

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH  
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

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**Report Release Date: January 29, 2014**

**Review of the Near Death of B.H.**

**of Major, Caddo, Woods, Dewey, and Oklahoma County, Oklahoma**

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**General Information**

On April 6, 2012, B.H. presented to a hospital with a near-death medical finding as a result of Child Abuse. On April 6, 2012, Oklahoma County OKDHS requested that B.H. be placed into Emergency Custody. A Criminal Felony charge of Causing, Procuring or Permitting a Willful Act of Child Abuse was filed by the Major County District Attorney's Office on April 9, 2012, against the biological mother Kayla Pollock and on May 29, 2012, against Kayla Pollock's boyfriend, Cody King, who were both identified as Persons Responsible for the Child by OKDHS.

**Authorization**

The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the dates and outcome of investigations and actions taken by the OKDHS; the actions taken by the district attorney; the dates and summary of judicial proceedings; and the rulings of the court, as authorized by 10A O.S. Section 1-6-105.

**Identifiers:**

Child's Name:	B.H.
Age at the time of the incident:	Twenty-months-old
Date of Near Death:	April 6, 2012

Person(s) Responsible for the Child	Kayla Pollock Cody King
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The Oklahoma Commission on Children and Youth (OCCY) was aware of this case before the near-death of B.H. on March 29, 2012. A concern was raised that B.H. had been left in her home where she had been physically abused by an unknown perpetrator. The OJSO made contact with the Major County Department of Human Services who stated they presented all of the evidence to the District Attorney. The OCCY Director also spoke with the Major County District Attorney and requested that the District Attorney request assistance from the Oklahoma State Bureau of Investigation (OSBI) in order to identify the perpetrator. The District Attorney stated that he would have his District Attorney Investigator look into the case to help identify a perpetrator in order to protect B.H.

## **Criminal Charges**

A Felony charge of Causing, Procuring, or Permitting a Willful Act of Child Abuse was filed in Major County, Oklahoma against Kayla Pollock on April 6, 2012.

A Felony charge of Causing, Procuring, or Permitting a Willful Act of Child Abuse was filed in Major County, Oklahoma against Cody King on May 29, 2012.

## **Near-Death Incident**

The Near-Death report was received by Oklahoma County OKDHS on April 6, 2012. Reportedly, one-year-old B.H. was airlifted to a hospital on April 6, 2012, in a near-death state. B.H. presented with a head bleed, lung and eye injuries, and was not able to move one side of her body.

The OKDHS accepted this report as a Priority I Investigation. The Oklahoma County OKDHS made a finding of Substantiated-Court Intervention Recommended as to Kayla Pollock on allegations of Near Death and Abuse. The OKDHS also made a finding of Substantiated-Court Intervention Recommended on Failure to Protect as to the mother's live-in boyfriend, Cody King. A criminal investigation was pending regarding the near death of B.H. The Oklahoma County OKDHS requested that a deprived petition be filed as well as immediate termination of parental rights as to Kayla Pollock due to the shocking and heinous physical abuse B.H. suffered while in her care. The mother stated she was Northern Cheyenne and notification was sent to the tribe.

### Report to the OKDHS Alleging Abuse/Neglect (April 6, 2012)

The report was received by Oklahoma County OKDHS on April 6, 2012. This report was a companion report concerning B.H. who was airlifted to a hospital in a near-death condition. At the time of the injuries, B.H. was living with her mother, Kayla Pollock, and Kayla's boyfriend, Cody King.

The OKDHS in Oklahoma County accepted this report as a Priority II Investigation to be initiated within four days. The OKDHS made contact with Cody King, Kayla Pollock, and B.H. on April 6, 2012. The OKDHS made a finding of Substantiated-Services Recommended as to Threat of Harm to Mr. King.

## **Prior involvement with the Oklahoma Department of Human Services**

There have been a total of nine reports of abuse/neglect regarding B.H.

The following are the pertinent reports of abuse that are similar to the near-death incident.

### Report to the OKDHS Alleging Abuse/Neglect (December 3, 2011)

The report was received on December 3, 2011, at 12:30 p.m., in Woods County. Reportedly, sixteen-month-old B.H. lived with her biological mother Kayla Pollock and Kayla's boyfriend Cody King. Allegedly B.H. was not fed her formula for one week.

Reportedly, B.H. was seen prior and had bruises on her back, spine, face, and bottom. B.H. had current injuries which consisted of a knot on her head with a small cut. B.H. also had bruises on each side of her face and one on her forehead. B.H. appeared to be in pain when she tried to hold her head up. B.H. also had another bruise on her spine in a different location and bruises on her left butt cheek. B.H. did not look well and was taken to a hospital for examination.

The OKDHS accepted the report as a Priority II Investigation to be initiated by December 4, 2011. A doctor documented that they suspected child abuse/neglect. The doctor also stated there was an adult size bite mark on B.H.'s left leg. Ms. Pollock said Mr. King's child bit B.H. Ms. Pollock stated that the bruising on B.H.'s forehead was from B.H. dropping a bottle on her head while in bed. She reported that the bruise on B.H.'s back was from B.H. lying in her Pack 'N Play. She denied seeing bruises on B.H.'s buttocks. Cody King claimed that he did not observe any bruises on B.H.; however, he showed the child welfare worker photos of B.H. that raised a concern.

On December 8, 2011, the biological father obtained custody of B.H. in civil court. On December 13, 2011, custody of B.H. was modified to Joint Custody at a civil custody hearing in Dewey County by the Judge. The OKDHS made a visit to Ms. Pollock's home on December 22, 2011. At that time, no marks were observed on B.H. The Major County DHS made a finding of Unsubstantiated-Services Recommend on allegations of abuse and neglect. The Major County DHS recommended Ms. Pollock continue to follow through with medical services. The OKDHS did not recommend Court Supervision.<sup>1</sup> This case was first closed on March 26, 2012, by Woods County DHS.

#### Report to the OKDHS Alleging Abuse/Neglect (February 22, 2012)

The report was received in Major County on February 22, 2012. Reportedly, the OKDHS received a picture of B.H. with bruises on her face and head.

The OKDHS accepted the report as a Priority I Investigation. The OKDHS and Major County Deputy Sheriff made two failed attempts to contact the family on February 22, 2012. The OKDHS made cell phone contact with the family and verified that they were out of town and could meet the following morning. Ms. Pollock and Mr. King both denied the allegations. Ms. Pollock and Mr. King both reported the bruises on B.H.'s cheeks came from B.H. sleeping with her bottle.

A finding of Unsubstantiated-Services-Recommended was made on April 9, 2012. The OKDHS recommended that both parents follow the recommendations of B.H.'s medical providers. On April 9, 2012, the OKDHS in Major County documented the finding was Unsubstantiated but B.H. was determined to be unsafe due to the prior investigations in December and January and Court Intervention was requested by DHS.

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<sup>1</sup> *An Administrative review was conducted by the DHS State Office on March 28, 2012, and it was determined the finding of the December 3, 2011, report by Woods County DHS was inaccurate and would be overturned to Substantiated-Neglect/Failure to Protect as to Kayla Pollock and Substantiated-Abuse by an unknown perpetrator. The DHS documented the new findings in the KIDS system on April 9, 2012.*

Report to the OKDHS Alleging Abuse/Neglect (March 14, 2012)

The report was received by Major County OKDHS on March 14, 2012. Reportedly, B.H. was taken to a hospital for an eye infection. The hospital referred B.H. to another hospital. B.H. was observed to have bruises on her eyes, back, cheeks, and neck. B.H. had scratches behind both of her ears. The doctor documented a finding of physical abuse of B.H.

The OKDHS made a finding of Substantiated-Court Intervention Recommended on April 9, 2012, in regard to the report regarding abuse to B.H. by her mother, Kayla Pollock, and her mother's boyfriend, Cody King.

OKDHS Report to District Attorney fifth report Addendum (April 5, 2012)

Kayla Pollock's live-in boyfriend, Cody King, was contacted by telephone by the OKDHS in Major County on April 3, 2012, and informed of the possible Threat of Harm to his child due to unexplained injuries on B.H. He was cooperative and agreed to a Safety Plan that stated he would allow his child to stay with a relative and all contact by him, Ms. Pollock, or B.H., had to be supervised by the relative. The Safety Plan would be reviewed after the court hearing which was set for May 4, 2012. The OKDHS respectfully requested of the District Attorney's office that an accelerated hearing be held regarding B.H. based on Safety Threats in the home. This was signed by the OKDHS worker and supervisor on April 5, 2012.

**Judicial Proceedings prior to child's near death**

Application to Take Minor Child into Emergency Custody, (March 15, 2012), (Major County District Court)

The OKDHS asked for Emergency Custody of B.H. on March 15, 2012. The OKDHS documented that a medical professional determined the injuries were abusive in nature and not accidental. The OKDHS requested B.H. be placed into custody pending further investigation. B.H. was placed into OKDHS custody by the Major County Judge. The Judge documented the facts were sufficient to demonstrate that B.H. was a child in need of protection from alleged abuse.

The Major County Judge recused himself due to a conflict. Before being recused he assigned an attorney to represent B.H.

Show Cause Hearing, (March 19, 2012), (Major County District Court)

The show cause hearing was postponed until March 20, 2012.

Show Cause Hearing, (March 20, 2012), (Major County District Court)

The OJSO was advised by an OKDHS worker that the Dewey County Judge stated at this point, B.H. did not need an attorney and the attorney was advised they could stay for the hearing but it was not required. After hearing testimony from OKDHS and the District Attorney's Investigator, the Dewey County Judge returned custody of B.H. to her mother's care. The Court ruled, "Court orders that custody/possession of child be restored to mother. No reasonable suspicion to justify child's continued placement with state/DHS."

As a result of the ruling, the OKDHS in Major County again requested Emergency Custody of B.H. on March 28, 2012, by submitting a twenty-five page Affidavit report and nine attachments to the Major County District Attorney's Office.

The District Attorney's office filed a deprived petition on March 29, 2012, and the hearing was set for May 4, 2012.