

OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEMS OVERSIGHT

Report Release Date: October 21, 2016

Review of the Near-Death of H.L.

Pittsburg County, Oklahoma

General Information

The Office of Juvenile Systems Oversight (OJSO) received a request for a public report regarding the near death of H.L. A felony count of Child Abuse by Injury and a felony count of Child Neglect were filed in Pittsburg County District Court on November 4, 2015, against Kellee Kermgard, the child's mother, and Johnathon Long, the child's father. On August 26, 2016, Ms. Kermgard pled no contest to an amended count and was sentenced to twenty years in Department of Corrections (DOC) custody. On September 2, 2016, Mr. Long pled guilty to an amended count and was sentenced to eight years in DOC custody.

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 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:	H.L.
Age at time of incident:	Eight months old
Date of near death:	November 3, 2015
Sibling One:	Ten years old
Sibling Two:	Eight years old
Persons Responsible for the Child (PRFC):	Kellee Kermgard and Johnathon Long

The Oklahoma Commission on Children and Youth (OCCY) did not become aware of this case until the near-death incident involving H.L.

Near Death Incident

On November 3, 2015, the OKDHS received a report that eight-month-old H.L. was brought to an emergency medical facility with significant bruising to his head and face by his parents, Kellee Kermgard and Johnathon Long. Because the bruising appeared to be in various stages of healing, the primary concern was that the trauma had been

ongoing and the explanation provided by the parents was not consistent with the sustained injuries.

The OKDHS accepted this report as a Priority I Investigation. The Child Protective Services (CPS) worker documented contact with the alleged victim and the PRFC's at the medical facility on November 3, 2015. Reportedly, several medical professionals and local law enforcement were also present at the facility. The CPS worker documented that H.L. was unresponsive, intubated, had several bruises of various stages of healing on or around his head, and his mouth was swollen. The child's father reported that the child fell off a bed with a pacifier in his mouth. He also reportedly told the CPS worker that the child "hit himself in the face with his pacifier in his hands and that is how he bruised himself." Reportedly, the father and child lived in an apartment and the child's mother lived elsewhere; however, the father reported she stayed at the home throughout the weekend prior to the child's admission.

The child's mother reiterated the story that the child fell off the bed and injured himself. She reportedly told the CPS worker that the next morning she noted he was not acting right and having trouble breathing, so she and the child's father walked with the child to the medical facility. The child's mother reportedly did not see any injuries or bruising of the child until he fell. She also reportedly said that the father was rough with and swaddled the child "pretty tight" and about a week prior to the incident, the father slapped the child on the face, "but not hard."

A medical professional at the scene indicated to the OKDHS that a computerized tomography (CT) scan was completed at the facility and the alleged victim had a fracture on the lower right side of his skull. The professional also provided a statement that the number and seriousness of the child's injuries were not consistent with the PRFC's explanation of the incident.

Shortly after the worker met the family on this date, H.L. was transported to a larger medical facility that specialized in child trauma. A professional at this medical facility reported that the child had subdural and subarachnoid hemorrhages and his frenulum was torn. The professional also indicated that his brain was not swelling, although a second CT scan indicated that the child's arms and legs were fractured and in stages of healing. The professional indicated the injuries were the result of physical abuse.

The OKDHS documented an overall finding of Substantiated as to the allegation of Abuse, Near-Death as to both Kellee Kermgard and Johnathon Long. The OKDHS documented a request to the District Attorney that a deprived petition be filed and language included on the petition that the abuse was shocking and heinous in nature. The OKDHS documented that the Pittsburg County District Attorney's office filed the petition as requested on November 18, 2015. Siblings One and Two were not removed from the home because, at the time of the incident, they lived with their biological father and were considered to be safe in his care.

The OKDHS documented that Ms. Kermgard and Mr. Long relinquished their parental rights to H.L. in Pittsburg County District Court on February 2, 2016.

Prior Involvement of the PRFC with the Oklahoma Department of Human Services

Kellee Kermgard was previously involved with the OKDHS and three of the reports were pertinent to this report as they alleged abuse by Ms. Kermgard as to Siblings One and Two. The first report was received on September 4, 2008, and accepted as a Priority I Investigation. The report alleged that three-year-old Sibling One and twenty-one-month old Sibling Two were victims of abuse by Ms. Kermgard because of confinement. Reportedly, Ms. Kermgard confined Siblings One and Two by locking them in their bedroom all day. The OKDHS documented that the reporter was concerned about the mother's mental health and the children were reportedly covered with urine and feces as a result of their confinement. The OKDHS documented that Ms. Kermgard reported she did not confine her children during the day but locked the door at night because one of the children was agile enough to open and empty the refrigerator at night. She reportedly told the CPS worker that she often got frustrated with the children because they did not listen to her instructions. The biological father of the children, who also resided in the home, reported he worked very long hours and that his wife provided the primary care for the children. The documented interview did not note any concerns by the father of the mother's ability to care for the children. The OKDHS documented offering, and the family accepting, in-home parent-aide services. The OKDHS also documented that the service provider reported to the worker that on one occasion the provider made an unannounced home visit and the children had been locked in their bedroom by Ms. Kermgard, were screaming, and the home condition had worsened. The OKDHS made an overall finding of Services Recommended on the investigation.

The second pertinent report was received by the OKDHS on January 28, 2009. The reporter indicated that Sibling One was observed to have a black eye and that neither parent could provide a satisfactory explanation for the injury. The OKDHS accepted this as a Priority I Assessment. According to the documentation, three-year-old Sibling One could not state how the injury occurred, and Ms. Kermgard reported the child was jumping on the bed at naptime and fell off the bed. Reportedly, the child told a relative, who was staying in the home, that the child fell while jumping on the bed and fell on the window sill. Ms. Kermgard's explanation was reportedly corroborated by the relative. The biological father was reportedly not home at the time of the incident. The OKDHS made a finding that the children were safe and recommended continued services with the in-home service provider.

The third pertinent report was received by the OKDHS on January 26, 2011. The report alleged that Sibling One was the victim of abuse because of slapping by Ms. Kermgard. Reportedly, law enforcement responded to the home to conduct a welfare check of Sibling One because a report was received that Sibling One was slapped and hair-pulled by Ms. Kermgard. While no injuries were documented on the report, law enforcement requested the OKDHS follow-up with the family. The OKDHS accepted this report as a Priority II Assessment. According to the documentation, no injuries were observed on Sibling One, who did not provide any concerning statements regarding Ms. Kermgard's discipline. Interviews with family collaterals did not note any concerns. Siblings One and Two were found to be safe in the care of their mother.

There were no pertinent reports concerning Mr. Long.

Judicial proceedings prior to the child's near death incident

The OJSO did not identify any other pertinent judicial proceedings regarding either Kellee Kermgard or Johnathon Long.