

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

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**Report Release Date: June 6, 2007**

**Review of the Death of Joshua Minton  
of Tulsa County, Oklahoma**

**Dates and Outcome of Investigations and Actions  
Taken by the  
Tulsa County Department of Human Services,  
District Attorney's Office, and District Court**

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On May 22, 2007, the Office of Juvenile System Oversight (OJSO) received a request for a public report on the death of a child, Joshua Minton. The death occurred on May 17, 2007, at a DHS approved Family Child Care Home. A Criminal Felony First Degree Murder charge was filed against the Family Child Care Home Operator, Vicki Chiles on May 24, 2007. The following is a summary of the actions taken by the Department of Human Services (DHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court as authorized by O.S. 10, Chapter 70, Section 7005-1.4, E (below).

**Authorization**

Title 10, Chapter 70, Section 7005-1.4, E, states:

E. 1. In cases involving the death or near death of a child when a person responsible for the child has been charged by information or indictment with committing a crime resulting in the child's death or near death, there shall be a presumption that the best interest of the public will be served by public disclosure of certain information concerning the circumstances of the investigation of the death or near death of the child and any other investigations concerning that child, or other children living in the same household.

2. At any time subsequent to seven (7) days of the date the person responsible for the child has been criminally charged, the Department of Human Services, the Oklahoma Commission on Children and Youth, or the district attorney may release the following information to the public:

a. a confirmation that a report has been made concerning the alleged victim or other children living in the same household and whether an investigation has begun,

b. confirmation as to whether previous reports have been made and the date thereof, a summary of those previous reports, the dates and outcome of any investigation or actions taken by the Department of Human Services in response to any report or child abuse or neglect, and any actions taken by the district attorney after submission or any investigative report, and

c. the dates of any judicial proceedings prior to the child's death or near death, a summary of each participant's recommendations made at the judicial proceedings, and the rulings of the court.

3. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child or any other member of the household, other than person criminally charged.

**Identifiers:**

Child's name: Joshua Minton  
DOB: November 8, 2004

Person Responsible for Child: Vicki Chiles, owner and operator of Noah's Ark Child Care, Family Child Care Home Operator

**Dates and Outcome of Investigations and Actions Taken by the Tulsa County Department of Human Services Child Welfare and Child Care Home Licensing Division, District Attorney's Office, and District Court:**

**It should be noted, not all of the DHS Family Child Care Home Monitoring Reports are included in this Review of Death Report; however, all noncompliance issues noted on the reports that document safety and health concerns of the children are included.**

**December 3, 2002  
Application**

On December 2, 2003, Ms. Chiles completed a DHS Application For License-Family Child Care Home and Large Child Care Home. She listed one male substitute/assistant caregiver for approval.

**December 13, 2002  
DHS Family Child Care Home Monitoring Report**

On December 13, 2002, a DHS Family Child Care Home Licensing staff member conducted an initial family child care home visit. The DHS Family Child Care Home Monitoring Report documented Ms. Chiles needed to submit the OSBI background checks completed for her and her substitute/assistant caretaker.

**January 1, 2003  
Six Month Permit**

On January 2, 2003, the DHS Family Child Care Home Licensing Division issued a Six Month Permit effective January 1, 2003, to open Noah's Ark Child Care Home with the maximum number of seven children to be served. The DHS Family Child Care Home Licensing records did not document that a Sex Offender Registry check had been completed on Ms. Chiles until after the home was operational. The OSBI background check, which included the Sex Offender Registry information, was completed on January 22, 2003.

**May 3, 2003  
License**

On May 3, 2003, Ms. Chiles was issued a License for a Family Child Care Home effective May 1, 2003, with the maximum number of seven children to be served.

**August 29, 2003  
DHS Family Child Care Home Monitoring Report**

On August 29, 2003, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The DHS Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance regarding adequate numbers of caregivers present to provide proper supervision, as well as with keeping the premises free of hazards. On the date of the visit, Ms. Chiles was observed returning home and walking on the sidewalk with several children. Upon entering the home with Ms. Chiles, the family child care home licensing staff member observed a child lying on a mat located in the living room and Ms. Chiles's mother was asleep in a bedroom. The staff member also observed a pair of scissors on the kitchen counter within reach of the children in the home. Ms. Chiles stated her mother is not typically in the home and she supervises all children left in her care, noting this exception. She also stated, "I'll put the scissors in the drawer."

**February 3, 2004  
DHS Family Child Care Home Monitoring Report  
DHS Periodic Certification Review – Home Star Certification**

On February 3, 2004, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit and a periodic certification review – home star certification visit.

The DHS Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance with keeping the premises free of hazards as she had left a pair of scissors on the kitchen counter within reach of the children in the home. This incident was discussed at the time of the visit and Ms. Chiles agreed to maintain the scissors in a can on top of the refrigerator.

The DHS Periodic Certification Review – Home Star Certification form documented the child care home's certification level of one star plus with the certification expiration date of August 1, 2004. The form did not clearly document whether there were any "numerous, repeated or serious non-compliance observed at this visit." However, the form documented the discussion with Ms. Chiles regarding the safety hazard of the scissors and her review of the DHS Family Child Care Home policy for repeated noncompliance.

On March 4, 2004, the DHS Child Care Licensing unit contacted Ms. Chiles via mail notifying her this was the second time the scissors had been left accessible to the children and she was at risk of the certification level of the child care home being reduced if documentation of noncompliance of this type happened three times in a twelve-month period.

**April 13, 2004**

**First Referral to DHS Child Welfare**

The DHS Child Welfare received a referral regarding the Noah's Ark Child Care Home on April 13, 2004. The reporter alleged the children at the home were not being supervised adequately resulting in two five-year-old children being involved in inappropriate sexual play.

Documentation in the child welfare KIDS system indicated the referral was accepted as a Priority I with an investigation to be initiated within twenty-four hours. KIDS system documented a failed attempt to contact Child I on April 14, 2004. On April 15, 2004, the reporter notified the worker that Child II's name was not correct in the referral and provided the correct name. Child I was contacted on April 16, 2004. Child I would not speak to the Child Welfare Investigative Worker. Child II was contacted on April 30, 2004. Child II denied sexual play had occurred. Ms. Chiles was contacted on April 15 and on April 28, 2004. She denied knowledge of the incident as well as the allegation of lack of supervision of the children in her care. Due to the lack of information obtained from the children involved, the worker ruled the investigation as Services Recommended.

**May 27, 2004**

**DHS Family Child Care Home Monitoring Report**

**DHS Periodic Certification Review – Home Star Certification**

On May 27, 2004, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit and a periodic certification review – home star certification visit.

The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance with maintaining operable smoke detectors in rooms used by children for playing or sleeping as she did not have a smoke detector located in the living room or the first bedroom of her home. She stated she would purchase and install the smoke detectors on the date of the visit.

The DHS Periodic Certification Review – Home Star Certification form documented the child care home's certification level of one star plus with the certification expiration date of August 1, 2004. The worker checked a box on the form that indicated there was no "numerous, repeated or serious noncompliance observed at this visit."

**June 9, 2004**

**Request to be a Large Family Child Care Home**

On June 9, 2004, Ms. Chiles contacted the DHS Family Child Care Home Licensing Division and requested to be approved as a Large Family Child Care Home.

**July 19, 2004**

**License**

On July 19, 2004, Ms. Chiles was issued a License as a Large Family Child Care Home with the effective date of July 19, 2004, and the maximum number of twelve children to be served.

**September 9, 2004****Second Referral to DHS Child Welfare**

The DHS Child Welfare received a second referral regarding the Noah's Ark Child Care Home on September 9, 2004, alleging a child care provider had physically abused two children, ages six and two.

Documentation in the KIDS system indicated the referral was accepted as a Priority I with the investigation to be initiated within twenty-four hours. Child I was contacted September 10, 2004. Child Welfare Investigative Worker observed a small scratch approximately two inches in length on the left side of the child's head. Child I stated, "Vicki did it." The child also reported pain during diaper changes. Child II was contacted September 10, 2004. Child II reported Ms. Chiles had kicked the child in the back in the hallway of her home and slapped the child in the head while in the kitchen of the home. During the interview Child II described verbal abuse and intimidation by Ms. Chiles. The child also reported being spanked on the leg by an assistant of Ms. Chiles. Ms. Chiles was contacted September 15, 2004. She admitted Child I had complained during diaper changes; however, she denied any intentional injury and stated she may have wiped the child too hard. Ms. Chiles denied any physical and verbal abuse as well as intimidation tactics. She reported the scratch observed on Child I was a result of Child II throwing a toy that hit Child I on the head. On September 16, 2004, Ms. Chiles was contacted by a Family Child Care Home licensing staff member who requested, per the request of DHS Regional Program Manager, she voluntarily cease care of children until the completion of the child welfare investigation. Ms. Chiles refused the request stating, "I intend to provide service to my parents and children to the best of my ability." The child care assistant accused of physical abuse by Child II was contacted September 22, 2004. The assistant denied spanking the child, as well as denied witnessing Ms. Chiles spanking children in her care. The investigation was ruled Services Recommended. According to the worker there was not enough evidence to confirm the allegations reported in the referral; however, the worker noted concern due to the specific and detailed information provided by the children. The allegations and results of the investigation were referred to Child Care Licensing for review.

**October 18, 2004****DHS Family Child Care Home Monitoring Report**

On October 18, 2004, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance by not maintaining complete records regarding the children attending her child care home. Several of the records did not contain a current immunization record.

**November 22, 2004****DHS Licensing Complaint**

On November 22, 2004, the DHS Licensing unit received a Licensing Complaint Report that alleged a child was left at the home unsupervised while Ms. Chiles escorted the school-aged children to school. On December 7, 2004, an investigation by a DHS Family Child Care Home Licensing staff member was completed.

The Licensing Services Supplemental Information sheet documented Ms. Chiles's denial of the allegation and the Licensing Complaint Summary sheet documented the findings as unsubstantiated.

**December 7, 2004**  
**DHS Family Child Care Home Monitoring Report**  
**DHS Periodic Certification Review - Home Star Certification**

On December 7, 2004, a DHS Family Child Care Home Licensing staff member conducted a family child care home complaint visit as well as a DHS Periodic Certification Review – Home Star Certification. The complaint alleged Lack of Supervision because Ms. Chiles left several children in the van with the ignition on, including a toddler in the front seat. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance regarding transportation. She admitted to loading the children in the van and then discovering she had left her house key inside the home. She then went into the home to retrieve the key, leaving the children unsupervised in a running van. She stated, “My plan in the future is to get the key first; then load children.” She was also found to be in noncompliance due to not maintaining operable smoke detectors in rooms used by children for playing or sleeping. This issue was corrected during the visit.

The DHS Periodic Certification Review – Home Star Certification sheet did not document a one star plus certification or a certification expiration date; however, it documented Ms. Chiles as having “numerous, repeated, or serious non-compliance” observations during the visit. It also documented that Ms. Chiles reviewed DHS policy regarding transportation and supervision of children. It further documented the discussion with Ms. Chiles regarding the noncompliance issues and how they would affect her Home Star Certification.

**January 6, 2005**  
**Cherokee Nation Child Care Licensing Family Child Care Home Monitoring Report**  
**Oklahoma District Court Public Records**

On January 6, 2005, a Cherokee Nation Child Care Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles was not in compliance with required fire and tornado drills. The last recorded fire drill was dated July 17, 2004, and the last recorded tornado drill was dated July 19, 2004.

Oklahoma District Court Public Records documented Ms. Chiles was issued citations for Failure To Pay Taxes Due the State, Driving Under Suspension and Failure to Carry Valid Car Insurance Verification on January 21, 2005.

**February 6, 2005**  
**Third Referral to DHS Child Welfare**

The DHS Child Welfare received a third referral regarding the Noah's Ark Daycare Home. Allegedly, two children had been observed crying and hungry after leaving the daycare. The reporter stated Child I (six years old) reported “Ms. Vicki” had transported Child I to her school, the van had one car seat occupied by an infant, and therefore Child II (one year old) remained unsupervised at the home. Child I also reported that on another occasion, Child II was not buckled in the car seat and fell onto the floor of the van and started to crawl around.

Allegedly, Child I notified “Ms. Vicki” of the situation and the child reported “Ms. Vicki” said, “Hush” and turned-up the radio in the van. It was further reported Child I had several human bite marks, thought to be given by another child while being unsupervised at the daycare home.

Documentation in the KIDS system indicated this referral was Screened Out by Child Welfare, the reason given as "Not Child Abuse/Neglect." The DHS Child Welfare did not conduct an investigation and the information was provided to the DHS Child Care Licensing Unit.

### **February 7, 2005**

#### **DHS Family Child Care Home Monitoring Report**

On February 7, 2005, a DHS Family Child Care Home Licensing staff member conducted a complaint visit and a periodic family child care home visit. The complaint visit was to address the issues identified in the referral to DHS Child Welfare received February 6, 2005. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance for not maintaining complete records regarding the children attending her child care home. Two of the records reviewed did not document the children were up-to-date on their immunizations. Three of the records reviewed did not contain a child information card. The report also documented she was in noncompliance for not maintaining an approved heat source by utilizing a portable heater in the back bedroom. Ms. Chiles agreed to have the records complete and in compliance by February 11, 2005. She also agreed to keep the portable heater in the laundry room. During the visit it was discussed that Ms. Chiles's mother was not to be left alone supervising the children in the home, as her OSBI background check had not been completed.

### **April 13, 2005**

#### **DHS Licensing Services Supplemental Information**

The DHS Licensing Services Supplemental Information sheet dated April 13, 2005, documented an office conference was conducted with Ms. Chiles, a DHS Licensing staff member and a DHS Licensing staff supervisor. They reviewed the "numerous, repeated, serious incidents" that had occurred at the Family Child Care Home since August 29, 2003, as well as various sections of policy contained in the Requirement Book. The sheet also documented Ms. Chiles's receipt of the completed OSBI background check for her mother. No other action was taken as a result of the conference.

### **May 27, 2005**

#### **Notification of Findings**

On May 27, 2005, the DHS Child Care Licensing unit notified Ms. Chiles via mail of the results of the complaint investigation regarding the Child Welfare allegations on February 6, 2005. The findings were as follows:

1. Staff: substantiated (no OSBI background checks);
2. Nutrition: unsubstantiated; uncertain;
3. Transportation: unsubstantiated; uncertain;
4. Supervision: unsubstantiated; uncertain; and
5. Infant/toddler: unsubstantiated; uncertain.

She was also requested to complete a Notice to Comply regarding all staff members completing OSBI background checks prior to caring for children.

Ms. Chiles completed the Notice to Comply on June 5, 2005, and documented she would personally see that all staff members have a current OSBI on file. It was also documented, "all transportation will take place in properly insured vehicles and child booster seats. All supervision will be provided by staff only. All infants/toddlers will be within DHS ratios."

**November 5, 2005**  
**Fourth Referral to DHS Child Welfare**  
**Licensing Complaint Summary**  
**Licensing Services Supplemental Information**

On November 5, 2005, the DHS Child Welfare received a fourth referral regarding the Noah's Ark Daycare Home. The allegation was a four- year- old male child sustained injuries from being spanked by a wooden object while in the day care provider's care. Documentation in the KIDS system indicated the referral was assigned a Priority II with three days for the investigation to be initiated. On November 7, 2005, the child welfare investigator made an unsuccessful attempt to contact the alleged victim.

On November 7, 2005, the Licensing Complaint Summary sheet was completed by a child care licensing staff member. On the same date a Child Welfare investigator and a Child Care Home Licensing staff member made contact with Ms. Vicki Chiles and her mother, who had been approved as a substitute caretaker. Upon arrival at the home, an unidentified male was supervising the children in the home.

The male was later identified as Vicki Chiles's cousin. The cousin contacted Vicki via telephone and she arrived at the home a short time later. Vicki reported she had submitted the required paperwork for an OSBI background check to be completed for her cousin; however, the child care home licensing staff member denied receiving the paperwork.

During the interview, both Vicki Chiles and her mother denied all allegations. She stated she does not have a wooden spoon used to discipline the children in her care.

On November 8, 2005, the Licensing Services Supplemental Information sheet documented the licensing staff member's request for Ms. Chiles to voluntarily cease providing child care pending the outcome of the child welfare investigation of November 5, 2005. Ms. Chiles refused the request and in part, stated, "I look forward to a speedy investigation and I'm sure I will be proven to be a more than satisfactory child care provider. Thank You!"

On November 8, 2005, the DHS Child Welfare Investigator made contact with the alleged victim identified in the referral. The child reported being slapped by Ms. Chiles. The child also reported a second child had also been slapped by Ms. Chiles.

During the interview, the child further reported being hit with a blue stick on the hand and on the exposed bottom by Ms. Chiles's mother. The child denied knowing where Ms. Chiles's mother kept the stick, but stated there was a yellow stick and blue stick in the home. The child was seen at the Justice Center on November 9, 2005, and disclosed to the medical staff that he had been hit with an object by Ms. Chiles's mother. The medical staff documented four linear bruises that measured seven inches by eight inches on the child's buttocks.

According to child welfare records, in the past, both children had been hit with the blue stick over their clothes on their bottoms. Child I recalled being hit by Ms. Chiles on two occasions and being hit by Ms. Chiles's mother on one occasion.

It was further alleged that another child, an infant, had been left alone in a dark room located in the back of the home, crying for an extended period of time.

On November 8, 2005, the child welfare investigator returned to the Noah's Ark Child Care Home and confronted Ms. Chiles and her mother regarding the child's disclosures. Ms. Chiles



admitted to spanking the child and stated the victim's pants had fallen down and she used her hand to spank the victim on the buttocks. She apologized for lying and stated she had never done anything like that before. Ms. Chiles and her mother again denied slapping or hitting Child II and leaving Child III alone in a room to cry.

On November 28, 2005, the second child was contacted by the child welfare investigator. Due to mental and physical disabilities, the child may not have been able to comprehend the investigator's questions.

A finding of Confirmed Abuse – Beating w/an Instrument was substantiated against the mother of Vicki Chiles. Services were recommended for Ms. Vicki Chiles. This matter was referred to Child Care Licensing to address the policy violations.

**December 5, 2005**  
**DHS Family Child Care Home Monitoring Report**

On December 5, 2005, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance in not maintaining complete records regarding the children attending her child care home. Two of the records reviewed were incomplete and six of the records reviewed did not contain a current immunization record. Noncompliance was documented with regard to equipment and activities. A broken swimming pool and two broken walkers were observed. Noncompliance was noted regarding individual, appropriately-sized places to rest, with clean bedding for each child because one child under the age of two was observed sleeping on the floor and another was in a child carrier. According to the Plan of Correction dated December 5, 2005, Ms. Chiles documented that she would have all records up-to-date and in compliance by December 9, 2005. She was to put the walkers and swimming pool in the trash to be picked-up on the date of visit at 3:00 p.m. and all sleeping children would be placed in a bed or cot.

**January 19, 2006**  
**DHS Family Child Care Home Monitoring Report**

On January 19, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance regarding the following: one child did not have an immunization record on file; the house was not in good repair as an outlet in the taupe room had no plate cover; outside hazards were noted as a broken wading pool with pieces scattered around the yard with some edges being sharp, an infant walker was in the yard and a playpen contained multiple tree limbs and debris; emergency procedures, because tornado drills were not current; diaper-changing, as the diaper pad had at least two rips; food storage, because the freezer thermometer read 10 degrees Fahrenheit; and electrical service, as seven uncovered outlets were observed in two rooms.

Ms. Chiles stated she would have all records up-to-date and in compliance by January 31, 2006. She would have the diaper pad covered with new material by January 26, 2006, and all other noncompliance issues would be corrected on the date of the visit.

**January 20, 2006****Notification of Findings**

On January 20, 2006, Ms. Chiles was notified via mail of the DHS Child Care Licensing findings of the complaint of November 7, 2005. The findings were as follows:

1. Physical abuse by provider investigated by Child Welfare – is ruled: Unsubstantiated/uncertain;
2. Inappropriate behavior and guidance: spanking used by assistant caregiver – is ruled: Substantiated; and
3. Lack of Supervision: infant left in room unsupervised to cry – is ruled: Unsubstantiated/uncertain.

Also, on this date, an office conference was held with Ms. Chiles and included the DHS Regional Program Manager, Child Care Home Licensing Supervisor and Child Care Licensing staff member. A Notice to Comply was completed. The plan of correction required Ms. Chiles to attend a class on behavior and guidance, as well as the requirement that the assistant caregiver, Ms. Chiles's mother, who was found by Child Welfare to have spanked a child, must never be in the home during child care hours.

During the conference, Ms. Chiles was notified of numerous concerns regarding her child care home and the quality of service being provided. The concerns included inappropriate discipline and Ms. Chiles's mother having access to the children in the home. Discussion included the recommendation of DHS Child Care Home Licensing to revoke Ms. Chiles's license if another allegation of abuse is made. It was also suggested Ms. Chiles might not be suited for child care. As a result of the conference Ms. Chiles submitted a Plan of Correction that included a decrease in child care hours, a decrease in number of families served, the use of positive behavior and discipline and that she would provide a positive and stimulating environment for the children. She also agreed to enroll and attend ten hours of behavioral guidance classes in February 2006. She understood her mother was not to be on the premises during child care hours. She stated she and her staff would treat the children in her care "gently and show them respect." Furthermore, she agreed to conduct a tornado drill upon returning home from the conference, as this was a noncompliance issue that was not addressed during the January 19, 2006 visit.

**January 23, 2006****Fifth Referral to DHS Child Welfare**

On January 23, 2006, the DHS Child Welfare received a fifth referral regarding the Noah's Ark Daycare Home. The allegation was a four-year-old female child disclosed that a woman at the day care stuck a yellow object into her vagina. Documentation in the KIDS system indicated the referral was assigned a Priority I with the investigation to be initiated within twenty-four hours. On January 25, 2006, the child welfare investigator made contact with the alleged victim. It was reported, while taking a bath the child stated her "pee pee hurt." She then disclosed, "The lady with the braids" put the "yellow thingy up here" and pointed to her vagina. She also disclosed "Ms. Vicki" told her "it was a secret." It was also reported the alleged victim was transported to the hospital for an examination on January 23, 2006.

The results of the forensic examination were normal and the alleged victim did not disclose any abuse. It was noted the child was said to be a special needs child and was mentally delayed at

a two-year-old level of functioning. According to the investigation documentation, the child appeared to be very disturbed when asked what happened to her at the day care.

On January 26, 2006, an unannounced visit was made to the day care home. Upon arrival, the child care licensing staff member and the child welfare investigator found an unidentified male supervising three of the children in the home.

According to child welfare documentation, once contact was made with Ms. Chiles, she was dishonest about the male's identity and she did not have a completed OSBI background check on file for the male or the substitute caretaker assisting her the day of the visit. The male was later identified as the substitute caretaker's husband and he was waiting outside with the children for the assistant to finish her work day.

Ms. Chiles denied the allegation of sexual abuse alleged in the January 23, 2006, Child Welfare referral and denied any staff member having braids in their hair. During the investigation the staff/child ratio was reviewed for compliance on January 23, 2006. The child care home attendance records documented noncompliance because the child care home was over capacity on four occasions and understaffed on one occasion throughout the day. Based upon the lack of physical evidence and the lack of the child's disclosure to either the child welfare investigator or the medical staff during the forensic interview, the Findings were Services Not Needed for the allegation of sexual abuse by instrumentation and Services Recommended for Failure to Protect. The investigation was then referred to DHS Child Care Licensing to address the policy violations.

During the course of this investigation, the Family Child Care Home Licensing staff member documented Ms. Chiles mother was at the child care home during hours of operation on at least two occasions. Ms. Chiles was notified on December 5, 2005, and January 20, 2006, that her mother was not to be in the home during the child care home hours of operation.

#### **February 2, 2006 Licensing Services Supplemental Information**

On February 2, 2006, a Child Care Home Licensing staff member conducted a field visit to the child care home. The Licensing Services Supplemental Information sheet documented the staff member's observations of noncompliance because a portable space heater in use was located in the back room on the floor next to an infant who was in a port-a-crib. Ms. Chiles was given a Notice to Comply regarding the space heater. She stated she would only use the space heater when she was home alone. The sheet also documented a discussion with Ms. Chiles regarding her need to maintain complete child care home staff records.

#### **February 22, 2006 DHS Family Child Care Home Monitoring Report**

On February 22, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance in the following areas: child immunization records, as two children did not have immunization records; premises free of hazards, as a can of comet household cleaner was located in the bathroom on the bathtub ledge accessible to children; equipment and activities, as a riding toy fire truck had a broken edge that could injure a child. Ms. Chiles stated she would have the child records complete and in compliance by

February 27, 2006. She also stated she would keep the comet cleaner in the closet and throw the toy fire truck in the trash on the date of the visit.

### **March 8, 2006**

#### **Notification of Findings**

On March 8, 2006, Ms. Chiles was notified via mail of the DHS Child Care Licensing findings of the complaint of January 23, 2006. The findings were as follows:

1. Sexual abuse by instrumentation – is ruled: Services Not Needed, investigated by Child Welfare;
2. Neglect-failure to protect – is ruled: Services Recommended, investigated by Child Welfare;
3. Staff: unknown staff without approved criminal background investigations left alone with children-is ruled: Substantiated, investigated by Child Care Licensing; and
4. Staffing/capacity: too many children at facility-is ruled: Substantiated.

Ms. Chiles was requested to complete a Notice to Comply; the plan of correction was to include how she corrected the violations and how she would maintain compliance in the future. The Notice to Comply that Ms. Chiles submitted to Child Care Licensing documented her plan to remain at capacity by requiring parents who utilize the child care home for drop-in services, as well as the parents who have varying work schedules, to call prior to transporting their children to the home.

### **March 9, 2006**

#### **DHS Family Child Care Home Monitoring Report Licensing Services Supplemental Information**

On March 9, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in compliance in areas reviewed; however, during the visit the licensing staff member observed Ms. Chiles pick-up a child out of a playpen by one-arm. The licensing staff member then discussed the proper way to pick-up children with Ms. Chiles.

The Licensing Services Supplemental Information sheet documented Ms. Chiles's noncompliance to the Notice to Comply she submitted to the Child Care Licensing unit on January 20, 2006. The Notice to Comply documented the plan of correction stating Ms. Chiles would attend a class on behavior and guidance.

The Licensing Services Supplemental Information sheet dated March 9, 2006, documented that Ms. Chiles was not able to attend the class in February and was looking into a class that was to be held April 4, 2006. The plan of correction also stated Ms. Chiles would decrease child care hours and decrease the number of families served. Again, Ms. Chiles was found to be in noncompliance as she did not change the child care home hours. The sheet also documented Ms. Chiles's statement, "Licensing could not tell her when to be open."

**April 26, 2006**  
**DHS Family Child Care Home Monitoring Report**

On April 26, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance in maintaining the premises free of hazards as a container of bleach/water, a can of room deodorizer and other household cleaners were located in the bathroom under the sink accessible to children. Ms. Chiles stated she would keep a lock on the bathroom cabinet. The report also documented discussion with Ms. Chiles advising her to dump the standing water in sandbox and chair in the yard, immediately” as well as advising her that it is “not a good practice to have awake infants unsupervised and watching T.V.” The sheet further documented the request that Ms. Chiles ensure the children in her care are not kept in car seats while in the home.

**June 19, 2006**  
**DHS Family Child Care Home Monitoring Report**

On June 19, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance in maintaining the premises free of hazards as bush clippers, wood glue and batteries were located in the backyard and were accessible to children as well as standing water in the sandbox. The report also documented noncompliance regarding individual, appropriately-sized places to rest with clean bedding for each child as the crib located in the living room contained a dirty bottom sheet.

Ms. Chiles stated she would ensure the hedge clippers and batteries would be inaccessible to children on the date of the visit, she would dump the standing water out of the sandbox prior to the children going outside to play and she changed the crib sheet prior to the end of the family child care home visit.

**August 10, 2006**  
**DHS Family Child Care Home Monitoring Report**

On August 10, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance regarding the caregiver qualifications. Ms. Chiles’s CPR certification had expired and two child records did not contain current immunization records and two records did not contain child information cards.

Ms. Chiles stated she would have up-to-date child records and would be in compliance by August 18, 2006. She also stated she was enrolled in a CPR class scheduled for August 18, 2006.

**November 16, 2006**  
**DHS Family Child Care Home Monitoring Report**

On November 16, 2006, a DHS Family Child Care Home Licensing staff member conducted a periodic family child care home visit. The Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance in maintaining the premises free of hazards as three electrical outlets were uncovered, two in the hallway and one in the north room. Also a large plastic sack of broken bricks, standing water in a riding toy and approximately six inches of water in a blue container were outside and all were accessible to children. The report further

documented noncompliance regarding individual, appropriately-sized places to rest, with clean bedding for each child. Two children were observed sleeping on the same side of the couch with no separate sheet. Ms. Chiles stated she would ensure all outdoor hazards would be removed prior to the children going outside to play. She would ensure all children would have separate sleeping arrangements and she covered all electrical outlets prior to the end of the family child care home visit.

Ms. Chiles also provided documentation she received First Aid and CPR training on September 16, 2006, and Behavior and Guidance training on April 4, 2006.

**February 15, 2007**  
**DHS Family Child Care Home Monitoring Report**

On February 15, 2007, a Child Care Home Licensing staff member conducted a periodic family child care home visit. DHS Family Child Care Home Monitoring Report documented Ms. Chiles to be in noncompliance regarding child records as one record did not contain a current child immunization record. The report also documented noncompliance regarding room temperature. The blue room temperature was sixty-three degrees Fahrenheit (F.) and contained a non-approved heat source. A portable space heater was in use located in the blue room and another was in use located in Ms. Chiles's bedroom. The report further noted the freezer temperature as five degrees F. Ms. Chiles stated she would remove the heater from access to the children in her room and she would only utilize the blue room when the temperature was at least sixty-five degrees F. She adjusted the thermometer in the freezer and stated she would conduct periodic checks to ensure the freezer was in good working order. She stated she would contact parents at work and remind them to provide immunization records.

**April 10 and 11, 2007**  
**Sixth Referral to DHS Child Welfare**  
**DHS Family Child Care Home Monitoring Report**  
**Licensing Services Supplemental Information**  
**Tulsa Police Department Incident Report**  
**Report to the Tulsa County District Attorney**

On April 10, 2007, the DHS Child Welfare received a sixth referral regarding the Noah's Ark Daycare Home. The allegation was an eight-year-old child with special needs was hit on the head with a wooden bat, "jacked-up" by the shirt and was thrown on the sofa by the child care provider.

Allegedly, the provider then got over the child and threatened to hit the child with her fist if the child didn't go to sleep. The reporter stated the child care provider cusses at the children, hits them with fly swatters and other objects, along with her hands. The referral was assigned a Priority II with an investigation to be initiated within three days.

On April 11, 2007, the Tulsa Police Department was assigned to investigate child abuse at an Elementary School. Statements were taken from Reporter I and Reporter II, Alleged Victim (same as in the April 10, 2007, DHS Child Welfare referral) and Alleged Perpetrator (same as in the April 10, 2007 DHS Child Welfare referral, Ms. Chiles). Reporter I noticed a red mark on the back of the child's neck and arms. When asked about the marks, the child became very upset. When Reporter II inquired about the marks, the child disclosed, "Ms. Vicki is mean" and that she hit the child yesterday with a "fly-thing." The child also reported hating the daycare and was unsure what caused the marks on the back. Ms. Chiles admitted she used a fly swatter, striking the child on the back.

On April 13, 2007, the child welfare investigator made contact with the alleged victim and parent. The alleged victim disclosed that Ms. Chiles spansks the children with a fly swatter and a yellow wooden bat when they get into trouble at the family child care home. The child also disclosed there have been days that Ms. Chiles's mother was at the home while children were there. The investigator observed approximately eight one-half inch slash marks on the child's upper back and fading marks on both upper arm's. The child had an approximate total of sixteen marks.

Also on April 13, 2007, the investigator, along with a child care home licensing staff member, made contact with Vicki Chiles. Ms. Chiles admitted to hitting the victim with a fly swatter and agreed she had lost control. She denied hitting any of the other children in her care. The child welfare investigator made a Finding of Confirmed-Court Intervention regarding the allegations of Abuse-Beating w/an Instrument and Neglect-Threat of Harm. The investigation was then referred to the Child Care Licensing unit to address the policy violations.

The DHS Family Child Care Home Monitoring Report completed on April 13, 2007, documented Ms. Chiles' plan to no longer use threats towards children in her care by redirecting and give the children other options for activities. She also wrote, "I WILL NOT HIT!"

The Licensing Services Supplemental Information sheet completed on April 13, 2007, documented that Child Care Home Licensing Staff requested Ms. Chiles voluntarily cease providing home child care services. Ms. Chiles denied the request due to her need for the income and the needs of the families she served. She also stated she would enroll in anger management and behavior management classes.

On April 13, 2007, Ms. Chiles was notified via mail that her Large Family Child Care Home case had been submitted to the DHS State Office for review along with the recommendation to revoke her license.

On April 19, 2007, the child welfare investigator was notified by a Tulsa Police Department Detective of the agreement by the Tulsa County District Attorney's Office to accept the charges of Child Abuse against Vicki Chiles and a warrant was to be issued for Ms. Chiles's arrest.

On April 20, 2007, Ms. Chiles was notified via mail of the finding made by Child Care Home Licensing regarding the April 10, 2007, Child Welfare referral. The allegation that Ms. Chiles struck a child was substantiated.

Ms. Chiles completed a Notice to Comply on April 27, 2007, documenting a plan of correction stating she would never allow a child's actions to get her so upset that she would respond by physically striking a child. She would contact the child's parent and let them remove the child from the child care home. She also stated she would no longer utilize objects to intimidate the children or to get their attention. She further stated she had attended one anger management class in a series of twelve classes.

The Licensing Services Supplemental Information sheet completed on April 20, 2007, documented a Child Welfare staff member contacted the Tulsa Police Department Detective who stated an arrest warrant would be issued in approximately one week. The Detective was informed of the Child Care Home Process of Revocation and Emergency Orders. Interviews documented in the DHS Report to District Attorney dated April 23, 2007, noted the DHS State Office's decision not to issue an Emergency Order to close the child care home until after the Tulsa County District Attorney's Office filed charges against Ms. Chiles. The report also

documented the receipt of the victim's Physical Abuse Exam on April 27, 2007. The exam concluded "the location of the bruises were unusual for bruises that would be experienced during normal childhood play. When coupled with the disclosure of abuse by the victim, they do appear to be remnants of abusive injuries. "

**May 16 and 17, 2007**

**Seventh Referral to DHS Child Welfare  
DHS Family Child Care Home Monitoring Report  
Licensing Services Supplemental Information  
Tulsa Police Department Narrative  
Tulsa Police Department Arrest and Booking Data  
Report to the Tulsa County District Attorney**

On May 16, 2007, a felony count of abuse of a minor child was filed by the Tulsa District Attorney's office regarding Vicki Chiles. An arrest warrant was also issued on this date.

On May 17, 2007, a Child Care Home Licensing staff member conducted a periodic family child care home visit. The DHS Family Child Care Home Monitoring Report documented the visit was not completed on this date due to the activity in the home upon the staff member's arrival. The report documented Ms. Chiles was performing CPR on a two-year-old child who was not breathing. Paramedics were en route. Once they arrived the child was transported to St. John's Hospital Emergency Room. Ms. Chiles stated she had put the child down for a nap. When she checked on him, he was lying face-down and not breathing. It appeared that he had vomited. Ms. Chiles was requested to contact all of the parents of the children still in the home at the time of the incident to come to the home and pick-up their children.

On May 17, 2007, the DHS Child Welfare received a seventh referral regarding the Noah's Ark Daycare Home. The allegation was a two-year-old male child was currently being life-flighted to St. Francis Hospital. The home child care provider, Vicki Chiles admitted to tying up the child and blood stained tape was found in the home. KIDS system documentation indicated the referral was assigned a Priority I with an investigation to be initiated within twenty-four hours.

The Tulsa Police Department Narrative dated May 17, 2007, documented the officer's response to his assignment to the child care home in reference to a two-year-old in cardiac arrest. Upon his arrival he observed CPR being performed on the child by EMSA and the Tulsa Fire Department.

He was informed by a Child Care Home Licensing staff member that the child care provider, Vicki Chiles, had a felony warrant for her arrest charging her with Injury To A Minor Child.

The Licensing Services Supplemental Information sheet dated May 17, 2007, documented a Child Care Home Licensing staff member's request for Ms. Chiles to close her child care home and not reopen. Ms. Chiles refused the request. She was then informed that the Child Care Licensing unit would request her case be reviewed by the DHS State Office, along with the recommendation that her license be revoked because she had admitted to hitting a child repeatedly.

Ms. Chiles stated she would provide care until DHS revoked her license. She later decided on May 17, 2007, to close and would reopen upon completion of all pending investigations.

The Tulsa Police Department Arrest and Booking Data sheet documented Ms. Chiles's arrest on May 17, 2007, at 5:00 p.m. It also documented her statement that the victim would not be quiet for nap time and she used masking tape to bind his hands and cover his mouth. She left the



room and when she returned, he was found lying on the floor and unresponsive. She then removed the tape, called EMSA and started performing CPR. The sheet also documented the current condition of the child as critical with no brain activity and on life support. The sheet further documented blood and vomit were found on the bedroom floor and on the tape located in the bedroom.

The Licensing Services Supplemental Information sheet dated May 18, 2007, documented Ms. Chiles was served an Emergency Order to close her Family Child Care Home. It also documented Ms. Chiles' agreement to stop child care in her home and she would never work at a child care center, church, school or any child care home.

On May 24, 2007, Vicki Chiles was charged with Criminal Felony Count One-Murder-First Degree.

### **May 17, 2007**

#### **Eighth Referral to DHS Child Welfare**

On May 17, 2007, the DHS Child Welfare received a referral regarding a two-year-old and seven-month-old sibling. The allegations included both children had been in the care of Vicki Chiles on a sporadic basis since birth and the two-year-old has been acting out sexually. It was also alleged that for approximately the last six weeks the child had been trying to stick his/her finger in his/her rectum during diaper changes. When the younger sibling was approximately two months old, a relative went to the child care home and observed the child to be located in a dark bedroom at the back of the home and screaming. Ms. Chiles had contacted the family on several occasions requesting the children spend the night and would volunteer to watch them free of charge. The family was taking the children to the doctor for an examination and was also going to file a police report. The KIDS system documentation indicated this referral was Screened Out by the DHS Child Welfare because it was added to an ongoing investigation being conducted by the DHS Child Care Home Licensing unit.