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\$17 million lawsuit says DHS ignored report of 4-year-old with bruised head; 2 weeks later he was dead

Updated: Apr. 26, 2024, 8:21 a.m. | Published: Apr. 25, 2024, 2:57 p.m.



Marquavious Ware, 19, was arraigned in Multnomah County Circuit Court on May 4, 2023, on charges he mistreated and murdered his 4-year-old son, Jhorden Clay. Dave Killen / The Oregonian



By [Aimee Green](#) | [The Oregonian/OregonLive](#)

The estate of a 4-year-old boy who prosecutors believe was [kicked and stomped to death by his Portland dad](#) filed a \$17 million lawsuit Wednesday against the state, faulting Oregon's child-welfare agency for failing to investigate a report two weeks earlier that the boy's forehead was inexplicably bruised.

The lawsuit filed over the death of Jhorden Clay notes that even the Oregon Department of Human Services — in [an after-death assessment](#) of its handling of the case — found that its child-welfare workers should have taken action by looking into the allegation of abuse.

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DHS' self-assessment stated that on April 19, 2023, the agency had received a report that the boy's mother had taken a screenshot of a concerning bump or bruise on the boy's forehead during a Facetime call with her son. DHS also learned the boy had been staying with his father for weeks because the father had refused to return him after what was supposed to be a two-day visit; the boy was allegedly scared of his father and wanted to be with his mother; and the father was allegedly heavy handed with discipline. DHS, however, decided not to investigate, labeling the case "closed at screening."

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A medical examiner determined Jhorden died from homicidal blunt force trauma to his abdomen on May 3, 2023, after an ambulance rushed him to Legacy Emanuel Medical Center in North Portland. In court papers, prosecutors alleged that his 19-year-old dad, Marquavious Ware, punished the boy for sneaking Skittles and wetting his bed. Prosecutors also said doctors and the medical examiner found a cigarette-sized burn on the boy's hand and arm, bruises throughout his body that were a few days to weeks old and marks on his neck that are consistent with having been strangled. Prosecutors said another child in Ware's home said he saw Ware kicking and stomping Jhorden.



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Ware has been charged with second-degree murder and first-degree criminal mistreatment. His case is scheduled for trial next year.

Jake Sunderland, a DHS spokesperson, said he couldn't comment on the lawsuit, but also added "Anytime a child dies, it is a tragedy for the family and the community."

According to court filings from the criminal case and the lawsuit, Jhorden had been living with his mother. On April 7, she had agreed to let him stay with Ware for two days over the Easter weekend. Ware didn't return the boy as scheduled, but allowed his mother to talk to him over video calls, according to the lawsuit.

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After noticing the bruise on her son's head and taking a screenshot of it, the boy's mother made a report to Portland police, according to the suit. Police showed up to Ware's Northeast Portland home. After finding neither he nor the boy there, they told the mother DHS would follow up, the suit states.

DHS' after-death report, known as a Critical Incident Review Team report, says the boy showed up on DHS' radar long before his death — with allegations of mistreatment or neglect made about multiple adult family members, including his father. The first allegation concerning the boy's welfare was made when his mother was still pregnant with him.

The lawsuit was filed in Multnomah County Circuit Court by Portland attorney Amity Girt, who used to prosecute child abuse cases as a Multnomah County deputy district attorney.

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