



STEPHEN B. RUSSELL
Office of the State Attorney
20th Judicial Circuit

Serving Charlotte, Collier, Glades, Hendry and Lee

FOR IMMEDIATE RELEASE

November 15, 2006

Grand Jury Releases Report on Children and Family Services

State Attorney Stephen B. Russell announced today that the Lee County Grand Jury has issued a report on the results of its inquiry into the Department of Children and Families, following the death of Michelle Fontanez on February 24, 2006. The report was presented today in the Lee County Circuit Court. A copy of the report is attached.

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, LEE COUNTY, FALL TERM, 2006**

**IN RE: REVIEW OF DEPARTMENT OF CHILDREN
 AND FAMILIES HANDLING OF
 MATTERS RELATING TO DEATH OF
 MICHELLE FONTANEZ**

PRESENTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

The Grand Jurors of the State of Florida, impaneled and sworn to inquire and true presentment make, in and for the County of Lee, do present the results of our review of the facts and circumstances surrounding the way in which the Department of Children and Families (“DCF”) handled matters relating to Michelle Fontanez.

Ms. Fontanez received serious injuries on or about February 20, 2006, in Lee County, Florida, during the course of a sexual battery. She died from those injuries on or about February 24, 2006. The Lee County Grand Jury for the Spring Term, 2006, inquired into the matter of the criminal acts committed against Ms. Fontanez, and as a result indicted Alberto Hernandez, her step-father, for First Degree Murder, Aggravated Child Abuse, and Sexual Battery.

Ms. Fontanez made complaints of abuse by Mr. Hernandez in the weeks and days prior to her death. These complaints were not adequately or properly handled by DCF. The sequence of events is set forth in the DCF report dated June 14, 2006, which has previously been made public.

The conduct of the Child Protective Investigator (CPI) who was assigned to Ms. Fontanez’s case, and her supervisors, was grossly deficient. While we are outraged at the tragic results of this incident, however, we do not find any violations of the criminal laws on the part of the DCF employees.

We understand that the CPI and two supervisors involved in these matters are no longer with DCF, due to resignation and/or termination of employment. While we can never know whether appropriate protective steps would have, in fact, prevented the criminal acts which killed Ms. Fontanez, they could well have reduced the risk to her. Clearly, the DCF, which had the legal responsibility to protect her, failed to do so.

We are encouraged by the fact that DCF has recognized the problems that have occurred, and has begun taking steps to correct them. We especially wish to commend the District Administrator, Robert McHarry, for his efforts in establishing and communicating procedures intended to avoid any further mishandling of

