

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

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**Report Release Date: April 8, 2015**

**Review of Death of Hayden Wierz**

**of Kay County, Oklahoma**

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**General Information**

The Office of Juvenile System Oversight (OJSO) received an inquiry regarding the death Hayden Wierz. On October 18, 2012, a felony Criminal Charge of Abuse or Neglect of a Child, Abuse of a Child by Neglect, was filed by the Kay County District Attorney against Michael Wierz, the child's father. On April 5, 2013, in the Kay County, the District Attorney filed an Amended Felony Information that documented the Criminal Charge of Murder in the First Degree-Child Abuse. Mr. Wierz was convicted of Murder in the First Degree-Child Abuse and sentenced on December 16, 2014, to life in prison with the possibility of parole.

**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: Hayden Wierz

Age at time of Incident: Four years and eleven months

Date of Death: July 16, 2012

Person Responsible for the Child (PRFC): Michael Anthony Wierz

The Oklahoma Commission on Children and Youth (OCCY) did not become aware of this case until after the death of Hayden Wierz.

**Death Incident**

The Kay County OKDHS received a report on July 16, 2012, that documented a four-year-old child had allegedly drowned in the bathtub earlier that evening. The reporter

stated the child was taken to a medical facility where he was pronounced deceased. The reporter also stated there were bruises all over the child's body of different colors, sizes and in all stages of healing. The reporter stated that Michael Wierz said the family had a large pit bull dog which bruised the child. The reporter stated that Michael Wierz said that he had ran a bath for Hayden and then fell asleep and when he woke up the child was dead.

The OKDHS documented that medical reports indicated that Hayden's hair and body were dry when he reached the medical facility. It was also documented that there were signs of lividity. The OKDHS documented they were not notified of the event until approximately five to six hours after the child died. The OKDHS placed the six-year-old sibling into emergency custody.

The OKDHS documented that based on the initial interviews by law enforcement and OKDHS it was determined that Hayden had multiple bruises all over his body and that the exact causes and ages of the bruising had not yet been determined, however, the preliminary Medical Examiner's finding had determined that Hayden had bite marks consistent with being attacked by a dog. The family confirmed the child was attacked but the date and cause of the attack was not clear as different stories were told.

The OKDHS documented that the Medical Examiner found bite marks on the child's body which included his arms, chest and groin area.

Michael Wierz denied ever hitting or hurting Hayden when questioned about the different stages of bruising to the child's body. Michael Wierz also reported that Hayden was attacked by the dog that morning and was bitten on the back of the leg, front and side and that Hayden also fell down the stairs. In response to questions in regard to the

multiple bruises on Hayden's chest, Michael Wierz stated that Hayden and another child relative were playing and he was kicked in the chest by the other child.

The OKDHS Report to the District Attorney documented an overall Finding of Substantiated with Court Intervention Recommended on behalf of the surviving sibling. The OKDHS Substantiated the allegations of Failure to Protect and Court Intervention was Recommended. The allegation of Neglect – Death was Substantiated with Court Intervention Recommended. The allegations of Threat of Harm was Substantiated with Court Intervention Recommended. The allegation of Abuse-Death was Substantiated with Court Intervention Recommended but listed the perpetrator as unknown. The OKDHS documented that the circumstances in regard to Hayden Wierz's death met the definition of heinous and shocking neglect and that the OKDHS recommended that a deprived petition be filed as to both parents with the immediate termination of Michael Wierz's parental rights.

### **Prior Involvement of the PRFC with the Department of Human Services**

Michael Wierz had been involved with OKDHS previously. One incident was pertinent to the death of Hayden Wierz. In 2009, a report was received by OKDHS in Kay County that alleged Michael Wierz had physically abused a three-year-old step child, which resulted in a facial injury. Michael Wierz admitted there was domestic violence in that relationship but denied the children had witnessed this behavior. The OKDHS made an overall finding of Substantiated with Services recommended.