

**Texas Health and Human Services Commission  
Child-Care Licensing  
Investigation Report**

**Operation Information and Allegations:**

Operation #: Southwest Key Programs Inc - Casa El Presidente 1517766

Investigation #: 2462011

IMPACT Case Id:

IMPACT Call Id: 71102337

Intake(s):

Intake Number	Intake Date Received
2462056	07/01/2018
2462011	06/30/2018
2462284	07/03/2018

Investigator's Name: ERINA TORRES

Extension Granted: No

Allegation Type

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Standard/Law Violation | <input type="checkbox"/> Abuse/Neglect Physical Abuse         |
| <input type="checkbox"/> Illegal Operations                | <input type="checkbox"/> Abuse/Neglect Sexual Abuse           |
| <input type="checkbox"/> Suicide Attempt                   | <input type="checkbox"/> Abuse/Neglect Emotional Abuse        |
| <input type="checkbox"/> Child Death                       | <input type="checkbox"/> Abuse/Neglect Physical Neglect       |
| <input type="checkbox"/> Serious Harm/Injury               | <input type="checkbox"/> Abuse/Neglect Medical Neglect        |
| <input type="checkbox"/> Critical Injury                   | <input type="checkbox"/> Abuse/Neglect Neglectful Supervision |
| <input type="checkbox"/> Child Arrest                      | <input type="checkbox"/> Abuse/Neglect Exploitation           |
| <input type="checkbox"/> Illness Requiring Hospitalization |   |
| <input type="checkbox"/> Child Run Away                    |   |
| <input type="checkbox"/> Caregiver Drug Abuse              |   |
| <input type="checkbox"/> Endangering Person                |   |
| <input type="checkbox"/> Child Sexual Aggression           | # Children involved: 0  |
| <input type="checkbox"/> Child on Child Physical Abuse     | # Children involved: 0  |

Intake Priority: Priority 3 - minor violations of the law or minimum standards that involve low risk to children

Investigation Priority: Priority 3 - minor violations of the law or minimum standards that involve low risk to children

Date Priority Changed:

Reason Priority Changed:

Allegation Description:

Child is being aggressive to the rest of the children in care.

**Investigation Persons:**

**Reporter:**

See TAC 745.8483

**Victim(s):**

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**Perpetrator(s):**

<b>Name</b>	<b>Perp Disposition</b>	<b>Admin Review</b>	<b>Release Hearing</b>
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**Investigation Documentation:**

**Initiation Information:**

Initiation Date: 07/05/2018

Type of Initiation: Face to Face

Information Obtained:

Luis was interviewed at Casa Presidente in Brownsville. Luis could not recall how long he had been in care, but stated he had been in care for over a month. Luis indicated the program had provided her with all his basic needs. He stated he did not have any issues with any of the youth or staff in the program.

Luis' hygiene was clean and proper.

The 10 interview rules were established with Luis.

Luis indicated he was taken to the hospital twice when he first arrived her because he was misbehaving. He indicate the first time, he hit the staff because he did not want his immunizations and the second time was because he wanted to play outside and because he was acting up they didn't let him.

Luis was asked about the recent incident he had with Franklin, he stated they were outside in recreation time. He was playing with his ball which had fallen into the swing area so when went to go get it. While he was in the swing area, a second ball fell in from the soccer field, so he kicked the ball back to the soccer field. He states as he kicked the ball, Franklin came into the area and asked him why he had kicked his ball over. He told Franklin he did not know it was his ball and left it at that. He states he started walking away from him when Franklin approached him and kicked him in the chest area three times. He states the first two did not hurt but the third did. He states there were several staff present. He states the staff close to them approached them and separated Franklin from him. The staff took him to the nurse to be checked out.

Luis states when he first arrived to the program he had to incident with Franklin, Franklin had choked him twice.

**Observations Made During Inspection:**

Inspection(s):

3692458

3694464

A walk through was done at the facility on 7/5/18, of the new area where Franklin and the other children with behavioral issues had been placed. Franklin was alone with three different staff playing ball. The lights were dim, the staff indicated Franklin had turned them off

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because too much light was bothering him.

Background checks for staff were reviewed and found in compliance.

**Contact List:**

<b>Type</b>	<b>Date</b>	<b>To:/With</b>
<i>Phone Call</i>	<i>08/27/2018</i>	<i>Guadalupe Renteria (Director)</i>

An exit was held with Ms. Renteria. I advise her a citation would be issued based on the video that was obtained.

I reminded Ms. Renteria of the administrative review time frames.

Ms. Renteria did not have any questions or comments.

<i>Face to Face</i>	<i>07/19/2018</i>	<i>Yahida Escobedo (clinician)</i>
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Ms. Escobedo was interviewed at Presidente. Ms. Escobedo is Luis' clinician.

Ms. Escobedo states she spoke to Luis shortly after incident. The only thing he advise her was that Franklin had gotten upset because he took the ball away from him and then Franklin punches him in the chest. She states Luis and Franklin were on one to one, so staff must have been present at the time of the incident, supervising them.

Ms. Escobedo states Luis never mentioned previous incident with Franklin or there being issues between them.

Ms. Escobedo stated Luis was on one to one because he did not follow rules and schedule.

Ms. Escobedo was asked if the in house safety plan documented were only for youths or were there safety plans meant for staff to use to help reduce incident. Ms. Escobedo states the staff are advise of safety plans with protocol to help assist staff in reducing youths from getting restraint and how to de escalation. She states these are shared with shift leaders who should be sharing with the staff.

<i>Other</i>	<i>07/19/2018</i>	<i>Arnold Castillo (youth care worker)</i>
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Mr. Castillo was not working on this day, so his contact information was obtained.

Contact was made with Mr. Castillo however he mentioned he did not recall the incident or details regarding it.

Mr. Castillo advised he has worked with both youths in the past, but could not recall the incident in question.

<i>Face to Face</i>	<i>07/19/2018</i>	<i>Anahi Cerda (youth care worker)</i>
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Ms. Cerda was interviewed at Presidente. Ms Cerda was advised of the investigation. Ms. Cerda indicated she had been working for the agency for three months.

Ms. Cerda was assigned to Luis on one to one on 7/1/18, the day of the incident. Ms. Cerda states she and Luis were inside the gated playground area. She states Luis kicked a ball that had bounced into the area back into the outside field. She state moments later Franklin comes inside the starts chasing Luis and is able to catch up to Luis and hits him. Ms. Cerda states it was a quick incident. Once they parted the boys she asked Luis if he was fine, he said yes, but was touching his chest/stomach area. She takes him to the medical office to be checked out.

After all was done, she talked to Luis to see what had happened and Luis tells her he thought Franklin had gotten upset that he had kicked the ball.

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Ms. Cerda states Franklin and her were good friends, in fact later that day, the boys were asking to play with each other.

**Face to Face**

**07/19/2018**

**Brandon Hinojosa (clinician)**

Mr. Hinojosa was interviewed at Presidente, he is the worker for Franklin. I advised him of the investigation I currently had with Franklin.

Mr. Hinojosa indicated he doesn't recall the incident in particular as Franklin had many incidents. Mr. Hinojosa indicate Franklin many times did not participate in outside activities, because he was constantly getting in trouble; consequently losing privileges and one of those privileges was the opportunity to go outside with the rest of the children instead of by himself. He states there was more than once when Franklin went to his office requesting to go outside with the rest of the kids. He states he allowed Franklin to do so, with the understanding that he would stay away from trouble, which at times it did happen.

Mr. Hinojosa was asked why Franklin was moved from one to one to close observation frequently. He added that sometimes Franklin would behave very well and he thought could benefit from being removed from one to one, but then it would go back to the same thing, to where he would act up.

**Face to Face**

**07/19/2018**

**Nelly Lopez (Youth Care Worker)**

Ms. Lopez was interviewed at Presidente. Ms. Escobedo was the assigned staff to Franklin on the day of the incident.

Ms. Lopez, has been employed at Presidente for seven months. Ms. Lopez indicated this was her first time being employed by SWK.

Ms. Lopez stated she could not recall clearly the day of the incident (7/1/18) Ms. Lopez said she was assigned to Franklin from 6am to 6pm that day. She states the kids had gone outside to recreation; however due to Franklin being on one to one he was not able to go outside with the rest of the kids, he had to go by himself. She states because Franklin really want to go outside with the rest of the kids, he went to ask his Clinician if he could got outside an play. His clinician allowed him. I asked Ms. Lopez if any rules were set by the clinician once he was allowed outside with the rest of the kids, she said no.

Ms. Lopez states the older kids were outside in the playground. She was Franklin watching him. She does recall what happened but believes it was something to do with a ball. She states Franklin starts chasing Luis around the playground and she follows him. She states she recalls Franklin was able to hit Luis at least once. She states there were other staff present. She states at no point in time is he retrained.

Ms. Lopez she and the other staff attempt to block the youths from each other.

Ms. Lopez states there were no additional restraints as they are no longer allowed to. She states in the event that a restraint needs to happen, they need to call a supervisor and get approval. Ms. Lopez was no sure when this was told to the staff and if it was during a meeting or at shift briefings

Ms. Lopez states as a one to one staff, they must be next to the child and prevent him from doing things he is not suppose to.

Ms. Lopez this was the second time she had assigned to Franklin one to one. She states the first time she worked with him there were no incidents.

**Other**

**07/10/2018**

**Video**

A video of the incident is obtained dated 7/1/18 @ 9:25 am. It begins with Franklin on the side of the playground. He then throws the ball through the play house, which lands on the other side of the playhouse. Then you see Luis kick the ball and at the same time Franklin is heading to the other side of the house to get the ball at the same time Luis kicks the ball to the other side of the fence. Franklin approaches Luis an a confrontational manner and Luis starts running. BOth Ms. Cerda and Ms. Lopez

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are with their assigned child. The two staff start running behind them. Luis then goes through the play house and down the slide and Franklin follows him and they start running around the playground. Luis then runs towards the corner of the playground and Franklin is quick to reach him and throws a punch. Luis then lands on the floor at 9:25:39 he is attempting to stand; however Franklin is still throwing punches and then begins kicking Luis, who still remains on the floor at 9:25:52. Ms. Cerda is observed pulling Franklin from the arm during this time while he is kicking Luis on the floor. Ms. Lopez is to the right side of Luis and is never seen blocking the children from each other. Video ends with Luis getting up and walking away and Franklin kicking throwing a kick, its unclear if he makes contact with Luis.

***Face to Face***

***07/05/2018***

***Franklin (FC)***

Franklin was not interviewed during this investigation as he was having an episode when Licensing was there and was discharged at the end of the week.

***Face to Face***

***07/05/2018***

***Luis (FC)***

Luis was interviewed at Casa Presidente in Brownsville. Luis could not recall how long he had been in care, but stated he had been in care for over a month. Luis indicated the program had provided her with all his basic needs. He stated he did not have any issues with any of the youth or staff in the program. Luis' hygiene was clean and proper.

The 10 interview rules were established with Luis.

Luis indicated he was taken to the hospital twice when he first arrived her because he was misbehaving. He indicate the first time, he hit the staff because he did not want his immunizations and the second time was because he wanted to play outside and because he was acting up they didn't let him.

Luis was asked about the recent incident he had with Franklin, he stated they were outside in recreation time. He was playing with his ball which had fallen into the swing area so when went to go get it. While he was in the swing area, a second ball fell in from the soccer field, so he kicked the ball back to the soccer field. He states as he kicked the ball, Franklin came into the area and asked him why he had kicked his ball over. He told Franklin he did not know it was his ball and left it at that. He states he started walking away from him when Franklin approached him and kicked him in the chest area three times. He states the first two did not hurt but the third did. He states there were several staff present. He states the staff close to them approached them and separated Franklin from him. The staff took him to the nurse to be checked out.

Luis states when he first arrived to the program he had to incident with Franklin. Franklin had choked him twice.

**Investigation Findings:**

Disposition (if A/N):

Explanation of Disposition:

Based on the information obtained for this investigation a citation will be issued.

Franklin has had many incidents at the program, the issues started with him begin only with him but eventually started to escalate towards other children.

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Video of the incident at the playground was viewed. Both Luis and Franklin are inside the slide area, Franklin kicks the ball through the playhouse landing around where Luis is. Luis then kicks the ball to the soccer field unaware that it was Franklin's ball. Franklin become upset and approaches Luis and they start chasing each other. Both youths are on one to one, to each perspective staff are following their child. Franklin is eventually able to reach Luis, he throws a punch and is able to make contact. Luis then falls to the floor and Franklin starts to kick him, once again making contact and kicking Luis in the face. The staff are there they never make efforts to move Franklin away from Luis; the staff just hold him. Franklin was able to kick several time.

A citation will be issued, due to staff not properly intervening to prevent further kicks towards Luis.

Recommended Action: Routine monitoring

**Action Dates:**

Notification to Provider: 08/27/2018

Investigation Complete: 08/22/2018

Investigation Closed: 08/30/2018