



Summary Report	Near Fatality	3/3/16
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1. Near Fatality Victim: 7-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 occurred:

On August 28, 2015, the Department of Child Safety received a report regarding a 7-month-old male child. An ambulance responded to a call where they found the child unresponsive and without a pulse. It is unknown who called the ambulance and the child was "not inside an apartment." It is believed that the alleged perpetrators left the scene. The child had signs of trauma such as "posturing and unequal pupils." This is believed to be non-accidental trauma. Tucson PD was also involved. As a result of the child's injuries mother, Elisa Garcia and mother's boyfriend Charlie Stoy, were arrested on child abuse charges. Additionally, the Department substantiated the allegation of physical abuse regarding the near fatality victim by Charlie Stoy. The Department has also determined that mother, Elisa Garcia, failed to protect the near fatality victim from abuse and/or neglect when she left the near fatality victim in the care of Charlie Stoy knowing his history of child abuse, domestic violence and substance 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:

The child's mother, Elisa Garcia, was involved in the following report in the five years preceding the fatality incident:

On February 7, 2015, the Department received a report alleging neglect by the mother, Elisa Garcia, to the near fatality victim. As a result of the investigation, it was determined that the child's mother was capable of meeting his needs and the family was not in need of further intervention or services. Mother reported to have community and family support. The allegation was unsubstantiated and the case was closed.

Charlie Stoy was involved in the following report in the five years preceding the fatality incident:



On June 6, 2012, the Department received a report alleging physical abuse by, Charlie Stoy, toward his biological child. As a result of the investigation, Charlie Stoy, was arrested and charged with aggravated assault. The allegation was substantiated. Mr. Stoy's parental rights were terminated as to his biological child and the case was closed.

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:

Upon release from the hospital, the near fatality victim was placed in a DCS licensed placement. The Department filed a dependency petition with the Pima County Juvenile Court. The law enforcement investigation of the near fatality report resulted in the arrest of Elisa Garcia and Charlie Stoy on felony child abuse charges. 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:

Upon release from the hospital, the near fatality victim was placed in a DCS licensed placement. The Department filed a dependency petition with the Pima County Juvenile Court. The law enforcement investigation of the near fatality resulted in the arrest of both Elisa Garcia and Charlie Stoy on felony child abuse charges. Elisa Garcia and Charlie Stoy continue to be incarcerated and are encouraged to participate in services while incarcerated. Additionally, the Department substantiated the allegation of physical abuse regarding the near fatality victim by Charlie Stoy. The Department has also determined that mother, Elisa Garcia, failed to protect the near fatality victim from abuse and/or neglect when she left the near fatality victim in the care of Charlie Stoy knowing his history of child abuse, domestic violence and substance abuse.

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



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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, which 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 September 1, 2016.

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>