Because the caseworker is no longer a DCYF employee and for purposes of the 2020 intervention, the Committee has a limited understanding of the extent of communication between law enforcement and the caseworker. The supervisor could not locate documentation that verified the report was sent to local law enforcement.

The Committee discussed the caseworker's May 27 initial contact and interview of E.C.'s nine-year-old sibling. E.C.'s sibling made statements indicating **RCW 13.50.100** and additional statements the Committee believed to be concerning. Law enforcement did not appear to be present during the interview. The Committee believes that based on the sibling's statement, a new DCYF report should have been made and sent to law enforcement. The Committee believes that if a report had been made, there would have been an opportunity for law enforcement to determine whether a forensic interview was necessary. The Committee discussed this as an improvement opportunity for the caseworker and supervisor. The Committee wondered if all screened-out intakes should be sent to law enforcement. The Committee learned that unless there is a criminal allegation, screened-out intakes are routinely not sent to law enforcement. The Committee learned that each DCYF office might have different processes for when to share DCYF reports. The sharing process is based on law enforcement preferences. Some Committee members discussed DCYF policy for when law

enforcement should receive the DCYF intake reports⁶. Some believed all reports should be sent despite law enforcement's preferences. The Committee did not come to a consensus on this but believes the regional administration should be aware of the discussion.

Some Committee members discussed E.C.'s older siblings' DCYF history in Washington and California. These Committee members wondered about the impact on families with regard to immigration status and threats of deportation and/or incarceration. Discussion about planning for such circumstances did not lead to consensus or a recommendation. The Committee learned that during the 2020 intervention, out-of-state child welfare records were not requested for any of the parents or stepmother.

Recommendations

The Committee believes the regional administration should be made aware of the Committee's discussion about intakes and law enforcement notification. On April 14, 2022, the regional administration was notified of this recommendation.

⁶ For more information, see: <https://www.dcyf.wa.gov/practices-and-procedures/2571-mandated-reports-law-enforcement>