



# *Alexander County Department of Social Services*

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## MEMORANDUM

TO: Lisa Nixon

FROM: Cindy Holman, DSS Director

DATE: December 15, 2011

RE: NC General Statute 7B-2902 Disclosure in Child Fatality or Near Fatality Cases

The Alexander County Department of Social Services received three reports concerning the above named child. The initial CPS report was received on March 15, 2006, and alleged that the child was neglected, in that she was not being properly cared for and was not receiving appropriate medical care. On March 17, 2006, the agency filed a neglect petition and requested non-secure custody of the child. Such was granted. The agency completed the investigation and substantiated neglect on March 21, 2006. On April 26, 2006, Brilly Mendez was adjudicated (found to be) neglected by the court. The child spent 12 days in a foster placement. In a hearing on March 29, 2006, Alexander County DSS retained custody; however, was ordered to return Brilly to the care of her parents in a trial placement. The agency entered into an out-of-home service agreement with the family in order to alleviate both the agency's and the court's concerns for the child. The court returned custody of the child to the parents on December 13, 2006. The agency closed their case with the family the same day (December 13, 2006), as the family had satisfactorily addressed the identified risks that had necessitated DSS and court involvement.

The agency received a second report February 9, 2007 alleging neglect. The allegations did not meet the statutory definition for neglect, and the report was screened out.

The agency received a third report on August 26, 2008. The report alleged neglect, in that the child was not receiving proper care. The report was initially assessed on August 27, 2008, (including interviews with the mother and the mother's boyfriend), with assistance from the Alexander County Sheriff's Office. The agency was unable to locate the child at that time. The agency filed a petition on August 28, 2008 alleging the child was neglected and sought non-secure custody of the child. Alexander County DSS was granted non-secure custody on August 28, 2008.

Through its investigation, the agency was able to determine the last approximate date anyone had seen Brilly Mendez alive was in early March of 2008. The agency continued to make diligent efforts to locate the child. The last time Alexander County DSS staff saw Brilly's mother and the mother's boyfriend was on September 3, 2008. The agency learned that the mother and the mother's boyfriend had left Alexander County shortly thereafter. The department worked closely with the Alexander County Sheriff's Office in attempting to locate the child, the mother, and the mother's boyfriend.

Human remains were found on the property where the family had last resided, in October of 2008. The remains were positively identified as those of Brilly Mendez in January of 2009. Subsequently, the agency's juvenile petition and non-secure custody of this child were dismissed.

A Certificate of Death, for Brilly Mendez, was filed on March 24, 2009 listing the cause of death as pending. The Certificate of Death was amended October 27, 2009, with the immediate cause of death being malnutrition with failure to thrive due to child neglect.

The child's mother and the mother's boyfriend were charged with Murder and Felony Child Abuse in October of 2008. The mother and her boyfriend were located in Texas on February 20, 2009, and arrested on an outstanding fugitive warrant from NC. The mother and her boyfriend were arrested in Alexander County on March 5, 2009 for the outstanding charges of Murder and Child Abuse. The charges of Murder and Felony Child Abuse were voluntarily dismissed due to insufficient evidence. The mother and her boyfriend pled guilty to Felony Concealment of a Body on November 16, 2009. The mother and her boyfriend were both sentenced to 6 to 8 months in the NC Department of Corrections, for which they were given credit for time served. They were also subject to a detainer by Immigration and Customs Enforcement, and were later deported to their countries of origin.

This case was not subject to a State Child Fatality Prevention Team Review because no services had been provided by the Department of Social Services in the 12 months immediately prior to this child's death. The case was reviewed on the local level. The Alexander County Child Fatality Review Team recommended training and education for the community regarding every individual's responsibility and obligation to report any suspicion of child maltreatment.

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