

MD CANI - The 1st 75 Days

CASE SCENARIO

Handout Number One

Facts leading up to the removal

The Fact Pattern:

The agency received a report from the Emergency Room on Monday, September 6, 2017, at 4:30 p.m., stating that Missy Smith, mother of Lacey Smith (age 2,) accidentally hit Lacey in the head with a hammer. Ms. Smith stated to the nurse at the Emergency Room that she was hitting a limb with a hammer and the child was standing behind her without her knowledge. When she drew the hammer back it came across Lacey's forehead. It took six stitches to close the wound and a CAT scan was recommended. Before the CAT scan could be done, according to the ER nurse, Ms. Smith became irate, stating frantically that she needed to leave to go feed her other child, and left with Lacey. Having concerns about supervision due to Ms. Smith swinging a hammer in the presence of the two-year old child and leaving the hospital against medical advice without getting the CAT scan, the ER nurse made a referral to DFCS. The ER nurse also told the DFCS intake worker that she remembered that Ms. Smith has brought her children to the ER at least twice in the past for suspicious injuries, but it was not until this time that the ER made the connection. The ER nurse said that Ms. Smith's other child is Justin Smith (age 4.)

The next day, DFCS Case Manager Dodson contacted Ms. Smith at her home to check on Lacey and to investigate the incident. Ms. Smith immediately escalated and became verbally aggressive, cursing at CM Dodson and refusing to let her inside the home. The contact took place outside of the home. Ms. Smith said she was not going to talk to CM Dodson because she already has a case manager, so she does not have anything to say. Ms. Smith went on cursing and screaming at CM Dodson, using words such as "bitch... fat bitch... I'll punch you in your face, you fat bitch.... I never liked you, you fat bitch."

When CM Dodson asked Ms. Smith if she could observe the children undressed, Ms. Smith said, "You ain't gone see my kids, bitch. They have not been messed with. I don't have men around my kids." When CM Dodson explained that it is policy for the children to be undressed, Ms. Smith continued cursing CM Dodson. Ms. Smith's mother, Jackie Harrison, who sometimes stayed with Ms. Smith because she did not always have stable housing, said she would allow CM Dodson to observe the children because she didn't "have frigging time for this bull shit." Ms. Smith and Ms. Harrison exchanged words back and forth about the case manager observing the children, and Ms. Smith finally agreed to let CM Dodson do it. As Ms. Smith undressed the younger child, Lacey, she said to CM Dodson, "Why have you got me striping my kids outside for everyone to see?" CM Dodson made attempts to calm Ms. Smith down and explained that "this is part of the process" and because she would not let DFCS go inside, it had to be done out here. Ms. Smith, even while undressing the child, continued to cuss and fuss.

CM Dodson contacted the police non-emergency number and requested an officer immediately because Ms. Smith repeatedly threatened to punch CM Dodson and say things like "I'll kick your ass." CM Dodson explained to Ms. Smith that it was inappropriate to talk like that in front of

the children, but Ms. Smith continued yelling and cursing at CM Dodson to the point of neighbors coming outside of their homes and cars slowing down to hear what she was saying and doing.

When Ms. Smith calmed down, she told CM Dodson that she was hitting a tree limb and she did not know Lacey was behind her, so she accidentally hit Lacey in the head with the hammer. She said she took Lacey to the emergency room where Lacey was given stitches in her forehead. Ms. Smith explained that she and her four-year-old son Justin break up rocks with the hammer every day. Ms. Smith stated she likes to break up things with the hammer because she is not on her medication and breaking up things helps her calm down. Ms. Smith explained that she is not on her medication because she is pregnant. Justin ran into the street while Ms. Smith was speaking with CM Dodson and she had to tell Ms. Smith to go get him out of the street, which she did, dragging him by the arm back into the yard.

As CM Dodson was finishing up talking to Ms. Smith, Det. Scott and Patrol Officer Johnson arrived. Before they could even find out what was going on, a neighbor, Ms. Mercedes Kravitz, came running over and said, "Maybe you will do something this time, you got crack heads in and out of the house all times of the day and night, she does not supervise the children most of the time, sometimes the oldest child plays out in the street with no one looking after him, she is always yelling at me and cussing me out, you people keep coming out here, but you never do anything. I've known this woman and her whole family for years and they're nothing but a bunch of crazy druggies and I don't like this kind of stuff going on in my neighborhood. Y'all need to do something before one of these kids winds up hurt really bad or maybe killed."

While the police were talking to Ms. Smith, CM Dodson was able to get in touch with her supervisor, Ms. I Got Your Back, who told her that Ms. Smith did not currently have a DFCS CM, but that there had been a separate referral a month or two before the most recent referral based on unconfirmed allegations about Ms. Smith soliciting sex at a local motel in exchange for drugs while her children were left nearby with an unsuitable person, and due to suspected ongoing mental health issues. Ms. Smith was drug tested at the time and was positive for opiates, which she admitted taking once, so Ms. Dodson Smith was referred to the local CSB for assessment. Supervisor Back thinks that the CSB tested Ms. Smith again, but Ms. Smith was negative. Ms. Back said that the CSB agreed to provide a Community Service Worker, a counselor, and medication management to Ms. Smith, but she does not have any specific information about where Ms. Smith is with that.

After being advised of what had happened, Det. Scott took both children into protective custody, at which time Ms. Smith got involved in an altercation with him and Officer Johnson. Ms. Smith was subsequently arrested for disorderly conduct and obstruction of an officer. Ms. Harrison asked, "What is going on?" Det. Scott replied, "The children are going with Ms. Dodson. We are taking your daughter downtown to book her, and she will be released on her own recognizance until her court date. This will probably take about two hours or so."

Upon arrival at the police station, Det. Scott called the intake officer, for probable cause, which was granted. Det. Scott then handed the phone to CM Dodson, who told the intake officer that there were no suitable relatives to take the child, nor were there any foster homes in the county to take the child, so she asked for approval for placement in a foster home in a county about three hours away, which the intake officer immediately approved. A preliminary protective hearing was set for Monday at 1:30 p.m.

Points for discussion:

GROUP 1 - Does the situation meet criteria for imminent risk (safety threat, vulnerable child, lack of protective capacity)? How would you describe the protective capacities? Can you identify any family strengths?

GROUP 2 - Were there any services that could have been provided or actions taken by DFCS that could have avoided the removal? Did DFCS make reasonable efforts to prevent removal (or were reasonable efforts not applicable?) What harm would come to the child(ren) if the child(ren) remained in the home?

GROUP 3 - Would you have approved the removal? Would you have approved the placement? What additional information, if any, would be needed?