



Texas Department of Family and Protective Services

COMMISSIONER
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A Review of Department of Family and Protective Services Involvement Child Fatality

On December 17, 2015, during an open Child Protective Services (CPS) case, Keylon Brown died of an unknown cause. CPS was involved with the family due to concerns for abuse and neglect of Keylon and his siblings, which stemmed from a report received by CPS on March 3, 2015. The allegations were investigated and the case was transferred on April 22, 2015, to CPS' Family Based Safety Services (FBSS) program where it remained open at the time of Keylon's death.

The Office of Child Safety completed a review of all current and past CPS involvement concerning Keylon's family. This report presents the Office of Child Safety's findings, summary of CPS involvement and actions taken, assessment of strengths in casework practice, and areas for improvement that require further examination.

Family Composition

Region 6 - Harris County

Name or Relationship to Keylon Brown	Age at time of incident
Keylon Brown	1 year
Mother	22 years
Sibling	2 years
Sibling	3 years
Sibling	6 years
Maternal Grandmother	46 years
Maternal Uncle	25 years

Summary of CPS History on Keylon Brown / Family of Keylon Brown

- On January 7, 2011, CPS received a report alleging neglectful supervision of Keylon's sibling by Keylon's mother. The allegations were investigated and the case was closed on March 14, 2011.
- On February 29, 2012, CPS received a report alleging neglectful supervision of Keylon's siblings by Keylon's mother. The allegations were investigated and the case was transferred to CPS' Family Based Safety Services program on July 2, 2012.
 - Family Based Safety Services provided services from July 2, 2012 - October 27, 2012.
 - Temporary Managing Conservatorship was awarded to CPS on October 18, 2012, at which time the case was transferred to CPS' Conservatorship program. The legal case was closed on September 4, 2013.

- On December 18, 2013, CPS received a report alleging physical abuse of Keylon's sibling by Keylon's mother. The allegations were investigated and the case was closed on February 18, 2014.
- On October 10, 2014, CPS received a report alleging neglectful supervision and medical neglect of Keylon by his mother. On October 30, 2014, CPS received a subsequent report alleging medical neglect of Keylon by his mother. The reports were merged and the allegations were investigated. The case was closed on December 23, 2014.
- On March 3, 2015, CPS received a report alleging physical abuse and neglectful supervision of Keylon and his siblings by their mother, father, and Keylon's mother's paramour. The allegations were investigated and the case was transferred to CPS' Family Based Safety Services program on April 22, 2015, where it remained open at the time of Keylon's death.
- On December 17, 2015, CPS received notification of Keylon's death. The investigation concluded that there was reason to believe for neglectful supervision of Keylon after he was left unsupervised with a sibling while near the bathtub.
 - On December 17, 2015, CPS requested and was awarded Temporary Managing Conservatorship of Keylon's three surviving siblings.

Detailed Account of CPS History on Family of Keylon Brown

On **January 7, 2011**, CPS received a report alleging neglectful supervision of Keylon's sibling by Keylon's mother. The report stated that Keylon's mother, age 17, would run away from home and leave her infant (Keylon's sibling) at home without appropriate supervision. The report also stated that Keylon's mother would at times run away with her infant without appropriate items such as food and diapers. During the investigation it was learned that Keylon's mother was diagnosed with bipolar disorder. She admitted to leaving her mother's home with her child but stated she would stay with her sister. Keylon's mother returned to her mother's home and later signed guardianship of Keylon's sibling to her mother (maternal grandmother). The allegations were given a disposition of ruled out (allegation not confirmed) and the case was closed on March 14, 2011.

OCS Assessment:

- The maternal grandmother's home where Keylon and his mother resided was visited; however, there is no documentation regarding the home environment.
- There are no photos of the child uploaded into IMPACT, CPS' database, as required by CPS policy- *2241 Interviews With Children...Audio and Visual Documentation*
- The maternal uncle who also resided in the home of the maternal grandmother was not interviewed.
- It was learned that Keylon's mother had been diagnosed with bipolar disorder and was reportedly taking medication. The medication was not observed by the caseworker nor was the mother's mental health professional contacted to confirm compliance with medication or services being provided.
- A Family Team Meeting (FTM) was held and it was agreed that Keylon's mother would remain in the home with her own mother and services would be provided through Family Based Safety Services (FBSS). Keylon's mother was to be supervised at all times with her child.
- Services were not provided as Keylon's mother later stated she signed over guardianship of Keylon's sibling to her mother. CPS closed the case based on this information. There is no documentation that the caseworker observed the Power of Attorney giving Keylon's maternal grandmother guardianship of Keylon's sibling.

- Although Keylon's mother allegedly signed a Power of Attorney to her mother, services would have been beneficial as the concerns with Keylon's mother's instability and mental health remained as did the conflict between Keylon's mother and grandmother, which was identified during a Family Team Meeting. At a minimum, the family should have been referred to community resources to address these concerns.
- The risk assessment notes the maternal grandmother has criminal history that is of concern; however, the caseworker does not address how the criminal history may or may not pose a safety threat to the child.
- The biological father was not contacted as required by CPS policy- *2242 Interviewing Parents, Alleged Perpetrators or Other Principal Adults*

On **February 29, 2012**, CPS received a report alleging neglectful supervision of Keylon's siblings by Keylon's mother, maternal grandmother, and Keylon's mother's paramour (father to one of Keylon's siblings). The report stated that Keylon's mother was diagnosed with bipolar disorder and not taking medication. There were also concerns indicating Keylon's mother and paramour were using illegal drugs in the home with the children. The report also alleged there was domestic violence between Keylon's mother and her paramour. During the investigation, it was learned that Keylon's mother had recently given birth to a second child. Keylon's mother tested positive for marijuana and her paramour tested positive for marijuana, cocaine and phencyclidine (PCP). There was also a physical altercation between Keylon's maternal grandmother and Keylon's mother that resulted in Keylon's mother sustaining minor injuries to the face. The children were present in the home when this altercation occurred. Due to the drug use and chaotic home environment, the children were placed in a parental child safety placement (PCSP) with maternal cousins. The allegations were given a disposition of reason to believe (allegation confirmed) for neglectful supervision of the children by Keylon's mother and her paramour, and unable to determine (allegation not confirmed) for neglectful supervision of the children by their maternal grandmother. The investigation was closed on July 2, 2012, and the case was transferred to Family Based Safety Services.

OCS Assessment:

- The CPS supervisor directed the caseworker to observe the Power of Attorney for the oldest child (presumably signed during the previously CPS case). There is no documentation that the paperwork was in fact observed.
- On March 1, 2012, during a case staffing after the caseworker's initial interviews with the family, the CPS supervisor directed caseworker to drug test the parents (Keylon's mother and her paramour-father to the newborn child) and all household member's at the father's house. This was not completed and a safety plan was not implemented despite concern for drug use.
- On April 4, 2012, caseworker was directed by a different CPS supervisor to drug test the parents. The parents were drug tested on May 23, 2012, two months after the original directive was given. Keylon's mother tested positive for marijuana and the paramour of Keylon's mother tested positive for marijuana, cocaine, and phencyclidine (PCP). CPS received the results of the drug tests on June 8, 2012.
- On June 18, 2012, the case was staffed with a CPS Family Based Safety Services supervisor, who advised the children needed to be placed in a parental child safety placement (PCSP) due to the results of the drug test. However, this was not implemented until June 27, 2012.
- Domestic violence was not thoroughly assessed other than to discuss with Keylon's mother and her paramour. Law enforcement reports or other collaterals were not contacted.

- Keylon's mother's mental health was not thoroughly addressed nor was a mental health professional contacted in a timely manner to ensure the mother was receiving needed services.
- The investigation was not completed within the required time frame in accordance with CPS policy. There was a delay in providing needed services to the family-CPS *Policy 2291 Submitting an Investigation for Approval...Closure for Other Reasons, and 2400 Transferring a Case from Investigation to Family Based Safety Services (FBSS)*
- The biological father of the oldest child was not contacted as required by CPS policy- *2242 Interviewing Parents, Alleged Perpetrators or Other Principal Adults*

On **July 2, 2012**, CPS provided Keylon's family with services through its Family Based Safety Services program. Services provided included family counseling, parenting classes, substance abuse assessments and ongoing drug testing. In August 2012, the children were moved to another parental child safety placement (PCSP) after Keylon's mother reported marijuana use by the cousins and then was subsequently assaulted at the cousins' home. (A new PCSP was established with the maternal aunt and uncle. Keylon's mother and her paramour failed several drug tests throughout the life of the case. Because of this and a lack of cooperation in participating with services, CPS requested and was awarded Temporary Managing Conservatorship of Keylon's two siblings on October 18, 2012. The children remained in the placement with their maternal aunt and uncle.

OCS Assessment:

- In August 2012, the children were moved to another parental child safety placement (PCSP). There is no documentation that criminal or CPS background checks were completed for the caregivers, the home environment was not described, and it does not appear this change in PCSP was staffed with a CPS supervisor or program director as required by CPS Policy *3211 Evaluating the Child's Safety Before Placement and 3212 Program Director Approval*.
- Monthly contact was maintained and the children were seen at their daycare and at their placement.
- The children's daycare teacher was interviewed.
- CPS was awarded Temporary Managing Conservatorship of Keylon's two siblings and the case was transferred to CPS' Conservatorship program.

On **October 18, 2012**, the case was transferred to CPS' Conservatorship program where CPS continued to provide services to the Keylon's family to mitigate risk of drug use and domestic violence. Keylon's mother was asked to complete a psychological and psychiatric evaluation, individual therapy, a substance abuse assessment, ongoing drug testing, and parenting classes. Keylon's mother completed the requested services and on August 12, 2013, the court ordered the children return to their mother and the CPS legal case was dismissed. Concerns remained with Keylon's mother's paramour as he was non-compliant with services. The legal case was closed on September 4, 2013.

OCS Assessment:

- The children were visited monthly while in placement.
- There was little to no contact with professionals providing services to Keylon's mother. Confirmation for completion of services was primarily through certificates of completion and/or progress notes.
- Although Keylon's mother completed services she was not able to incorporate what she learned through parenting classes and individual therapy into her family life nor was she

able to demonstrate an ability to provide a safe and nurturing environment for her children. CPS maintained concerns for Keylon's mother's mental health even after services were completed.

- Domestic violence issues do not appear to have been addressed.
- The paramour of Keylon's mother (father to the youngest child) was incarcerated and did not complete services.

On **December 18, 2013**, CPS received a report alleging physical abuse of Keylon's sibling by Keylon's mother. The report alleged Keylon's sibling was seen with a scratch/abrasion to her right eye. The sibling reported that her mother accidentally scratched her with the mother's fingernails then later stated that she was hit with a water bottle. During the investigation, Keylon's sibling was observed with a small scratch and bruise near her right eye which the sibling indicated was due to being scratched by a classmate at school. The sibling denied any physical abuse at home. Keylon's mother denied causing the injury and stated that her daughter sustained the injury at school. Keylon's mother was drug tested and was negative for all substances. The allegations were ruled out and the case was closed on February 18, 2014.

OCS Assessment:

- Keylon's sibling was initially interviewed at home and, considering the allegations, best practice would have been to interview the sibling at a neutral setting. Keylon's sibling was later interviewed at school and gave differing explanations for the injury.
- Caseworker did not inquire as to the statements Keylon's sibling had previously made with regard to the mother causing the injury or other explanations provided by the sibling.
- Keylon's mother provided the name of the clinic the children attend; however, the clinic was not contacted for collateral information.
- Keylon's mother was drug test and the results were negative.
- Caseworker did not contact the mental health professional treating Keylon's mother to confirm that the mother no longer required psychotropic medication as reported by the maternal grandmother.
- Although a home visit was conducted, there is no documentation regarding the home environment.

On **October 10, 2014**, CPS received a report alleging neglectful supervision and medical neglect of Keylon by his mother. The report stated there were concerns for Keylon's mother's mental health and lack of stable housing for the family. The report indicated Keylon, age one month, had an episode of choking after being fed. At the time of the intake, Keylon was hospitalized, but was expected to be discharged with a full recovery. Keylon had developed seizures and was placed on anti-seizure medication. On October 30, 2014, CPS received a subsequent report alleging medical neglect of Keylon by his mother. The report stated that Keylon's mother was homeless. Keylon's mother left Keylon with a non-related church member; however, did not leave his medication with the church member and he subsequently had a seizure. During the investigation, it was discovered the church member had possession of Keylon for a period of time. Keylon began having a seizure at her residence and was taken to the hospital. Keylon's mother did not have a stable living situation but the maternal aunt was providing assistance with caring for the children. The allegations were ruled out and the case was closed on December 23, 2014.

OCS Assessment:

- CPS Supervisor directed the caseworker to discuss water safety and co-sleeping with the family; however, this was not done.
- Face to face contact was not made timely-CPS Policy 2241 *Interviews With Children...Time Frames*
- Documentation does not reflect that allegations involving Keylon's mother's mental health and unstable living arrangements were thoroughly addressed.
- Caseworker did not request medical records or inquire about his condition other than to confirm immunizations were up to date.
- Keylon's medical history was not discussed in depth with his mother, nor were the allegations involving him thoroughly addressed with his mother.
- Keylon was scheduled to have a follow up visit on November 5th. There is no documentation that the worker followed up with the results from the doctor's appointment.
- There is no documentation to support a home assessment was completed.
- It is not clearly documented who the children were residing with at the conclusion of the investigation.
- It does not appear that the CPS history was reviewed as none of the conflicting information provided by Keylon's mother was addressed with her.
- The biological fathers of the children were not contacted as required by CPS policy 2242 *Interviewing Parents, Alleged Perpetrators or Other Principal Adults*

On **March 3, 2015**, CPS received a report alleging neglectful supervision of Keylon and his siblings by their mother, father, and Keylon's mother's paramour. The report stated there were concerns of domestic violence in the home and that a month prior Keylon's mother had stabbed her paramour. There were also concerns involving drug use in the home. During the investigation, Keylon's mother tested positive for cocaine. The children were placed in a parental child safety placement (PCSP) with their maternal grandmother on April 1, 2015. The allegations were given a disposition of reason to believe (allegation confirmed) for neglectful supervision of the children by their mother and unable to determine for physical abuse of the children by the paramour of Keylon's mother. The investigation was closed on April 22, 2015, and the case was transferred to CPS' Family Based Safety Services (FBSS).

OCS Assessment:

- Caseworker was instructed to conduct a follow up home visit within 72-hours after the initial home visit was unsuccessful; however, this was not done. *CPS Policy 2241 Interviews with Children.*
- Keylon's mother's mental health and the domestic violence allegations were not thoroughly addressed. No efforts were made to interview the biological fathers. *CPS policy 2242 Interviewing Parents, Alleged Perpetrators or Other Principal Adults*
- Prior to a child's placement in a parental child safety placement (PCSP) the caseworker is to contact collateral sources to discuss any safety issues or concerns relating to the prospective caregiver. There is no documentation to confirm that this action occurred. *CPS Policy 3211 Evaluating the Child's Safety Before Placement...Collateral Contacts.*
- A case worker must obtain approval from a program director before a PCSP can occur. There is no documentation confirming that this action occurred. *CPS Policy 3212 Program Director Approval.*
- The case was staffed with the legal department on April 2, 2015, and the caseworker was advised to either have the parents sign power of attorney (POA) to the maternal grandmother or file a show cause affidavit for custody. This is of concern as a POA does not establish permanency and should not take the place of legal intervention. Neither

action was completed during the investigation. Instead, the case was transferred to Family Based Safety Services (FBSS).

- Parental child safety placement (PCSP) policy requires staff to make face-to-face contact with the children placed in a PCSP and the caregiver within 10 calendar days of the placement. This policy also requires staff to contact the child's parents every 10 calendar days during the PCSP. Contacts sufficient to meet this requirement were not made. *CPS Policy 3215 Required Contacts*.
- On April 17, 2015, the case worker visited the maternal grandmother's home and found her adult son to be living in the home. His criminal history shows that he has multiple arrests relating to illegal substances; each arrest resulted in a conviction. There is no documentation that staff conducted a risk evaluation relating to the maternal uncle's criminal history and presence within the home. *CPS Policy Appendix 4525 Attachment: Risk Evaluations in Kinship Placements...Assessing Criminal History Offenses and Convictions for PCSPs, Kinship Placement and Kinship Foster and Adoptive Homes*.

On **April 22, 2015**, the case was open with CPS' Family Based Safety Services program to provide services such as a substance abuse assessment, random drug testing, a psychological evaluation and individual therapy. The case remained open at the time of Keylon's death.

OCS Assessment:

- Staff are required to make face-to-face contact with each child, each parent and each PCSP caregiver within 10 calendar days of the case transfer to FBSS. The ten day contact with Keylon's mother and her paramour did not occur. *CPS Policy 2530 Family Plan of Service*.
- No contact was made with the family in June 2015 as required by *CPS Policy 2520 Contacting Principals That Receive Family Preservation Services*.
- By the end of June 2015, the children had been in the PCSP for 90 calendar days. Approval to extend the PCSP beyond 90 calendar days must be approved by a program director. There is no documentation to confirm that PD approval was obtained. *CPS Policy 3216 Extending a PCSP*.
- There is no documentation to confirm that any attempt was made to contact Keylon's mother in October 2015.
- On November 12, 2015, Keylon's mother informed caseworker that the father of her two middle children came to her home and "beat up her son." There is no indication there was any follow up with this allegation.
- On November 20, 2015, the case was again staffed with the CPS legal representative who instructed the caseworker to file an affidavit with the court. There is no documentation that this action occurred.

Prior to case closure, on December 17, 2015, Keylon Brown died due to an accidental drowning after being left unsupervised near a bathtub that still had water remaining. On this same date, CPS requested and was awarded Temporary Managing Conservatorship of Keylon's three surviving siblings.

Overall Case Review Findings and Recommendations

Child Protective Services (CPS) has been involved with Keylon's family since January 2011, to include prior services being provided through CPS' Family Based Safety Service program in July 2012. In October 2012, CPS removed Keylon's siblings from the home and services were

then provided through CPS' Conservatorship program. Keylon's mother completed services required of her and in August 2013, the court ordered the children return to their mother and the CPS legal case was dismissed. It appears that throughout the life of the case, Keylon's mother's mental health was either not thoroughly explored or not discussed in depth with mental health providers to assess her ability to parent. Domestic violence including her chaotic and unstable lifestyle was also not adequately addressed. Throughout each case Keylon's mother lived off and on with her mother with whom she had a strained relationship. Knowing Keylon's mother's history with CPS and expressing her own concerns about Keylon's mother's ability to parent, the maternal grandmother continued to allow her daughter in and out of the home and around the children even when the children were in the maternal grandmother's care.

During the review of a child fatality, certain areas of improvement may be identified including individual training needs, statewide trainings, policy revisions, updates to best practice guidance, and/or revisions to state statutes.

The Office of Child Safety recommends the following:

- Background checks and IMPACT history reviews are critical to informing solid casework decisions. Conducting timely background checks and IMPACT history searches also help staff detect when there may be others in the home that either have current CPS involvement or concerns that impact child safety in the home.
- CPS history involving the family and any related history should be reviewed in order to conduct a thorough assessment of the family. When a family has extensive history with CPS but does not generate a Multiple Referral (M-Ref) which requires a full review by a CPS Child Safety Specialist, consider having a CPS Risk Manager review the history and provide recommendations.
- Staff should observe parents demonstrating, and document the parent's demonstrations, of new parenting skills, and staff should discuss with the parents what they have learned from services prior to closing any case.
- When parents or children are engaged in services or treatment—including those provided outside of CPS direction—staff should contact the individual who is providing a service and/or treatment to the parents or child to obtain relevant and detailed information about the progress made in the service or treatment.
- Best Practice: Documentation must reflect all activities, conversations, and case decision-making guidance. This includes documenting the outcome of all court hearings or other legal proceeding. Clearly and concisely documenting all critical junctures in the case help staff and management ensure case directives are followed to support the need for ongoing intervention, services, and ways that child safety is addressed in the immediate and foreseeable future.
- Varying CPS policies require staff to make contact with family according to timeframes, based on the situation. Recommendation that staff be reminded child safety is tied directly to policies requiring timely face-to-face contact with families and that the timeframes should be met.
- CPS should consider requiring staff to complete recommendations from legal within specific time frames.
- Utilize the CPS subject matter specialist for mental health services to discuss any questions or concerns related to a caregiver's mental health needs. This may include helping caseworkers understand how to best work with a caregiver who has mental health needs, provide the caseworker with assistance in seeking out community

resources, and providing guidance on questions to ask of mental health providers to better assess the progress being made by the caregiver.

- Review with staff the importance of addressing any new and relevant concerns related to a child's well-being that arise during the case. Additionally, document the concern and how it was addressed and/or resolved.
- Training needs: Overview of parental child safety placements to include when a removal into DFPS conservatorship is more appropriate than a parental child safety placement. Additionally, guidance should be given to staff on completing thorough assessments of the caregiver(s) and the home environment.