



Preliminary Report	Near Fatality	10/01/2018
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1. Near Fatality Victim: 19 months old - Male

2. Date of notification to DCS: 08/26/18

3. Date of near fatality: 08/26/18

4. Date of determination that the near fatality was the result of abuse or neglect*:

Estella Hernandez – 9/06/18

Rafael Kagan – 9/06/18

5. County and general location of the residence of the victim: Maricopa County – Phoenix, AZ

6. Alleged perpetrator(s) name, age and city, town or general location:

Estella Hernandez – age 26 – Phoenix, AZ

Rafael Kagan – age 25 – Phoenix, AZ

7. Circumstances of the near fatality that indicate it was the result of abuse or neglect:

On August 26, 2018, the Department of Child Safety received a report regarding a 19 month old male who was found unresponsive in his home by his mother and her significant other. The child was taken to the hospital and he was determined to have oxycodone, methamphetamine, fentanyl, codeine and other drugs in his system. It was determined the child was at significant injury risk for injury and possibly death based on the presence of these drugs together in his system. On August 27, 2018, Estella Hernandez, the near fatality victim’s mother and Rafael Kagan, her significant other were charged with felony child abuse.

8. Whether DCS has received any reports or past cases, of child abuse, abandonment or neglect involving the child or the current alleged perpetrator(s):**

DCS has received the following prior report involving Estella Hernandez as an alleged perpetrator:

On October 16, 2015, a report was received alleging neglect to a sibling by Estella Hernandez. The allegations were unsubstantiated and the case was closed.

DCS has received the following prior report involving Estella Hernandez and/or the near fatality victim:

On January 26, 2017, a report was received alleging neglect to the child by the mother, Estella Hernandez. The allegations of neglect were substantiated and the Department provided the mother with substance abuse services and in home services. The child and sibling were in the care of another parent when the case was closed.

DCS has received the following prior report involving Rafael Kagan as an alleged perpetrator:

On August 17, 2017, a report was received alleging neglect to another child by Rafael Kagan. On February 22, 2018, the Maricopa County Juvenile Court found through a dependency proceeding that Rafael Kagan neglected that child.

9. Actions taken by DCS in response to the near fatality:



A joint investigation is being conducted with the Phoenix Police Department.

10. Actions taken regarding the child and/or other children in the home:

Following an assessment of child safety, the other child in the home was placed in foster care. Upon their release from the hospital, the near fatality victim was placed in foster care. The Department filed a dependency petition on both children with the Maricopa County Juvenile Court.

11. Whether the agency is or intends to provide direct services or service referrals to the family:

The Department intends to provide services to the family including services to the other child involved.

*The determination that a fatality or near fatality is the result of abuse, abandonment or neglect is based one or more of the following criteria: (1) The perpetrator(s) arrest related to the incident, (2) Substantiated finding(s) linking the alleged perpetrator(s) action(s) to the fatality or near fatality and/or (3) Results of the Medical Examiner's report.

** Information released after July 3, 2015 provides reports, or any current or past cases, of abuse, abandonment or neglect involving the child or the alleged perpetrator pursuant to A.R.S. § 8-807.01(A)(1)(e).
Posted information may be updated as new information becomes available.