



## **Statement on the death of one-year-old Josiah Gishie**

**Issue Date: October 12, 2018**

On July, 17, 2018, the Arizona Department of Child Safety received a report regarding the death of a one-year-old boy, Josiah Gishie.

We, as a department, are painfully affected whenever a child dies, but especially so when the child is known to us.

Ms. King and her family were receiving in-home services through the Department at the time of Josiah's death. The Department last had contact with Ms. King and her children on July 10, 2018.

Josiah entered DCS care on March 27, 2017, while his mother, Donielle King, was receiving services so she could reunify with her children. Ms. King's other children entered DCS care in April 2016 after Ms. King physically abused one of them during a fight between Ms. King and her relatives.

As Ms. King successfully completed her counseling, parenting classes and parent aide services, her children were slowly transitioned back into her care.

Ms. King's older children began living with her in December 2017. Josiah was returned to her home in June 2018.

The juvenile court approved the reunifications and the in-home services DCS was providing to the family. The Foster Care Review Board, the Guardian ad Litem, and the other attorneys involved with the case supported the reunification.

On July 17, 2018, DCS received a report that Josiah was found unresponsive in Ms. King's home.

Ms. King told investigators that while she took her older children to daycare that morning, she left Josiah home alone when she went to work.

Ms. King claimed that a homeless woman, who Ms. King had met on the streets, promised to arrive later that morning to babysit Josiah. When Ms. King returned home from work, she found Josiah alone and unresponsive in a bedroom.

Recipient Name

Page 2

Ms. King told investigators she didn't take Josiah to daycare with the other children because he had a contagious skin infection.

Ms. King claimed she had no other options except leaving her child or staying home and risk losing her job.

However, DCS had established resources for Ms. King to access in an emergency. Before DCS returns children, the Department holds a meeting with parents to identify other responsible individuals in a person's life that the person can turn to for help in an emergency. The Department then confirms with these individuals that they are willing to accept the responsibility of being a support for the parent. Ms. King had several such individuals she could have called that day to watch Josiah.

In addition, Ms. King could have contacted DCS that morning and a caseworker would have found alternate care for Josiah.

Through the course of the investigation into Josiah's death, the Department learned that Ms. King had concealed from DCS that she had started to allow individuals into her life that could pose a safety risk to her children.

DCS also learned that members of the community who were close to Ms. King had pertinent information as to the safety of the children in the home, but they never reported it to the Department.

Even though Ms. King was under the scrutiny of the court and a DCS in-home service team visiting her home multiple times a month, no one can predict when someone will murder a child.

Ms. King was arrested and eventually charged with first degree murder.

Josiah's siblings were removed and placed into licensed foster homes.

The Department was originally asked by the Maricopa County Attorney's Office to withhold release of information involving this case as its release could pose specific material harm to the prosecution. The Department received approval to release case information from the Maricopa County Attorney's Office on October 5, 2018.

### **Prior History**

Ms. King has six prior DCS reports. Since Ms. King is affiliated with an Arizona Tribe, her cases fell under the Indian Child Welfare Act (ICWA). ICWA cases contain jurisdictional and legal issues that influence how the Department investigates and provides services to a family. There is a higher burden of proof for the government to intervene in an ICWA case.

On March 21, 2012, the Department received a report alleging Ms. King neglected one of Josiah's siblings. The report stated Ms. King tested positive for marijuana during her pregnancy. Ms. King's subsequent tests were negative. The allegation was unsubstantiated and the case was closed.

On January 24, 2014, the Department received a report alleging Ms. King and the father neglected Josiah's siblings. The report stated the children were found unsupervised outside the

Recipient Name

Page 3

home. After a DCS investigation, the children were removed from the home and a dependency petition was filed with the court. The juvenile court dismissed the dependency and the children were returned to the parents. The allegation was subsequently unsubstantiated.

On August 12, 2015, the Department received a report alleging Ms. King neglected one of Josiah's siblings. The report stated Josiah's sibling tested positive for marijuana at birth. Ms. King refused to participate in the Department's in-home substance abuse program. While this investigation was on-going, the Department received another report on April 20, 2016, alleging Ms. King physically abused one of Josiah's siblings. The DCS investigation discovered the child suffered sore ribs, a bruised cheek, a bloody nose and a cut on her foot after being in the middle of a fight between Ms. King and her relatives. Ms. King admitted to throwing a compact disc at the child that caused the cut on the child's foot. Police did arrest Ms. King, but she was not prosecuted. The allegations were substantiated and the children were removed from the home and placed into foster care.

On March 27, 2017, the Department received a report alleging Ms. King neglected Josiah. The report stated Ms. King tested positive for methamphetamine during her pregnancy. Josiah was removed from Ms. King's care and placed into foster care. Josiah's siblings were still in foster care at this time.

On July 9, 2018, the Department received a report alleging Ms. King neglected one of Josiah's siblings. The report stated the child had numerous open sores and Ms. King failed to seek medical treatment. The DCS investigation revealed the child had contracted a contagious skin infection that produces open sores throughout the body. Ms. King presented paperwork to the investigator that showed she had taken the child to a doctor who had prescribed medication to treat the infection. The allegation was unsubstantiated and the case was closed.

The entire community that surrounded and supported this family for over the past two years, from DCS employees to the courts and service providers, mourns the loss of this innocent life. The Department will continue to fight for justice for Josiah and permanency for his siblings so they can one day recover from their pain and sorrow.