

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

Report Release Date: September 14, 2007

**Review of the Death of Olivia Scroggins
of Oklahoma County, Oklahoma**

**Dates and Outcome of Investigations and Actions Taken by the
Department of Human Services; Actions Taken by the District
Attorney; Judicial Proceedings; and the Rulings of the Court**

General Information

On August 21, 2007, the Office of Juvenile System Oversight (OJSO) was alerted to the death of a child, Olivia Scroggins. The death occurred on August 20, 2007. Criminal felony charges were filed against the mother, Wendy Scroggins, and the mother's boyfriend, Kerry Joe Smith, on August 30, 2007. The following is a summary of the actions taken by the Department of Human Services and the rulings of the court, as authorized by Title 10, Chapter 70, of the Oklahoma Statutes.

Authorization

Title 10, Section 7005-1.9, D and E, of the Oklahoma Statutes, states:

- D. 1. At any time subsequent to seven (7) days, but no more than thirty (30) days, of the date the person responsible for the child has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request, release certain information to the public as follows:
 - a. a confirmation shall be provided by the Commission as to whether a report of suspected child abuse or neglect has been made concerning the alleged victim or other children while living in the same household and whether an investigation has begun,
 - b. confirmation shall be provided by the Commission as to whether previous reports of suspected child abuse or neglect have been made and the dates thereof, a summary of those previous reports, the dates and outcome of any investigations or actions taken by the Department [DHS] and the Commission in response to any previous report of child abuse or neglect, and the specific recommendation made to the district attorney and any subsequent action taken by the district attorney,

c. the dates of any judicial proceedings prior to the death or near death of the child,

d. recommendations submitted by the Department [DHS] and the Commission shall be provided in writing including recommendations made at the hearing as they relate to custody or placement of a child, and

e. the rulings of the court.

2. Specific recommendations made by the Commission described in any progress reports of a pending case submitted to the court may be disclosed by the Commission.

E. 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 the person criminally charged.

The Oklahoma Commission on Children and Youth did not become aware of this case until after the child's death.

Identifiers:

Child's Name: Olivia Scroggins
Date of Birth: September 11, 2005

Mother: Wendy Scroggins
Mother's Boyfriend: Kerry Joe Smith
Siblings: Sibling 1
Date of Birth: November 7, 2006

Summary of Actions Taken by the Department of Human Services; Action Taken by the District Attorney; Judicial Proceedings; and the Rules of the Court:

1. Referral 1 (August 16, 2007)

The Department of Human Services (DHS) received a referral regarding the family on August 16, 2007, alleging the mother did not know the whereabouts of her children. Reportedly, the mother had given her children to her sister. The reporter stated that Olivia "had changed" after her mother and Kerry started dating. Allegedly, one of Olivia's eyes was blackened and swollen. The reporter stated that the child's mother claimed that Olivia had jumped off a bed and fell on the bed pole. The reporter also stated that Olivia has had a bite mark on her cheek, it was round and red. The mother told the reporter that Olivia had been jumping on the bed and fell on a basket. The reporter also stated that the house where the family stayed was not good. Allegedly,

the bathroom looked like sewage had backed up and the bathtub looked like “greens” had been washed in it that left a “pound of dirt.” The reporter stated that it appeared the mother was using drugs and that she might be pregnant. The reporter also raised concerns regarding when the mother came to pick up Olivia she had an unknown female with her and Olivia started screaming and crying stating that she didn’t want to go. The reporter stated that the mother grabbed Olivia by her arms and pulled her to the car. The reporter stated “that something is going on in the home and it’s not good.” The reporter also stated that “it is bad when a mother does not know where her children are for over four days.” The reporter also stated that she never found out where Sibling 1 was.

The referral was assigned as a Priority I for investigation on August 16, 2007. DHS documented that a child welfare supervisor made a home visit at 2:30 p.m. on August 16, 2007, and was unable to make contact with the family because of a dog in the yard. A second home visit was made by a worker at 7:19 p.m. on August 16, 2007. The worker made contact with the mother, her boyfriend’s brother, and the children. Documentation stated that Olivia was limited verbally, due to her age, and that both children were examined unclothed. DHS documented that Olivia reportedly had scars on both legs, an older scar on her upper arm, and what appeared to be a circular mark on the left side of her face in the cheek area (the mark did not appear fresh). DHS also documented, “It was difficult to identify any pattern of the circular mark due to the child being dark in complexion.” Documentation stated the worker had the mother remove Sibling 1’s clothing and diaper so the worker could check for bruises and marks. The worker documented that she did not observe any suspicious marks or bruises on Sibling 1 at the time. The worker also documented that the mother stated Olivia had gotten the black eye when the child hit her eye on a bed, after losing her balance while jumping on a bed. According to the mother, the circular mark on the side of Olivia’s face was from the mother sucking the child’s cheek when she kissed her. The brother of mother’s boyfriend, who was in the yard where mother was being interviewed, stated to the investigator that the mother and his brother do not hit the kids. This investigation was open at the time of the child’s death.

The investigation was completed on August 27, 2007, with a finding of Services Recommended. (Services Recommended: This finding is made when there is no evidence of abuse or neglect or insufficient information to determine if there has been abuse or neglect but it is determined that the family could benefit from services provided either by DHS or by referral to other community resources or providers).

2. Referral 2 (August 20, 2007)

The DHS received a second referral regarding the family on August 20, 2007, reporting the death of Olivia. The reporter stated that Olivia was taken to St. Anthony Hospital on August 20, 2007, with obvious physical injuries all over her body. The reporter also stated that Sibling 1, age nine months, was also seen at the hospital and had bruising on the face and a laceration to the back of the throat. Reportedly, in addition,

Sibling 1's anus was raw, which may have been caused from a bacterial infection or possibly sexual abuse. The referral stated that a full skeletal and computed axial tomography (CAT) scan was being performed on the child, but the results were not completed at the time of the referral.

The Oklahoma City Police Department placed Sibling 1 into emergency custody on August 20, 2007.

The DHS made an overall finding of Confirmed-Court Intervention Requested.

The Oklahoma County District Attorney's Office filed a deprived petition on August 27, 2007, on behalf of Sibling 1.

An Emergency Custody Hearing Order relating to Sibling 1 was filed with the Court on August 28, 2007, and a court date was set for August 30, 2007.