



Summary Report	Near Fatality	10/01/18
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1. Victim: 19 months old - Male

2. Was the child residing in the child's home or in an out-of-home placement at the time of the near fatality?

The child was residing in his home when the following incident occurred:

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.

3. If the victim in the Preliminary Report involved a child residing in the child's home, the following information will be provided:

a. Services being provided to the child, a member of the child's family or the person suspected of the abuse or neglect at the time of the incident and the date of the last contact before the incident between the entity providing services and the person receiving services:

No services were being provided to the family by the Department of Child Safety at the time of the incident.

b. Was the child, a member of the child's family or the person suspected of the abuse or neglect the subject of a report for investigation at the time of the incident?

No.

c. All involvement of the child's parents and of the person suspected of the abuse or neglect in a situation for which a report for investigation was made or in services provided pursuant to this chapter in the five years preceding the incident:

DCS has received the following prior reports involving Estella Hernandez in the preceding five years:

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

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 in the preceding five years:



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.

d. Any investigation pursuant to a report for investigation concerning the child, a member of the child's family or the person suspected of the abuse or neglect or services provided to the child or the child's family since the date of the incident involving the near fatality:

The investigation of the near fatality report resulted in the arrest of both Estella Hernandez and Rafael Kagan for child abuse. The child and a sibling have been placed in foster care and the Department filed a dependency petition with the Maricopa County Juvenile Court. Services to support the children are being provided by the Department. No subsequent reports of abuse or neglect have been received.

4. If the victim in the Preliminary Report involved a child residing in an out-of-home placement, the following information will be provided:

a. Licensing Agency:

N/A

b. Licensing history of the out-of-home placement, including the type of license held by the operator of the placement and the period for which the placement has been licensed:

N/A

c. Summary of all violations by the licensee:

N/A

d. Any other actions by the licensee or an employee of the licensee that constitute a substantial failure to protect and promote the health, safety and welfare of a child.

N/A

5. Actions taken by the Department in response to the case including any changes to policy or practice and/or recommendations for further changes in policies, practices, rules or statutes:

The Department conducted a joint investigation with the Phoenix Police Department. The child's mother, Estella Hernandez, and her significant other, Rafael Kagan, were both arrested and charged with child abuse. Upon release from the hospital, the near fatality victim was placed in foster care. The child's sibling was later placed in the same foster home. The Department filed a dependency petition with the Maricopa County Superior Court. Services are being provided to support the children.

Additionally, in accordance with the DCS Strategic Plan for State Fiscal Year 2016 (FY16), multidisciplinary team (MDT) reviews of fatality and near fatality cases were implemented during the first quarter of FY16. The MDT reviews of fatality and near fatality cases, especially those with prior DCS involvement, are a key feature of the Strategic Plan and support the objective of increasing the accuracy of safety and risk assessments in investigations.



Arizona Department of Child Safety

Douglas A. Ducey
Governor

Gregory McKay
Director

This case was reviewed by the MDT in order to identify any systemic factors, both internal and external to the Department that may have had an impact. The Department is using the aggregate data gathered through all of the MDT reviews to assess and guide future changes and/or recommendations to policies, practices, rules or statutes. Findings from these reviews will be compiled into an annual report to be shared on the DCS website. The target date for release of this report is December 1, 2018.

For more information regarding the Department of Child Safety's Strategic Plan for State Fiscal Year 2016, please visit the DCS website at: <https://dcs.az.gov/news/strategic-plan>.