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DHS pays out \$1.1 million settlement in Keizer child death

BY SALEM REPORTER • AUGUST 12, 2019





The Oregon Department of Human Services has agreed to a \$1.1 million settlement to avoid litigation over its alleged lack of action in preventing the death of a 12-year-old Keizer boy.

On the evening of Jan. 13, 2017, Caden Berry had bathed and was watching television. His mother, Amy Robertson, came up and strangled him to death. It was the predictable culmination of several red flags child protection workers had witnessed but failed to adequately address, according to Caden's attorney.



A tort claim filed on Caden's behalf alleged that DHS failed to act on information relating to Roberson's mental state and violence toward her children.

Salem Attorney David Kramer said this thankfully is one of the rare instances where DHS agrees to a settlement before the case goes to court.

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Kramer is representing Timothy Wood, a court-appointed representative for Caden. Wood is a former attorney who worked for

the Oregon Department of Justice. He now volunteers with Kramer as a representative in similar cases.

One-third of the settlement will go to legal fees and the remaining will go into a trust for Caden's two half-brothers, according to court documents.

Kramer said had DHS fought the case in court, it would have taken at least two more years — time where the monetary award would not be accruing interest for the boys.

Robertson was arrested the next day, and admitted to hearing voices telling her to kill her son, Kramer said. She has been charged with aggravated murder in Marion County but has been found to currently be unable to assist in her trial due to her mental state, and is residing at the Oregon State Hospital. Much of the documents detailing the background and the killing itself are sealed. However, Kramer said the DHS file on Robertson goes back years.

“In general, in this case and many others, these families don't just pop up on the radar when something catastrophic happens,” he said.

Procedures designed to protect children fell short, Kramer said. Caden was the only child in the Keizer home with Robertson, but he had two half-brothers living in Lane County. Kramer said there were recent reports of threats to the brother in Lane County, but Lane DHS workers never relayed that info to workers in Marion County.

“What’s supposed to happen is if there are threats to one kid, you look at the other kid,” Kramer said. “That didn’t happen.”

According to Robertson’s criminal indictment, she assaulted Caden’s half-brother in Marion County in 2015 and 2016, “engaging in a pattern of assault or torture,” of the boy.

Kramer said at least within days of Caden’s death a DHS visited the Keizer home and found Robertson in deranged mental state. She was outside the home and would not let the worker in.

“He just said in so many words, ‘Oh well, I’ll just come back later,’ instead of reporting that to child protective services,” Kramer said.

While Kramer gives credit to DHS for settling, he points out that DHS is not admitting fault in the death. Kramer said following the death, DHS published a [Critical Incident Response Team report](#) detailing some of the department’s inadequacies due to high caseloads, but the report does not discuss Caden’s specific case.

“Staff turnover, along with high caseloads and heavy workload demands, decrease the ability of the Department to provide effective child protection services and ultimately decrease the ability to ensure child safety,” the report states. “Research demonstrates that high staff turnover affects the quality and consistency of services provided to families as well as case outcomes.”

DHS officials were not immediately able to comment for this story.

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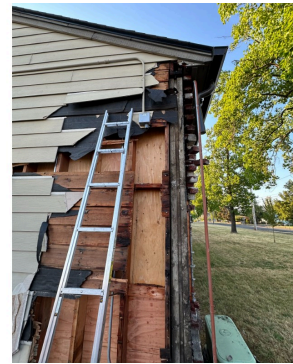


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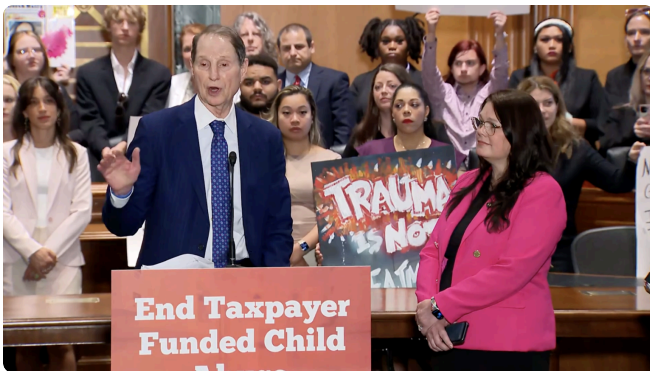
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