

Information for Release

5/9/2013

**Date of the notification to CPS:** 9/16/2012

**Near Fatality**

**The date the child suffered the near fatality:** 9/16/2012

**Child's name:** Javier

**Age at time of incident:** 11 Months

**Perpetrator(s):** Michelle Foster,  
Javier Guzman

**Age:** 28 years, 37 years

**City, town or general location of residence of the child and perpetrator(s):** At the time of the incident, the child and alleged perpetrators were living in Tolleson, Arizona.

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

On September 16, 2012, Michelle Foster and Javier Guzman physically abused or failed to protect their son, Javier resulting in the child sustaining a right subdural hematoma and a bilateral retinal hemorrhage.

**B. Whether CPS has received any reports or past cases of child abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian\* :**

Arizona Child Protective Services (CPS) had received no reports alleging abuse or neglect of Javier by Michelle Foster or Javier Guzman.

**1. Actions taken by CPS in response to the fatality or near fatality of the child including:**

Arizona Child Protective Services (CPS) conducted a joint investigation with Phoenix Police Department.

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

Following an assessment of child safety, the child was placed with relatives.

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

Services offered to the family included parent aide services, supervised visitation, and case management services.

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\*Posted information provides whether there have been reports or any current or past cases of child abuse, abandonment or neglect involving the child who has died or suffered a near fatality and the current alleged abusive or neglectful parent, guardian or custodian pursuant to A.R.S. § 8-807(F)(2)(a)(iv).