



## **Statement on the near death of an 11-year-old male child**

**Date Issued: March 13, 2024**

On February 5, 2023, the Arizona Department of Child Safety received a report regarding an 11-year-old child who was transported to the hospital after sustaining an accidental gunshot wound. The child and sibling had found their legal guardian, Donald Cryer's unsecured gun and were playing with the gun which resulted in the near fatality victim being shot. At the time of the incident, the children were in the care of their parents, Cherish and Douglas Fowlkes.

Following an assessment of child safety, the other child in the home was assessed as safe with the legal guardian. Upon release from the hospital, the near fatality victim was also assessed as safe with the legal guardian.

On February 16, 2024, the Department substantiated the allegations of neglect to the near fatality victim by his legal guardian, Donald Cryer, and the parents, Douglas and Cherish Fowlkes.

The Department provided the family with information on services available in the community.

There are no prior DCS reports involving Mr. Cryer.

DCS received the following prior reports involving Ms. Fowlkes and Mr. Fowlkes:

On January 21, 2013, the Department received a report alleging neglect to children by Ms. Fowlkes. The report alleged Ms. Fowlkes was caring for her minor siblings and not sending them school. It also alleged Ms. Fowlkes had a history of domestic violence with Mr. Fowlkes and that her current significant other beat up Mr. Fowlkes. The DCS investigation did not find evidence to support the allegations. The allegations were unsubstantiated and no services were provided to the family. The case was closed on January 28, 2014.

On August 18, 2013, the Department received a report alleging neglect to a child by Ms. Fowlkes. The report alleged Ms. Fowlkes had used marijuana prior to finding out she was pregnant. The DCS investigation did not find evidence to support the allegations. The allegation was unsubstantiated and no services were provided to the family. The case was closed on December 4, 2013.

On January 1, 2014, the Department received a report alleging neglect to a child by Ms. Fowlkes. The report alleged a 4-month-old child was found alone in Ms. Fowlkes's car. The windows of the car were rolled up and the doors were locked. The child was in the car for at least 30 minutes. The DCS investigation found evidence to support the allegation. The allegation was substantiated. The family declined services offered by the Department. The case was closed on February 14, 2014.

On December 21, 2016, the Department received a report alleging physical abuse to the near fatality victim by Mr. Fowlkes and physical abuse to a child by Ms. Fowlkes. The report alleged Ms. Fowlkes had grabbed a child

by the neck and their neck was still hurting. The DCS investigation did not find evidence to support the allegations. The allegations were unsubstantiated. The family was provided with community resources. The case was closed on January 27, 2017.

On September 23, 2018, the Department received a report alleging neglect to a child by Ms. Fowlkes. The report alleged Ms. Fowlkes was intoxicated and wanted to pick up her 1-year-old child from the child's father. While at the home, the father was holding the child and Ms. Fowlkes punched the child's father while grazing the child. It alleged the next day, Ms. Fowlkes was trying to take the child and the father refused. The police were contacted and Ms. Fowlkes was arrested. The DCS investigation found evidence to support the allegation. The allegation was substantiated as to Ms. Fowlkes. The Department provided services to the family.

On September 29, 2019, the Department received a report alleging neglect and physical abuse to a child by Ms. Fowlkes. The report alleged Ms. Fowlkes brought a child to the hospital due to swelling on their hand, which ultimately was determined to be a fracture. Ms. Fowlkes stated the child was picked up from their father's home 4 days prior. The DCS investigation did not find evidence to support the allegations. The allegations were unsubstantiated. The case was open when the next report was received.

On February 20, 2020, the Department received a report alleging neglect to a child by Ms. Fowlkes. The report alleged a Ms. Fowlkes had left a child with a relative in December 2019. It further alleged a private dependency petition had been filed. The DCS investigation found evidence to support the allegation. The investigation resulted in the child coming into DCS custody. The allegation was substantiated. The Department was providing services to the family when a subsequent report was received. The child was reunified with their father on June 1, 2020.

On May 6, 2020, the Department received a report alleging neglect to the near fatality victim and his siblings by Ms. Fowlkes and Mr. Fowlkes. The report alleged Ms. Fowlkes was using substances in the same room as the children. It alleged there was drug paraphernalia within access to the children. The allegations were substantiated. The case was open when the next report was received.

On June 16, 2020, the Department received a report alleging neglect to the near fatality victim and his siblings by Ms. Fowlkes and Mr. Fowlkes. The report alleged substance abuse concerns and domestic violence between the parents. The DCS investigation resulted in the child coming into DCS custody. A dependency petition was filed with the Maricopa County Juvenile Court. Services were provided to the family. Ultimately, the dependency was dismissed with a sibling being reunified with their father. The near fatality victim and a sibling were placed under a permanent guardianship with a relative, Mr. Cryer. The allegations were substantiated. The case was closed on December 27, 2021.