

State officials must answer for keeping 2-year-old in home before fatal overdose, attorneys say

Lawyers for Mitchell Robinson's family say toddler's death from fentanyl should prompt reform

- [BY ANDREA GALLO | STAFF WRITER](#)
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Lawyers representing the family of the Baton Rouge toddler who died from a fentanyl overdose said Wednesday that his death should serve as a wake-up call for [Louisiana's Department of Children and Family Services](#), which lacks funding and failed to take proper action in that case.

Two-year-old Mitchell Robinson had been hospitalized twice and treated with the anti-opioid overdose drug Narcan in the months leading up to his death. Both hospitalizations prompted doctors to [report his family](#) to the child welfare agency, according to arrest records. But the agency didn't remove him from his mother's care, and the boy died in June.

Police arrested the boy's mother, Whitney Ard, last week on a negligent homicide count in connection with her son's death.

"At no point in time was there any intervention where baby Mitch was taken away," said attorney Ron Haley, one of the lawyers representing the Robinson family.

Haley said his team hopes to discover how the Department of Children and Family Services responded to each report of potential abuse that it received about Mitchell, information that could be revealed in court once Haley sues the agency on the family's behalf.

The state agency commonly connects parents struggling with substance abuse to treatment programs, an intervention that might have saved Mitchell's life, said attorney David Utter, who also represents the family.

Children often remain with their parents while the treatment is ongoing. But if parents don't make enough strides or their homes grow too dangerous, the agency may place the children in foster care.

It remains unclear to what extent the department investigated Mitchell's case, whether it offered any services to Ard and whether the decision to keep him in his mother's home came directly from the agency or from a juvenile court judge. Such court proceedings are confidential.

Haley said Mitchell's grandmother also reported Ard's drug usage last year to the child welfare agency, giving it at least three opportunities to check on him before his fatal fentanyl overdose in late June.

Agency spokesperson Catherine Heitman said the agency has no evidence that Mitchell's grandmother or law enforcement ever made reports of abuse or neglect. The agency is conducting an internal review of how the medical referrals were handled, and the state's Office of Inspector General is investigating as well. Heitman declined to comment on the potential lawsuit.

Agency Secretary Marketa Garner Walters announced Monday that the agency adopted a new policy in the wake of Mitchell's death that requires caseworkers to make immediate visits when they receive medical referrals of abuse and neglect on children ages 3 and under.

The new policy says all medical provider reports of abuse and neglect for children ages 3 and under will be accepted for investigation, then prioritized based on the level of danger posed to the child.

In cases in which there's a concern about a child ingesting a controlled substance, those reports will automatically be designated as top priority, requiring a 24-hour response from the agency.

The Robinson family's lawyers said Wednesday that although they hold the Department of Children and Family Services responsible for Mitchell's death, they do not necessarily blame the front-line social workers who are burnt out, underpaid and trying to check on too many children at once.

They said the agency's overall organizational structure has [set up employees to fail](#), and the Louisiana Legislature and Gov. John Bel Edwards need to invest more resources into the agency.

"This problem is endemic in this organization in the way it's been structured for so long," said attorney Christopher Murrell. "It's not just having enough social workers; it's having social workers who have morale, who are paid well, who stay at the agency."

Utter, who has long called for reforms to Louisiana's juvenile justice system, recalled how the state tried to [implement Missouri's model in reforming juvenile prisons](#). Those reforms were never fully implemented. But he said Louisiana should look to other states with more successful child welfare models and try to emulate them.

"Let's not reinvent the wheel," he said. "Let's get somebody in here that can reevaluate the system and change it based on best practices."

[Ard remains jailed](#), and a Baton Rouge judge on Tuesday revoked her bail in a previous case and ordered a substance abuse evaluation for her.

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