

## **Statement on the death of a two-year-old boy**

**Date Issued: March 30, 2020**

On January 5, 2020, the Department of Child Safety received a report regarding the death of a 2-year-old boy, Emilio Smith.

Emilio was found unresponsive at his home and taken to the hospital.

Emilio had signs of physical trauma including multiple bruises in various stages of healing. He was pronounced brain dead on January 7, 2020 and was kept on life support until his passing on January 11, 2020.

DCS immediately removed Emilio's sibling and placed the child in foster care.

Emilio had been in the care of his mother's boyfriend, Mario Toscano Jr., when he sustained the injuries.

On January 9, 2020, Mr. Toscano, age 21, was indicted on charges of child abuse, aggravated assault, and second degree murder.

The Department is providing services to the family.

DCS has received the following prior reports involving Mario Toscano Jr. Emilio's mother and/or Emilio Smith:

On October 3, 2015, the Department received a report alleging Emilio's mother neglected his sibling. According to the report, the sibling was involved in a domestic violence incident. The Department made multiple attempts to locate the family. However, they were unable to be located and the case was closed.

On June 29, 2018, the Department received a report alleging Emilio was neglected by his mother. According to the report, Emilio did not have any one to care for him after his mother was arrested. The allegation was substantiated against the mother. The DCS investigation assessed Emilio as safe in the care of his other parent and the case was closed.

On August 18, 2018, the Department received a report alleging Mr. Toscano Jr. neglected his minor-aged siblings. According to the report, Mr. Toscano provided marijuana to his two, minor-aged siblings. DCS did not find enough evidence to support the allegation. The investigation assessed the children as safe and the allegations were unsubstantiated. The family was provided with information on community resources and the case was closed.