



Special Review of the Case Involving

Kaydan Guerrero

Critical Incident Rapid Response Team

Kaydan Guerrero
Suncoast Region
Circuit 12
Hillsborough County, Florida
2020-202379

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Executive Summary

On July 21, 2020, the department received notification that 2-year-old Kaydan Guerrero was pronounced deceased on July 20, 2020, the day after he was admitted to the hospital with unexplained injuries. At the time of the incident, Kaydan was in the care of his mother's paramour, 23-year-old David Vasquez-Malave. Kaydan's mother (22-year-old Deyaneira Lopez-Otero) and her older child ([REDACTED]) were residing in a local shelter, while Kaydan resided with his (putative) biological father, Ramon Williams. On the evening of July 18, 2020, the paramour dropped the mother and oldest child off at the shelter, and he and Kaydan stayed the night at a local hotel, as the mother did not have the necessary documentation to allow Kaydan to reside with her at the shelter.

Paramedics transported Kaydan to Tampa General Hospital the morning of July 19, 2020, after Mr. Vasquez-Malave reported that the child fell out of his vehicle when he pulled over to change his diaper. Upon his admission to the Pediatric Intensive Care Unit, his prognosis was poor, and he was not expected to survive the severe non-accidental injuries. Kaydan succumbed to his injuries and was pronounced deceased the following day on July 20, 2020. The death was determined as a homicide due to craniocerebral trauma with multiple blunt impacts to head.

Given the circumstances of the case and the fact that the case was open to case management services, DCF Secretary Chad Poppell deployed a Critical Incident Rapid Response Team (CIRRT) to Hillsborough County to conduct a special review of the prior interventions with the family to assess for any potential issues within the local system of care.

The review team consisted of representatives from DCF's Office of Child Welfare, Northwest Region and Central Region, Childrens Legal Services (CLS) from the Northeast Region, Embrace Families from the Central Region (Case Management Agency), Seminole County Sheriff's Office Child Protective Investigations Division and the Child Protection Team (CPT) medical director from the Southern Region.

The team reviewed the investigation and case management records involving all key participants and conducted interviews with child welfare professionals involved in the most recent prior closed investigations and the open case management case. The following agencies were interviewed during the review; Hillsborough County Sheriff's Office Child Protective Investigations Division (CPID), Devereux the local case management organization, The Spring the local domestic violence provider and the Office of the Attorney General who provide legal services in the circuit.

Summary of findings:

- Finding A: The dynamics of this case were complex and everchanging. The review found that all the agencies that were involved with this family were ensuring that both children were being kept safe while providing interventions to the family.
- Finding B: A domestic violence advocate is co-located with both CPI and case management staff and is readily available to assist with consultations and provide services to survivors of domestic violence.

Introduction

On July 21, 2020, the department received notification that 2-year-old Kaydan Guerrero was pronounced deceased on July 20, 2020, the day after he was admitted to the hospital with unexplained injuries. At the time of the incident, Kaydan was in the care of his mother's paramour, 23-year-old David Vasquez-Malave. At the time of the incident, Kaydan's mother (22-year-old Deyaneira Lopez-Otero) and her older child (██████████) were residing in a local shelter, while Kaydan resided with his (putative) biological father, Ramon Williams. On the evening of July 18, 2020, the paramour dropped the mother and oldest child off at the shelter, and he and Kaydan stayed the night at a local hotel, as the mother did not have the necessary documentation to allow Kaydan to reside with her at the shelter.

On the morning of July 19, 2020, Mr. Vasquez-Malave was driving with Kaydan in the vehicle when he pulled over to check the toddler's diaper. While the vehicle was parked, Kaydan reportedly fell out of the vehicle when Mr. Vasquez-Malave went to the trunk to get a fresh diaper. When Mr. Vasquez-Malave picked Kaydan up off of the ground, he noticed a bump on his head and a small cut on his lip, before he placed the toddler back in the vehicle and continued his commute.

While in transit, Mr. Vasquez-Malave noticed that Kaydan was in distress and pulled over to call the child's mother, (Ms. Lopez-Otero), followed by 9-1-1. When law enforcement officials and paramedics arrived on scene, Kaydan was unresponsive and Mr. Vasquez-Malave was attempting cardiopulmonary resuscitation.

Paramedics transported Kaydan to Tampa General Hospital, where he was admitted to the Pediatric Intensive Care Unit. Medical professionals evaluated the toddler and advised that he suffered from several non-accidental injuries, to include bruising to his chest and neck, as well as a traumatic brain injury. His prognosis was poor, and he was not expected to survive. Kaydan succumbed to his injuries and was pronounced deceased the following day on July 20, 2020. The death was determined as a homicide due to craniocerebral trauma with multiple blunt impacts to head.

Prior to Kaydan's passing, the Child Protection Team completed examinations on both Kaydan and his older sibling, who was also observed with injuries to his face and chest. CPT opined that Kaydan's injuries were the result of physical abuse, and that ██████████ injuries were indeterminate for physical abuse as neither the mother nor her paramour could provide a plausible explanation for the injuries the children sustained.

Given the circumstances, ██████████ placement was modified from being in his mother's custody to being placed in licensed foster care. ██████████
██████████
██████████

Given the circumstances of the case and the fact that the case was open to case management services, DCF Secretary Chad Poppell deployed a Critical Incident Rapid Response Team (CIRRT) to Hillsborough County to conduct a special review of the prior interventions with the family to assess for any potential issues within the local system of care.

This report presents the CIRRT’s findings, including the child welfare history, the family composition, a summary of the local child welfare services providers as well as an analysis of the system-of-care.

Case Participants

Name	Age at Time of Incident	Relationship
Kaydan Guerrero	2 years	Decedent
██████████	3 years	Sibling
Deyaneira Lopez-Otero	22 years	Mother
██████████	25 years	Father to ██████████
David Vasquez-Malave	23 years	Mother’s paramour

Child Welfare Summary

Between June 2018 and August 2019, there have been four reports involving the family.

The first investigation was received in January 2018 concerning the mother and Kaydan testing positive for marijuana at the infant’s birth. That investigation closed with not-substantiated findings of substance misuse-illicit drugs and the family was offered a daycare referral, which was declined.

In June 2018, the family was involved in an investigation concerning the mental health of the [legal] father (██████████) and concerns for mother meeting the children’s basic needs. ██████████. The mother struggled with housing stability and moved several times during the investigation. Additionally, the mother and father both admitted to a history of marijuana use. Records reflect that a relative provided support and the children’s needs were being met. At closure of the investigation the older child ██████████ remained with the father and Kaydan remained with the mother (as the family did not believe ██████████ was his biological father). The investigation closed with no indicators of inadequate supervision and not-substantiated findings of substance misuse-illicit drugs.

In May 2019, a report was received concerning a physical altercation between the father (██████████) and the paramour of the paternal grandmother. Both parties were arrested as a result of the incident and the father and his son (██████████) subsequently relocated from the grandmother’s home. Intensive in-home intervention services were implemented with the father; however, there were increasing concerns for his mental health. At that time, the mother and her younger child (Kaydan) were residing out-of-state and she was unable to care for ██████████. Given the circumstances, ██████████ was removed from the parents’ custody and placed with a non-relative caregiver.

The most recent investigation involving the family occurred in August 2019, after the mother and Kaydan returned to Florida. That investigation alleged that the mother had a history of substance use and that the child was malnourished and not meeting his milestones. Documentation reflects that the child was evaluated by the Child Protection Team who expressed no concerns for the child’s height and weight. The investigation closed with no indicators of inadequate supervision or substance misuse-illicit drugs. At closure of the investigation, the mother and Kaydan were residing in a local shelter and she was working toward regaining custody of ██████████ was placed with the mother in November 2019 and the judicial case remained open at the time of Kaydan’s passing.

System of Care Review

This review is designed to provide an assessment of the child welfare system's interactions with the Lopez-Otero/Guerrero family and to identify issues that may have influenced the system's response and decision-making.

It is important to note that the following special review findings were not a contributing factor in Kaydan's death, they highlight the areas of strength in the system of care in Hillsborough County.

FINDING A: The dynamics of this case were complex and everchanging. The review found that all the agencies that were involved with this family were ensuring that both children were being kept safe while providing interventions to the family.

Investigations:

- In the May 30, 2019 investigation, [REDACTED] and his father [REDACTED] were residing with family friends that the father had known since high school and who had also cared for him while he was in high school.
- The mother, Ms. Lopez-Otero, provided a power of attorney to the family in order for them to become the primary caregivers for [REDACTED], as she was concerned with the father's deteriorating mental health.
- For the majority of the investigation the mother was residing in South Carolina, the CPI contacted the mother who planned to return to Florida regain custody of [REDACTED] due to the father's reportedly unstable mental health.
- The father's mental health declined significantly during the investigation [REDACTED] [REDACTED] as a result [REDACTED] was removed on June 27, 2019 from the father to ensure his safety. [REDACTED] could not remain in the care of family friends as they feared retaliation from the father.
- During this time, the mother (who was actively trying to return to Florida from South Carolina where she was residing) had ongoing communication with the investigator. She subsequently returned to Florida on August 14, 2019.
- Two days after her return to Florida, an intake was received on August 16, 2019, regarding the mother and her younger child Kaydan alleging inadequate supervision and substance misuse.
- An open case staffing was completed as required with investigations staff case management and the Attorney General's Office to assess safety and any further actions that may be warranted. Based upon the totality of the information that was gathered no further interventions were required and the investigation closed with no indicators.

Attorney General's Office:

- The Attorney General's Office, in good faith, added the mother (who was residing out of state at the time) to the petition. This action was not done at the request of investigations staff and was initiated as a preventative measure to ensure she be assessed should she return to the state in order to regain custody of the dependent child ([REDACTED]).
- The mother subsequently returned to Florida at which time she was assessed, and all parties agreed that the petition against the mother should be dropped. In September 2019, the petition was formally dropped against the mother as there was no information to support any allegations of abuse neglect.

Case Management:

- While the agency completed a 'reunification readiness home study' and not an 'other parent home assessment (CFOP 170-7, Chapter 5), a full assessment was completed to ensure [REDACTED] was safe to be placed with his mother.
- Observations of Kaydan were conducted during home visits where he was present. As of January 2020 Kaydan, was reportedly residing with his putative father.
- The only continued concern was the mother's housing instability which was being addressed through Metropolitan Ministries.
- There were instances whereby the agency, despite COVID protocols, conducted face-to-face visits with the mother, [REDACTED] and Kaydan (whenever he was present). For example, a face to face visit occurred after the case manager was informed by an extended family member that [REDACTED] had sustained an injury, a further report was not generated by case management, as the information that was gathered was from a mandatory reporter who witnessed the incident, and did not support that the injury was inflicted.
- The agency attempted and/or completed criminal background checks on multiple occasions on different household members, including the mother's paramour Mr. Vasquez-Malave.
- Mr. Vasquez-Malave did not have any concerning abuse or criminal history that would have raised red flags or precluded him from being a caregiver. There were discussions regarding not leaving, at least, the child [REDACTED] with anyone that had not been screened and that no discipline should be administered by anyone other than the mother.

FINDING B: A domestic violence advocate is co-located with both CPI and case management staff and is readily available to assist with consultations and provide services to survivors of domestic violence.

- The Spring co-located advocate trains new investigators on the dynamics of domestic violence and communicates regularly with investigation's staff about clients progress.
- Investigators and the co-located domestic violence advocate from The Spring state there is strong communication between both agencies which was apparent during interviews.
- The Spring conducts education and support groups for women involved in the child welfare system as a result of domestic violence; and they have a 12-unit transitional housing program to assist women who are working or going to school.
- [REDACTED] s.

Conclusion

In closing despite the challenges and complexity in this case and circumstances of having two parents (separate households), two children in each parents' custody, one child remaining in a parents' custody and the other having been sheltered and involved in dependency proceedings, biological versus legal and putative fathers, overall the actions that were taken were appropriate to maintain both [REDACTED] and Kaydan safely in their respective homes.