



Summary Report	Near Fatality	3/17/2021
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1. Victim: 1-month-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 January 6, 2020, the Department of Child Safety received a report regarding a 1-month-old male who was taken to the hospital in critical condition after he was having difficulty breathing. The police were already on scene after the near fatality victim's sibling, Emmanuel, had been found deceased in the home. Mr. Ferguson and Ms. Ramirez were charged with child abuse on January 9, 2020. The Department filed a dependency petition with the Maricopa County Superior Court on January 9, 2020. On July 10, 2020 the court found that Mr. Ferguson abused the near fatality victim and Ms. Ramirez failed to protect the child from abuse and terminated the parents' rights to their children.

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?

The parents were the subjects of a report received a few hours prior on January 5, 2020, alleging neglect to the near fatality victim's sibling, Emmanuel, who had passed away in the home.

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 received the following prior reports involving Donald Ferguson and/ or Emmaline Ramirez:

On August 11, 2015, a report was received alleging neglect to a child by Donald Ferguson and Emmaline Ramirez. The allegations were unsubstantiated and the case was closed.

On August 31, 2016, a report was received alleging neglect by Donald Ferguson and Emmaline Ramirez. The family was unable to be located and the case was closed.

On August 13, 2017, a report was received alleging neglect by Donald Ferguson and Emmaline Ramirez. The family was unable to be located and the case was closed.



On December 1, 2017, a report was received alleging physical abuse and neglect to a child by Donald Ferguson. The allegations were unsubstantiated and the case was closed.

On May 28, 2019, a report was received alleging neglect by Donald Ferguson and Emmaline Ramirez. The allegations were unsubstantiated and the family was offered in-home services. The family declined to participate in services.

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 other children in the home being placed in foster care. The near fatality victim was placed in foster care after his release from the hospital. The Department filed a dependency petition with the Maricopa County Superior Court on January 9, 2020, and provided services to the family.

The investigation also resulted in multiple subsequent reports alleging abuse and neglect that occurred prior to the children coming into care.

On January 6, 2020, a subsequent report was received alleging prior physical abuse and neglect to a sibling by Mr. Ferguson and Ms. Ramirez.

On January 8, 2020, a subsequent report was received alleging additional prior neglect to the near fatality victim by Mr. Ferguson and Ms. Ramirez.

On January 14, 2020, a subsequent report was received alleging prior neglect to a sibling by Mr. Ferguson and Ms. Ramirez.

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:



ARIZONA
DEPARTMENT
of CHILD SAFETY

Mike Faust, Director
Douglas A. Ducey, Governor

The Department conducted a joint investigation with the Phoenix Police Department. The investigation resulted in the other children in the home being placed in foster care. Upon release from the hospital, the near fatality victim was also placed in foster care. The Department filed a dependency petition with the Maricopa County Superior Court on January 9, 2020, and provided services to the family. On July 10, 2020 the court found that Mr. Ferguson abused the near fatality victim and Ms. Ramirez failed to protect the child from abuse and terminated the parents' rights to their 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.

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, 2020.

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/dcs-strategic-plan>.