



## **Statement on the near fatality of a 19-month-old boy**

**Issue Date: October 1, 2018**

On August 26, 2018, the Department of Child Safety received a report regarding the near death of a 19-month-old boy.

The child arrived at the hospital unresponsive and at risk of significant injury and possible death after his mother, Estella Hernandez, and her live-in boyfriend, Rafael Kagan, claimed the child accidentally ingested opiates.

Subsequent tests revealed the child had amphetamine, codeine, morphine, oxycodone, fentanyl and methamphetamines in his system.

In addition, the child had bruising on his neck, face and back.

Phoenix police officers arrested Ms. Hernandez and Mr. Kagan and charged them with Child Abuse, a class 2 felony.

DCS placed the other child who was living in the home with relatives.

After the hospital released the near fatality victim, DCS placed the child with relatives.

Due to the severe abuse, the Department is seeking an expedited termination of Ms. Hernandez's parental rights.

The Department will continue to assist the Phoenix Police Department to ensure justice for the child.

The near fatality victim and his family have the following DCS history:

On October 16, 2015, the Department received a report alleging Ms. Hernandez neglected the sibling of the near fatality victim. According to the report, Ms. Hernandez smoked marijuana in front of the child inside the home. The report also alleged Ms. Hernandez abused other drugs which prevented her from providing for the child's basic needs. The subsequent DCS investigation did not find evidence to warrant removing the child from the home. The allegations were unsubstantiated and the case was closed.

On January 26, 2017, the Department received a report alleging Ms. Hernandez neglected the near fatality victim by using opiates during her pregnancy with the child. When the near fatality victim was

Recipient Name

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born, the child tested positive for morphine, oxycodone and oxymorphone. DCS's investigation determined Ms. Hernandez had the child's father and relatives who could act as safety monitors while she worked on her services. The allegations were substantiated and the Department provided in-home family preservation services, substance abuse treatment and child care to the family. Ms. Hernandez completed the in-home services and the case was closed because the father demonstrated he was an appropriate caregiver who could protect the child.

Mr. Kagan has the following DCS history:

On August 17, 2017, the Department received a report alleging neglect to a different child born substance exposed. While the biological father was not known at the time of the child's birth, the juvenile court eventually determined Mr. Kagan was the biological father of the child. Mr. Kagan's whereabouts were unknown so the Department could not offer him services. The juvenile court ultimately terminated his parental rights.