



**Office of
Representative Carole Fiola
Commonwealth of Massachusetts**

October 28, 2020

To:

Secretary Marylou Sudders, Health and Human Services
Secretary James Peyser, Education
Commissioner Linda Spears, Department of Children and Families
Commissioner Jeffrey Riley, Department of Elementary and Secondary Education

Dear Secretaries and Commissioners,

I would first like to start off by thanking you for the work that has been done to respond to this pandemic. We have all worked hard to address the health and financial needs of the Commonwealth during this unprecedented time and nothing about the last seven months has been easy. However, we know that regardless of our diligence there are serious concerns that have prompted my writing to you today.

My concerns stem from a recent horrific incident in Fall River, that you are all aware of. I know you are all as devastated as me. Currently under criminal investigation, Fall River recently saw an extreme child abuse case that resulted in the death of a severely autistic, 14-year-old boy, David Almond and the hospitalization of one of his triplet brothers. David was living with and under the care of his father and his father's girlfriend when he was rushed to the hospital and pronounced dead. David was a freshman special needs student at Durfee High School. He was 5'10" and weighed only 80 pounds and wearing an adult diaper at the time of his death. The investigation has revealed evidence of neglect and admitted narcotic abuse by his caretakers including his grandmother. David was found to have fentanyl in his system. Until March 2020, David was under the care of Devereaux Advanced Behavioral Health. In March, he returned to living with his father. David and his brother were remote learning at the request of his father since March.

To say that this case was horrific on its own, is an understatement. The legal process will, we all pray, provide some justice in this case. However, it raises many questions and concerns as to a system that appears to have failed David and his brother. Surely, we are living in a "new normal", but we have had time to devise the systems each agency needs to conduct their essential functions. I am writing to implore each and every agency involved, to not only identify the system failures in this case, but once identified to act to remedy these failures. Remote learning is not going away for some time. We are very likely to have other children in harm's way. It is my fear that with COVID-19, these cases are not being reported and monitored appropriately. This is what we have all feared since day one.

I have many questions related to this horrible situation; however, I'd like for all of us to get the answers to the following questions:

1. What is the protocol for student follow up when a child/student under DCF care or not, is removed from a residential care facility and put back in a home with family members?

As I mentioned above, David was in a residential care facility until March and an active DCF case. What checks and evaluations are in place to ensure safe at home conditions? Reports show the home that David lived in with 5 other people and pets was a one-bedroom apartment. How was this even considered? Did he leave the residential facility with a comprehensive plan with follow up? Who was responsible for the decision?

2. What are the policies and protocols in place to address issues of children who are not attending or are not visible during remote learning sessions, especially for extended periods of time?

It is my understanding that David never presented to school in person or remotely. Who should have followed up? What is the current protocol? How many days of no presence at all before a visit is warranted? What should the protocol be? School began September 16 in Fall River. He died on October 21, more than a month after school began. We must learn what went wrong to put the right mechanisms in place. How many other children in Massachusetts have not reported to school and no eyes have been on them since September or even March!

3. What is the responsibility of the Department of Children and Families Services for active cases? Are in-person checks continuing and are social worker visits being conducted on a regular basis?

Is it true there were no social worker visits with the boys? When was the last time someone put eyes on them? We know that safety precautions have changed protocols for at home visits in many different industries but our most vulnerable and identified children deserve to be seen. What are DCF protocols during COVID-19 and how are these children being monitored?

My fear is that this horrific case is one of many other unreported tragedies during the pandemic. I fear that this new normal leaves many children at risk and that the protocols surrounding monitoring and reporting that keep students safe are insufficient.

I have thought of the horror of how David and his brother lived every day since I learned of this case. I write to ask that we all work together to identify what went wrong, what needs to be done and to put these policies, regulations or statutes in place to stop one more child from imminent danger or death. I know you share my concerns and I look forward to hearing from you and working with you to do what needs to be done.

Thank you for your time and consideration.

Sincerely,



Carole Fiola
State Representative, 6th Bristol

CC:

Governor Charlie Baker
Lieutenant Governor Karyn Polito
House Speaker Robert DeLeo
Representative Denise Garlick, Vice Chair on Ways and Means
Representative Kay Khan, House Chair of Joint Committee on Children, Families and Persons with Disabilities
Representative Alice Peisch, House Chair of Joint Committee on Education
Maria Mossaides, Office of the Child Advocate
Mayor Paul Coogan
Superintendent Matthew Malone