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HEADLINE: When it came to preventing Ashley's death, the system failed;
Several abuse reports on the child weren't checked out.

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BODY:

What 18-month-old Ashley Payne needed in her short life was a guardian angel.

Instead, it seems, life, fate and technology all conspired against the little girl. Her death exposed a troubling series of old and new problems within the child protection system that officials are still trying to sort out.

While child protection staff blamed high caseloads for the 106-day delay in checking out seven abuse reports on Ashley, other factors contributed to her death.

During those 106 days, almost anything that could have gone wrong did.

"Our department blew it," said one Child Protective Services worker who reviewed the case and spoke on condition of anonymity.

"It seemed to me like far too many people had their hands on this case for this to happen. "

Jerry Rose, the deputy director in charge of Child Protective Services, said the agency is still investigating Ashley's death and has drawn no conclusions about what went wrong.

"You can look at situations like this from two sides," Rose said.

"It's never really clear-cut and this is one of those situations. "

One major missing piece of the puzzle is Lisa Faust, the first social worker assigned to the case who has been on leave since mid-December.

Exactly what Faust did and did not do is unclear because the case file has been lost and the social worker provided handwritten notes to her supervisors after Ashley's death. Supervisors said they have been unable to discuss the case with Faust because she is on medical leave.

Investigators do know that Faust received six separate reports on Ashley and was supposed to see the little girl within 10 days of the first call on Sept. 8.

According to her notes, Faust first tried to check on Ashley at a Hemet homeless shelter on Sept. 16, eight days after the initial hot-line call. But the address listed in the first hot-line report was a Hemet apartment, not the homeless shelter.

The family didn't move into the homeless shelter until early October, nearly a month after Faust claims to have driven to the facility in search of the family.

Why Faust would have gone to the shelter instead of the listed address remains unclear and supervisors were at a loss to explain the discrepancy. Faust could not be reached for comment.

Another move that has raised questions was a decision to call Hemet police instead of a social worker to check on Ashley.

When the Dec. 5 hot-line call came in with reports that Ashley had bite marks, hot-line worker Sandra Torres urged her supervisor to send out a social worker immediately to check on Ashley. No, the supervisor told Torres, call Hemet police and have them check on the girl.

The child protection staff member who spoke on condition of anonymity said the agency has begun to rely too heavily on law enforcement to check on children and is meeting resentment from police.

"I think calling law enforcement is a dangerous habit our department has gotten into," the staff member said.

Rose said law enforcement is an integral part of child protection and that he has heard no complaints from police departments.

"We don't expect law enforcement to do social work, but there are cases where we ask law enforcement to do a welfare check and, yeah, they do it," Rose said.

Along with human errors, troubles with a widely criticized

statewide computer system created more than one problem in the case.

When the Sept. 8 hot-line call came in, one hot-line worker failed to find a previous abuse history that would have shown Cynthia Payne's son had been a victim of previous abuse.

When Hemet police called on Oct. 23 to report a bite mark on Ashley, the computer system was down and the hot-line worker couldn't find any background on the case.

After Faust took extended medical leave on Dec. 17, the case was reassigned to social worker Manuel Beltran.

A computer check by Beltran found only one of the six child-abuse reports on Ashley, said regional manager Dave Demers. Beltran saw only the first anonymous call from September and nothing more.

With this information, Beltran and supervisor Rich Moskowitz decided on Dec. 22 to close the case "due to time lapse/unfairness to identified family. "

Two days later, on Christmas Eve, Ashley Payne was rushed to Loma Linda Medical Center with serious head injuries, a fractured bone and numerous bruises.

After Ashley's death, Child Protective Services revamped both the computer program and training to ensure that social workers now check the entire database for abuse reports, said Demers.

Even with the change, Demers said, the new computer is far from flawless.

Computer case files still contain inexplicable gaps. If social workers pull up a case under Ashley Payne's name, they will see only six of the seven hot-line calls. Pull up the case under her mother's name and a different set of six of the seven calls pops up.

Such gaps mean that social workers are doing their jobs without all the information they need unless they take extra precautions.

"We have a lot of room for error," Demers said of the new computer system. "Beaucoup room for error. "

Questions have also been raised about Ashley's health when she was placed in foster care. Although Cynthia Payne told doctors that there was a history of epilepsy and seizures in the family, Ashley was released without any special instructions or seizure medication.

Karen Gardenias told social worker Chris Economon she felt "betrayed" in not being told by Loma Linda doctors or the social worker about Ashley's medical problems when the girl was placed in her foster home.

Karen and her husband, Doug, told Economon that Ashley had been sitting in a high chair eating a cookie on Jan. 26 when she fell to the floor and apparently suffered a seizure. She died two days later.

Initial medical tests indicated that a new injury had caused Ashley's death, but Hemet police arrested Cynthia Payne and her companion, Douglas Fields, and booked the two on suspicion of murder. The two are charged with torture and child endangerment.

Investigators argued that it was complications from the Dec. 24 injuries that caused Ashley's death and are considering murder charges.

If that's the case, questions remain. Why did Loma Linda release Ashley to a foster home if she still had medical problems? Why wasn't the foster family told of Ashley's health problems and the family history of seizures?

Loma Linda officials declined to discuss the case.

Cynthia Payne denied any responsibility for her daughter's death and blamed Child Protective Services and Loma Linda for neglect.

"I'd say the system let my daughter down," Payne said. " . . .

They let her die. They put her someplace and they promised that she would be all right and they didn't do that. And now, I'm in here. "

NOTES:

Sidebar to "Troubled road to recovery"

GRAPHIC: MUG SHOTS [Caption] Cynthia Payne
Douglas Fields

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