

60-day CIRT review report

Case Name: Romero-Cram
Case Number: EV18915

Date of Sensitive Issue: 6-13-05
Date CIRT Launched: 6-22-05

I. Introduction

Oregon Department of Human Services adopted the Critical Incident Response Team (CIRT) protocol on November 1, 2004. This protocol was developed for the following purposes:

- To specify the Department of Human Services, Child Welfare procedures that will be used when a critical incident occurs;
- To increase the Department's accountability to the public;
- To ensure timely responses by the Department with respect to any critical incident in Child Welfare; and
- To increase the Department's ability to recommend necessary changes to statutes, administrative rules, policies and procedures, practices, training and personnel matters.

The initial findings of the Critical Incident Response Team in the case involving Adrianna Romero-Cram were reported in a 30-Day Report on August 18, 2005. The protocol requires that, within 30 days of completing that report, if system issues are identified, the Critical Incident Response Team must:

- Develop recommendations to address the system issues;
- Identify action steps. The action steps will be specific as to timelines, tasks and parties responsible for the tasks; and
- Communicate recommendations, action steps and progress to the public and stakeholders as appropriate.

As per the protocol, the above-identified areas are covered in this report. DHS has completed a comprehensive review and analysis of all child welfare involvement with the family that was the subject of this report and specifically the activities related to the injury and death of Adrianna Romero-Cram. The findings and actions described in this report reflect both local office actions as well as statewide efforts to address concerns and improve practice.

II. CIRT Reason: Four-year old Adrianna Romero-Cram died on 6-13-05 due to inflicted injuries. The child, who was in DHS custody, had been placed in Mexico with paternal relatives with the goal of adoption. The aunt and uncle,

who had been her caregivers for just less than a year, have been arrested and incarcerated by the Mexican authorities.

III. CIRT Response and Case Status Update:

a. Criminal Investigation: A criminal investigation is continuing in Veracruz County, Mexico. Relative care providers have been arrested. No additional information has been received regarding the status of the criminal investigation since the completion of the 30 day report.

b. Child Welfare: Child Welfare continues to work cooperatively with the Mexican authorities. This child had been freed for adoption and placed through the Mexican Consulate with relatives in Mexico. There are no surviving siblings. The Mexican Consulate and the Washington County Child Welfare Office have had contact with the child's birth mother and maternal grandmother. Contact has also been made with the child's birth father.

IV. CIRT Review Progress and Action Taken:

A chronological analysis of this case indicates that the worker's decisions regarding protective services removal and placement were timely and appropriate. Services to the birth parents to prevent removal and to make it possible for the child to safely return home were reasonable, appropriate to identified needs, and culturally sensitive. Findings that required follow up and additional action are as follows:

- a. Finding:** Review of this family's case record indicates that the diligent search and suitability determination is well documented as it relates to maternal relatives. The case record does not contain documentation regarding a search for paternal relatives and does not mention relatives in Mexico prior to the contact with the Mexican Consulate in July 2003.
- b. Finding:** The agency intervened for the protection of this child in September 2001. The child was born in the United States but may have had dual citizenship. DHS records contain no documentation of contact with the Mexican Consulate until July 8, 2003.
- c. Finding:** In October 2003, DHS received from Desarrollo Integral de la Familia (DIF) a two page document with information about the relative placement demographics, dwelling and resources. The court authorized the placement in December 2003 and Adrianna was placed in Mexico on 7-18-04. There is no case documentation as to how the relatives were selected or whether any committee process took place in determining the suitability of the family. DHS received an adoption home study on 4-5-

05 that was completed by DIF. The home study cited no difficulty with the placement. There is no case documentation outlining the responsibility of DIF to supervise the placement of the child.

VI. Recommended Action Steps:

a. Policy: CAF Program staff will review all administrative rules, policy, and Oregon Revised Statute related to international placement of children and placement of children in “non-paid” relative placements.

- CAF Program will review administrative rules related to providing notice to and working with foreign consulates when a child with dual citizenship is taken into custody by the state and make any necessary changes to clarify the responsibilities of child welfare caseworkers in this regard.
- CAF Foster Care Program will review the administrative rules related to the requirements of caseworkers placing children in “non-pay” relative placement and make any necessary changes to clarify that a home study and the certification process must be completed prior to placement.
- CAF Program will complete development of administrative rules and procedures that will direct the child welfare caseworkers on international placement of children. Clarification will be provided regarding placement and supervision expectations of other countries to assure child safety in international placements.

Action Steps:

- An administrative rule allowing the placement of children in state custody with relatives without certification has been suspended effective September 1, 2005.
- CAF Program review of administrative rule regarding the certification of all placement resources for children in state custody resulted in the identification of a rule and a policy, which clearly indicate the requirement of certification. The rule and policy are II-B.1 Safety Standards for Foster Care, Relative Care, and Adoptive Families (413-200-0301 through 0401) and I-E.3 Placement Expectations. Completion of the rule review August 31, 2005
- CAF Program review of administrative rules and policy related to the international placement of children revealed no rules or policy exist specific to the placement of children. In I- E.1.1“Working With Relatives Toward Placement of Children” there is a rule,

which directs field staff to contact the consular office of the country in which the relative resides (413-070-0093c). Completion of rules review August 31, 2005.

- CAF Program will develop Administrative rules on the international placement of children. Effective September 30, 2005 a workgroup, knowledgeable about the complexity of the international placement of children, will convene to work on the development of administrative rules. Projected rule implementation October 2006.

b. Training: CAF Program staff will work with Field administration and the Child Welfare Partnership to reinforce or to develop statewide training plans in the following areas:

- Requirements of the Vienna Convention, Oregon law and CAF administrative rules regarding notification of foreign consulates when a child who is a foreign national or a child with dual nationality is placed in the custody of the department.
- The time frames and expectations regarding diligent relative searches and the requirements when making relative placements.

Action Steps:

- CAF Program will develop an Action Request to direct field staff to comply with ORS 419B.851 (3) requiring a copy of the petition or motion to be served on the consulate for the child's country when implementing a plan other than return to parent. Completion of Action Request September 15, 2005.

c. Practice: The CAF program office is in the process of developing a procedure manual for caseworkers and supervisors. All of the policy and training issues identified above will be clearly articulated in the procedure manual to reinforce consistent practice.

Action Steps:

- Draft procedures for the international placement of children are being developed with a projected completion date of August 29, 2005. These draft procedures will be sent to the AAG for review September 15, 2005. Upon approval, the procedures will be incorporated into the Procedure Manual.