

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

Report Release Date: March 17, 2009

**Review of the Death of Ryan Weeks
of Beckham County, Oklahoma**

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

General Information

On November 6, 2008, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the death of Ryan Weeks, a three-year-old child who was taken in critical condition to an emergency room by his biological mother. (Ryan was five days from his fourth birthday when he was taken to the hospital in critical condition and later died.) On November 6, 2008, a first degree murder charge was filed against Rocky Moore, the boyfriend of Ryan's biological mother. The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court, as authorized by 10 O.S., Section 7005-1.9, B, D, and E (below).

Authorization

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

B. 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 death or near death of the child, there shall be disclosure of certain information concerning the circumstances of the investigation of the death or near death of the child and any other investigations within three (3) years of the death or near-death and one (1) year after the death or near-death concerning that child, or other children while living in the same household.

D. 1. At any time subsequent to seven (7) days after 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 within sixty (60) days of the request 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 [OKDHS] 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.

Identifiers:

Child's Name: Ryan Weeks
Date of Birth: November 9, 2004

Alleged Perpetrator: Rocky Moore

Siblings: Child 2, this sibling and Ryan have the same biological mother but different biological fathers
Date of birth: September 5, 2003

Child 3, this sibling and Ryan have the same biological mother but different biological fathers
Date of birth: February 9, 2007

Child 4, this sibling and Ryan have the same biological mother but different biological fathers
Date of birth: November 29, 2008

The Oklahoma Commission on Children and Youth (OCCY) became aware of this case on September 26, 2006. At that time, a complaint was received by the OCCY that alleged the State of Oklahoma and the OKDHS were moving to terminate the mother's parental rights regarding Ryan and his sibling (Child 2). The complainant to the OCCY was protesting the termination of the mother's rights. Upon review of the case, it was determined by the OJSO that termination of parental rights was consistent with state law.

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

[Title 10, Section 7005-1.9, B, of the Oklahoma Statutes, authorizes disclosure of information concerning the circumstances of the investigation of a child's death within three years of the death; therefore, the information provided below is within the three-year time period.]

Referral 1 (October 26, 2005)

On October 26, 2005, the OKDHS received the first referral on Ryan Weeks and Child 2 as victims. The reporter alleged that the children's mother was screaming at the children. Reportedly, the children were crying and screaming; the caller did not know whether or not the children's mother was hitting them, although it sounded to the caller as if the mother was "beating" the children. The reporter stated that the children presented as dirty and hungry. The caller was concerned for the children, stating that the parents' relationship involved domestic violence and the father (Ryan's biological father) was not to be around the children. Allegedly, both parents had violated a Victim Protective Order.

The OKDHS accepted the referral as a Priority Two investigation to be initiated within eight days. OKDHS documentation indicated the investigation was initiated on November 10, 2005.

The OKDHS overall finding was Confirmed-Court Intervention Requested. During the investigation, both parents and seven collaterals were interviewed and Ryan and Child 2 were observed. The OKDHS documented that the children were too young for formal interviews and when the children were observed, they presented as unclean and improperly clothed for the season. The OKDHS investigative worker observed the two children again on November 23, 2005; the OKDHS documented that Child 2 presented naked and with dirty feet when the worker arrived at the home. The OKDHS worker also observed Ryan and Child 2 on December 5, 2005. The worker documented that Child 2 presented without shoes and the bottoms of the child's feet were very dirty.

The mother was interviewed four times, each on different dates, and the father was interviewed three times, each on different dates. The worker's documented observation of the mother stated, ". . . very immature and her behavior makes one question whether she is putting her own wants before the needs of her children." The worker's documented observation from the mother's second interview stated that the mother "appears to be putting her wants in front of her children's needs for safety". Documentation of the mother's third interview on November 23, 2005, stated the children had been placed in OKDHS custody but would remain in the mother's home ". . . as long as she (mother) is willing to follow rules and protect the children". It was further documented that the mother ". . . continues to deny that she has done anything wrong" and that the house was ". . . very cluttered and messy". OKDHS documentation regarding the worker's fourth investigative interview with the mother on December 5, 2005, stated that the worker recommended that the mother return to the local domestic violence shelter so she and the children could be safe. The OKDHS documented that the mother declined to return to the shelter and stated that ". . . when she (mother) gets the kids out of DHS custody she might go to California".

The worker documented stating to the father in regard to back and forth allegations between himself and the mother that ". . . this is the second strike; one more and they are out (the children will be removed from the home)". The investigating worker also documented that the father had stated, ". . . he (father) was all messed up in the head" and had made threatening statements in regard to the mother.

Documentation indicated that the children were placed in OKDHS legal custody but remained in physical placement with their mother. The OKDHS documented a confirmed pattern of domestic violence in the home and violation by both parents of a Victim Protective Order. By the time the interviewing was completed the first week of December 2005, the father (Ryan's biological father) had been incarcerated for Burglary in the First Degree and Domestic Assault and Battery by Strangulation.

OKDHS Affidavit Requesting Emergency Custody (November 23, 2005)

A Custer County OKDHS investigative worker filed an affidavit with the court detailing concerns in regard to the safety and well-being of the children, based on the pattern of domestic violence between the parents. The OKDHS reported the possibility of the biological father of one of the children stalking the mother and the risks to the children as a result of that behavior.

Emergency Custody Hearing (November 28, 2005)

A Custer County District Court judge issued an Order Placing Temporary Protective Custody of Ryan and Child 2 with the OKDHS. A Show Cause hearing was scheduled for November 29, 2005.

Show Cause Hearing (November 29, 2005)

The Court Minute filed in Custer County District Court documented that at the Show Cause hearing, protective custody of Ryan and Child 2 was continued with the OKDHS.

Deprived Petition Filed (December 8, 2005)

The Custer County District Attorney filed a petition on December 8, 2005, to request adjudication of Ryan and Child 2 and to initiate a deprived case regarding the family.

Referral 2 (February 10, 2006)

On February 10, 2006, the OKDHS received a second referral regarding Ryan Weeks and Child 2 as victims. The reporter alleged that a party was going on in the mother's home at the time and the mother was smoking marijuana with the children present. The reporter stated that the father (Ryan's biological father) was not in the home at the time, but two other people were present.

The OKDHS accepted the referral as a Priority One investigation. Initial contact with the family was documented as occurring within three hours of the OKDHS receiving the referral.

The OKDHS overall investigative finding was Services Recommended. The OKDHS documented three hours after the referral that when the worker arrived at the home, the mother was watching a movie with a friend and the children were in bed asleep. The investigation was closed under protocol modification without collateral interviews. The OKDHS recommendation stated that the mother was to cooperate with the court. Ryan and Child 2 remained in OKDHS custody and placement continued with their mother.

Journal Entry of Adjudication Hearing (February 22, 2006)

A court hearing was held on February 22, 2006, and the Journal Entry regarding the hearing was filed on March 6, 2005. Ryan and Child 2 were adjudicated as deprived to both parents. The Journal Entry documented continued custody with the OKDHS and physical placement in the mother's home.

Investigation Findings (February 28, 2006)

The Recommended Services section of the Investigation Findings screen in the OKDHS KIDS system stated, "Children are in DHS custody and were subsequently removed from the home on 2/28/06 due to [the mother] not following through with charges against [the father] regarding the domestic violence that had occurred previously."

Individualized Service Plan Filed With the Court (March 21, 2006)

The OKDHS developed an initial individualized service plan for the biological parents, with the permanency plan for the children documented, "Return to Own Home." The

individualized service plan filed with the court contained the signatures of the child welfare worker and the child welfare supervisor; both signatures were dated March 21, 2006. The signature lines on the individualized service plan to document the parents' signatures were blank.

Dispositional Hearing (March 22, 2006)

A Dispositional hearing was held on March 22, 2006. The OKDHS recommended that the children remain in OKDHS custody and in OKDHS foster care.

Individualized Service Plan Progress Report (May 17, 2006)

The OKDHS filed its first progress report with the Custer County District Court on May 12, 2006, documenting the parents' progress with their individualized service plan. The OKDHS recommendation was that the children remain in OKDHS custody and in their current non-relative kinship placement.

Court Review and Permanency Hearing (May 17, 2006)

A Court Review and Permanency hearing was held on May 17, 2006. The Custer County District Court finding was that the mother was in partial compliance and the father was in compliance with the OKDHS requirements of the parents' individualized service plan. The Journal Entry from the Permanency Review hearing documented no change in custody or placement at that time.

Court Review and Permanency Hearing (August 16, 2006)

A Court Review and Permanency hearing was held on August 16, 2006, to go over the parents' progress toward meeting the requirements of their individualized service plan. At that time, the permanency plan remained to return both children to their own home. The OKDHS recommendation was for the children to remain in OKDHS custody.

The OKDHS also recommended that the district attorney's office file a petition to terminate the parents' rights to the children because efforts to reunite the children with their parents had failed. As to the biological mother, the recommendation was based on her failure to maintain employment, attend counseling sessions, and follow recommendations of an assessing agency regarding evaluations. As to Ryan's biological father, the recommendation was based on his unsuccessful completion of a batterer's program because of too many absences and failure to attend individual counseling.

The OKDHS progress report contained information that the children had been moved from a non-kinship foster home due to non-compliance by the foster parent. The OKDHS case documented that the children's removal from the non-kinship foster home occurred because the foster mother had a long history of criminal convictions, the most current ones being forgery and bogus checks; the foster mother had not completed the

training required of foster parents; and the foster family was dealing with issues regarding a biological child. The OKDHS progress report documented that the mother was pregnant and her current boyfriend (Moore) was the baby's father.

The report further documented that at a court-required urine analysis, the mother had urine in a plastic cigar container that fell out in the toilet during the collection stage of the process. The mother had refused to provide a specimen of her own urine for the scheduled testing.

Journal Entry for Permanency Review Hearing (August 16, 2006)

The Journal Entry for the Permanency Review hearing held on August 16, 2006, was filed with the Custer County District Court on September 21, 2006. The Journal Entry documented that efforts to reunite the family had failed, or were not feasible, and reasonable efforts were being made to secure an alternate permanent placement for the children.

Permanent Relinquishment of Parental Rights Hearing (August 23, 2006)

A Court Order was issued on August 23, 2006, which documented that Ryan's biological father had voluntarily relinquished his parental rights to Ryan and had consented for Ryan to be placed for adoption.

Petition to Terminate Parental Rights (September 1, 2006)

The Custer County Assistant District Attorney, at the request of the OKDHS, filed a petition on September 1, 2006, requesting that the court terminate the rights of the biological mother as to Ryan and Child 2, documenting that the mother had failed to correct the conditions that had led to the deprived adjudication of the children and that termination of parental rights was in the best interests of both children.

Summons and Notice for Service by Sheriff (September 1, 2006)

A summons was issued notifying the mother that a petition had been filed requesting the court to terminate her parental rights to Ryan and Child 2 and that her attendance was required at court on September 27, 2006.

Court Order/Minute (September 27, 2006)

A Court Order/Minute filed on September 27, 2006, documented that the mother had accepted service of a petition to terminate her parental rights to both children and that she had requested a jury trial.

Court Review and Permanency Hearing (October 11, 2006)

A Court Review and Permanency hearing was held on October 11, 2006, at which time the OKDHS recommendation was that the children remain in custody, but that the court

wait three months before the jury trial to determine if the mother's parental rights would be terminated, as the mother had shown improvement on her treatment plan. The OKDHS progress report documented that since the previous hearing the mother had been able to gain and maintain employment and housing and was attending counseling weekly. The report also documented that the mother had tested negative for the substances tested at urine analyses on October 2 and October 6, 2006.

Journal Entry for Permanency Review Hearing (October 11, 2006)

A Journal Entry filed on March 8, 2007, regarding the Permanency Review hearing held on October 11, 2006, documented that the children were to remain in OKDHS custody and that efforts to reunite the family had failed. The court-ordered permanency plan to secure an alternate placement for the children was adopted due to non-compliance by the mother. A Custer County judge denied the mother's request to continue review of the case. The Journal Entry documented that a jury trial to terminate the mother's parental rights was set for November 2 and 3, 2006. The next review date was scheduled for January 17, 2007.

Motion to Dismiss Petition to Terminate Parental Rights (October 26, 2006)

On October 26, 2006, a motion was filed by a Custer County Assistant District Attorney to dismiss the petition to terminate the biological mother's parental rights. The motion documented that all parties had agreed to dismiss the petition as to the mother only. The order to dismiss the termination of parental rights case against the mother was signed by the judge.

Court Minute (December 13, 2006)

A Court Minute issued documented that the biological father of Child 2 had failed to appear at court on December 13, 2006. It was also documented that the court "takes judicial notice of the file and finds that the state has provided sufficient evidence; court terminates the parental rights of the father [to Child 2]".

Court Review and Permanency Hearing (January 17, 2007)

The OKDHS documented in its recommendations to the court on January 17, 2007, that the mother had "made significant progress on her Individualized Service Plan, however, she has only had supervised visits with her children". The worker requested that unsupervised visits start to occur slowly to integrate the children back into the care of the mother. The OKDHS documented the mother would "need to prepare herself further by showing proof of having appropriate car seats and transportation". The worker documented that "after several visits have taken place with no problems, worker would like to start the reunification process". The worker also documented a request that the court approve unsupervised visitation and approval for the children to be placed back in the home after several unsupervised visits had occurred.

Journal Entry of Permanency Review Hearing (January 17, 2007)

A Journal Entry regarding the Permanency Review hearing held in Custer County District Court on January 17, 2007, documented no changes in custody and placement of the children at the time and that the mother was court-ordered to submit to a urine analysis on January 19, 2007. The next review hearing was scheduled for April 18, 2007.

Referral 3 (February 12, 2007)

On February 12, 2007, the OKDHS received a third referral regarding the family. Reportedly, the mother had given birth to her third child, Child 3, on February 9, 2007.

The OKDHS accepted the referral as a Priority Two investigation. According to OKDHS documentation, two unsuccessful attempts to contact the family were made on February 13, 2007.

The OKDHS overall investigative finding (documented on May 24, 2007), with the investigative closure request, was Services Not Needed. The OKDHS documentation stated the home was appropriate for the newborn and the other children. Further documentation indicated the investigation was closed under protocol modification without child interviews, as the two older children were in foster care.

The OKDHS documented from its contact with the family that Child 3 "appeared clean and well taken care of". Further documented observations stated that the mother appeared healthy and was polite and cooperative. The father of Child 3 (Moore) was interviewed at the mother's home.

The collaterals documented were medical information, a service provider, and an entry by OKDHS Permanency Planning worker 5 documenting that the OKDHS would ask for reunification of the mother with Ryan and Child 2 on May 25, 2007. Additional documentation was the history of child welfare referrals on the family by the investigative worker. The worker further documented that the mother had made significant progress on her treatment plan.

Court Review and Permanency Hearing (February 21, 2007)

A Court Review and Permanency hearing was held on February 21, 2007, in which the OKDHS recommended that the case be transferred from Custer County to Beckham County, as the family had moved to Beckham County. The OKDHS further recommended that the reunification process start after the mother had some unsupervised visits with the children.

The OKDHS progress report documented the birth of Child 3, who had not been removed from the home by Beckham County (the mother was living in Beckham County at the time of the child's birth). The progress report stated that the mother had maintained a stable and safe home as well as employment for six months.

OKDHS Case Contact Note (April 4, 2007)

An OKDHS Beckham County worker documented that the transfer of the case from Custer County to Beckham County "must have been lost somewhere" and that it would be checked on that date. Further documentation stated that the Custer County judge would not approve unsupervised visits, and, therefore, the weekend visit could not occur.

Letter Requesting Case Transfer Between Counties (April 5, 2007)

A letter dated April 5, 2007, written by the Custer County judge, requested a Beckham County judge to accept the transfer of the case. The letter documented that the parents had moved to Beckham County.

Request for Transfer of Jurisdiction (April 10, 2007)

The Custer County judge filed a Request for Transfer of Jurisdiction on April 5, 2007. The request was filed in Beckham County by the court clerk on April 10, 2007.

Court Review and Permanency Hearing (May 25, 2007)

A Court Review of the individualized service plan was held on May 25, 2007, in Beckham County District Court, at which time the OKDHS recommended trial reunification with the mother. The OKDHS further recommended that the current boyfriend and father of the newborn (Moore) be allowed to be present in the home at any time due to his clean background history checks and limited child welfare history. The OKDHS documented that unsupervised visits with the children and mother had begun on May 4, 2007, and that the mother had been doing very well and had shown great progress on her parenting and living skills. The OKDHS further reported that comprehensive home-based services (CHBS) had occurred weekly in the home since May 9, 2007.

Court Minute for Court Review Hearing (May 25, 2007)

The Court Minute by the Beckham County judge on May 25, 2007, documented that Ryan and Child 2 were to remain in OKDHS custody but were to be placed back in the home with their mother and Child 3 on that date. The Court Minute also documented that things were going well (for the mother and children). The Court Minute further documented that Moore could be present in the home. The next court review hearing was scheduled for October 19, 2007.

Referral 4 (September 4, 2007)

On September 4, 2007, the OKDHS received a fourth referral regarding Ryan Weeks and Child 2 as victims; Child 3 was also named in the referral as a victim. Reportedly, Child 3's father (Moore) had been arrested for possession of marijuana.

The OKDHS accepted the referral as a Priority Two investigation, with three days to initiate the investigation. Documentation indicated that a failed attempt by OKDHS to contact the family had occurred on September 7, 2007; a successful attempt to contact the family was documented as occurring on September 12, 2007.

Those persons interviewed during the investigation by OKDHS were Ryan, Child 2, the parents, and nine collaterals, including law enforcement, service providers, a medical professional, and Permanency Planning worker 6 (who was also documented as the investigating worker). According to documentation, a visual observation was made of Child 3.

The investigating worker documented from the worker's observations of Ryan that he seemed to be "neglected as compared to the other children" and that "Ryan seems to be in the shadows the majority of the time".

The investigating worker documented from the worker's observations of Child 2 that the mother had failed to discipline this child during a temper tantrum in the presence of the worker and that the child appeared to be "using the temper tantrums" to direct the mother's attention "away from worker and onto himself".

During the second interview with Child 2 on September 12, 2007, the permanency planning worker observed and documented that Child 2 "may be confused as to the difference between tobacco cigarettes and marijuana cigarettes", as the child (who was four years old at the time) could not explain the difference to the worker. The worker also documented that Child 2 "is a hyper-active child and is hard to understand at times because he talks very fast".

The Permanency Planning worker's documentation of the worker's observations of Child 3 stated that the child "seems to be the favored child in the home".

Observations documented from the mother's interview with the OKDHS on September 12, 2007, stated that the mother seemed to be very upset and frustrated with Moore. The worker further documented that the mother became emotional and began crying when she was being arrested and the children were being removed from the home. [See note dated Arrest of Parents on September 12, 2007, below.] During the second interview with the mother on September 13, 2007, the worker documented the observation that the mother relied on Moore for support but would "ultimately choose her children" over Moore.

Moore was interviewed on September 13, 2007, in the Beckham County jail by Permanency Planning worker 6, who documented that Moore was crying and very emotional at the time. [See note dated Arrest of Parents on September 12, 2007, below.] The worker also documented that this was "the first time worker has observed him (Moore) sober."

The Permanency Planning worker had documented that the worker on-call at the time of the investigation by local law enforcement, which ultimately resulted in the parents'

arrests, stated to the officer that she "was not going to come to the apartment" and requested that the officer take the parents for drug tests. According to documentation, the officer complied with the request. (It was later determined from information received from the OKDHS child welfare field liaison that the on-call worker had discussed the issue with her supervisor. At that time, it was believed that the mother was not involved in the drug situation and the children would be safe remaining with the mother after Moore was out of the home.)

The Permanency Planning worker documented from the officer's interview with the OKDHS that the officer had reported he ". . . smelled a strong foul odor of feces and observed large piles of clothing and trash about the living room area. I observed the kitchen sink and cabinet tops to be covered in old food and dirty dishes. . . .The bathroom floor was sticky and had a foul unclean odor". The officer reported, "I found the bedroom floor to be completely covered in trash, clothes and toys. I observed no bed but two mattresses on the floor; one had no bedding and was lying on top of piles of clothing and toys."

OKDHS Permanency Planning worker 6 interviewed a service provider involved with the family who stated that when Moore was asked to be a part of the mother's counseling had replied, "It's not my problem." According to OKDHS documentation, that service provider described Moore as being selfish and immature, having refused at one time to take Child 2 to the doctor. The OKDHS documented that the service provider further reported to the OKDHS that the parents "do fight, but have been stepping outside lately so that the children don't see it".

OKDHS Permanency Planning worker 6 documented under her own interview that she had completed home visits to the home at least once a month since the children had been placed in trial reunification and had "never sensed the presence of drugs in the home or smelled marijuana in the home during a worker visit".

The OKDHS overall investigative finding was Confirmed-Court Intervention Requested. The confirmed allegations were child neglect by substance abuse and exposure to domestic violence. The OKDHS documentation reflected that Moore had informed the investigating worker that he (Moore) had smoked marijuana in the home with the children present while the mother was at work. The OKDHS documented that Moore stated that he and the mother did argue and curse at each other in the presence of the children approximately three times a week.

The OKDHS documented that Ryan and Child 2 had been in OKDHS custody since February 28, 2006, and that as a result of the OKDHS investigation, Child 3 was placed in OKDHS custody on September 12, 2007. Trial reunification for the older children was terminated.

Arrest of Parents on September 12, 2007

On September 12, 2007, OKDHS Permanency Planning worker 6 documented that during the worker's visit to the parents' home to conduct an investigation regarding the

allegations in referral 4, the police arrived and informed the worker that they were there to arrest the mother on a child neglect warrant. Permanency Planning worker 6 further documented she called her supervisor and the children were to be removed on that date, with Child 3 also being placed in OKDHS custody pursuant to instructions by a judge and an assistant district attorney of Beckham County. The Permanency Planning worker documented that Moore arrived during the mother's arrest and was also placed under arrest on a child neglect warrant.

Request for Termination of Trial Reunification (September 13, 2007)

On September 13, 2007, in Beckham County District Court, OKDHS Permanency Planning worker 6 filed a request for termination of trial reunification to remove the children from the home, as the home was contrary to the health, safety, or welfare of the children and reasonable efforts to prevent the removal of the children from the home had been made based on the receipt of referral 4, the findings of the OKDHS investigation, and the arrest for drug use in the home. In this document, it was noted by the OKDHS worker that when the worker was transporting the children to a foster home, Child 2 stated:

Rocky (Moore) smokes weed at the apartment;
Rocky made me smoke it and it made me sick, I threw up;
Mommy and Rocky fight, fight, fight and mommy threw up;
Rocky made me drink it and it was yucky and I threw up again;
Mommy doesn't like it when Rocky smokes weed and she told him to get out; and
Rocky told mommy to smoke it and mommy said no, no, no, no, then she smoked it.

Order Terminating Trial Reunification (September 13, 2007)

The order terminating the trial reunification process with the family was issued on September 13, 2007, by the Beckham County District Court judge. No date for a hearing was documented in the case record.

Emergency Custody Hearing (September 14, 2007)

The Beckham County District Attorney filed an emergency custody hearing order on September 14, 2007, regarding Child 3. The order stated that the continuation of Child 3 in the home was contrary to the health, safety, or welfare of the child because reasonable or active efforts had been made to prevent the need to remove the child from the home. An order for temporary OKDHS custody of Child 3 was granted by the Beckham County District Court judge.

Temporary Custody and Deprived Petition Filed on Behalf of Child 3 (September 19, 2007)

A petition for Temporary Custody and Deprived Petition on behalf of Child 3 was filed on September 19, 2007, by the Beckham County District Attorney's office, placing the seven-month-old child in OKDHS custody, along with the child's two siblings.

Beckham County Court Order (October 8, 2007)

A Court Order filed by the Beckham County District Court approved Child 3 to receive medical treatment to place tubes in the child's ears.

Court Minute (October 12, 2007)

A Court Minute filed in Beckham County District Court documented a hearing regarding the case was scheduled for October 26, 2007.

Beckham County Court Order (October 16, 2007)

The Beckham County District Court ordered that both Ryan and Child 2 receive medical treatment to place tubes in their ears.

Individualized Service Plan Dispositional Report (October 26, 2007)

On October 26, 2007, the OKDHS filed a new individualized service plan in Beckham County District Court that included Child 3. At the time of the report to the court, the permanency plan for the children was to return to their own home. The documented reason for the children to be in OKDHS custody at that time was drug use in the home with the children present, which had resulted in arrests of both parents for child endangerment. According to documentation, both parents were assessed by a private agency for substance abuse issues. The father was seeking counseling, but the mother's assessment indicated a high defensiveness level on the evaluation. The OKDHS recommendation was that the children remain together in a foster home. The OKDHS requested that the case be reviewed in four months.

Order of Adjudication and Disposition (October 26, 2007)

An Order of Adjudication and Disposition was filed in Beckham County District Court on October 26, 2007, as to Child 3, which documented that the allegations of the petition were supported by evidence and that the child was adjudicated deprived. On this same date, a Permanency Review hearing was held on behalf of Ryan and Child 2.

Permanency Review Order (October 26, 2007)

On October 26, 2007, a Permanency Planning Review plan was filed in Beckham County District Court. The plan documented that continuation of the children in their home was contrary to their welfare, reasonable efforts had been made to prevent the need for removal from the home, and reunification might occur when the parents completed or made marked progress in correcting the conditions in the home that had caused the children to be adjudicated deprived.

Referral 5 (December 21, 2007)

On December 21, 2007, the OKDHS received a fifth referral regarding Ryan Weeks, Child 2, and Child 3 as victims. The reporter alleged that when the children went for an unsupervised visit with their mother, a man who was in the mother's bed had not been cleared by a background history check in order to be around the custody children. Reportedly, the mother had asked the reporter not to tell the OKDHS the man had not been approved to be present during visits.

Allegedly, the home was filthy. Reportedly, at the end of the children's visit, Child 3 had a 101° fever and Ryan had urine running down his legs when the mother walked the children back from a park. The reporter further reported Ryan had a red handprint on his back.

The referral was accepted as a Priority One investigation, which was initiated on December 21, 2007. Those interviewed by OKDHS during the investigation were the children, parents, and six collaterals, one of which was a medical professional.

Permanency Planning worker 6 appeared to have interviewed the children, the mother in one of her interviews, and three of the collaterals, one of which was herself. A different worker had conducted the other interviews documented.

OKDHS Permanency Planning worker 6 documented that Child 2 had a black eye, "reportedly from Ryan". The worker documented that she had serious concerns regarding Child 2 "reporting that his mother told him not to tell worker who was at the house or what he did during the unsupervised visit".

From Ryan's interview, Permanency Planning worker 6 documented, "Worker observed Ryan where the alleged 'hand print' mark should have been. Worker did not observe any marks in that area." The worker further documented, "Worker is concerned about how [mother] is treating Ryan when there is no DHS supervision."

The Permanency Planning worker documented that Child 3 had no physical marks "that was of concern".

OKDHS Permanency Planning worker 3 documented that the mother did not "seem to be truthful with worker" during the mother's interview. The documentation further stated that the mother seemed to like to make excuses for her actions and have a reason for every action. The worker further documented that the mother was "trying to hide her actions from worker".

The OKDHS investigative worker documented from her interview with the mother that the mother "seemed to have the ability to protect her children". The OKDHS investigative worker interviewed Moore and documented that the father "seemed able to protect" Child 3.

The OKDHS Permanency Planning worker documented in her own interview that the mother "seems to be working diligently on her treatment plan but does not seem to be learning from her services or her mistakes". The worker also documented that she (the worker) had had limited contact with Moore and was unaware as to whether or not he was working on his treatment plan. The worker also noted that it had been approximately three weeks since Moore had visited Child 3.

The OKDHS investigative worker documented the receipt of a facsimile from a medical professional who had examined Ryan for abuse in regards to the handprint. The documentation stated that the foster mother had taken the child to the doctor due to a handprint on the child's face, left buttock, and lower back. According to OKDHS records, the physician had "found some signs of scratches on the posterior of the neck and face", and the physician had recommended that the "child not have any more unsupervised visits with the mother".

On January 8, 2008, OKDHS Permanency Planning worker 6 documented that she had shown the mother pictures of the handprint on Ryan's buttock where it appeared the child had been hit with a bare hand. The Permanency Planning worker further documented telling the mother that if she could not recommend the children go home at the next court hearing, the worker would have to recommend termination of the mother's parental rights.

On January 15, 2008, OKDHS Permanency Planning worker 6 documented that Moore had reported that the test result of his urine analysis was positive for marijuana, but that he did not understand why because he had not smoked marijuana since his arrest and when the children were removed (on September 12, 2007).

On January 18, 2008, OKDHS Permanency Planning worker 6 documented the next court hearing was scheduled for February 22, 2008.

Court Review and Permanency Hearing (February 22, 2008)

A Court Review and Permanency hearing on February 22, 2008, documented a new permanency plan of adoption, with a recommendation by the OKDHS Permanency Planning worker for a petition to terminate the parental rights of the mother as to Ryan and Child 2. The progress report to the court documented that the mother had completed two treatment plans that had included two parenting classes, domestic violence counseling, and CHBS services. The OKDHS further recommended that if Moore did not make significant progress within three months, the OKDHS would recommend termination of his parental rights as well. The progress report also documented the children had all had tubes placed in their ears due to numerous and severe ear infections.

The report further documented that Moore had tested positive for marijuana on January 18, 2008, after a request for a urine analysis on January 9, 2008. The report further documented that Moore's service provider had recommended a higher level of

care. It was further documented that Moore had missed three of twelve sessions of parenting. Moore had been offered make-up classes but had not attended. The worker documented that no more make-up classes would be offered, that Moore would have to wait until the classes were offered again.

Summary Order Court Minute (February 22, 2008)

A Summary Order Court Minute by the Beckham County District Court was filed on February 22, 2008, and documented that a hearing regarding Child 3 was scheduled for March 28, 2008.

Summary Order Court Minute (March 27, 2008)

On March 27, 2008, a Summary Order Court Minute documented that a hearing regarding the case of Ryan and Child 2 was scheduled for April 16, 2008.

Court Review and Permanency Hearing (April 16, 2008)

A Court Review and Permanency hearing was held on April 16, 2008, which documented that the continuation of the children in the home was contrary to the welfare of the children and that reasonable efforts had been made to prevent the need for removal of the children from the home. The review continued to document that a petition to terminate parental rights was pending or was to be filed with the initial appearance scheduled for May 23, 2008. (The OKDHS documented in their Public Report dated December 5, 2008, the foster mother had stated at the hearing that "she did not believe the mother was capable of providing a stable home environment for the children".)

Individualized Service Plan Progress Report (May 23, 2008)

The Individualized Service Plan Progress Report filed with the Beckham County District Court on May 23, 2008, indicated that the permanency plan for the children had been changed to "Return to Own Home", in accordance with an OKDHS recommendation. In the recommendation, the OKDHS stated that the mother had demonstrated new parenting skills during visits and had indicated moves toward maturity and responsibility. Further documentation indicated Moore had also shown moves toward maturity and responsibility by applying for new jobs and maintaining sobriety.

The OKDHS also recommended that the parents begin weekly unsupervised visits. A review in three months was requested. Further documentation stated that Moore had tested negative on urine analyses conducted on April 9 and May 7, 2008.

Court Review and Permanency Hearing (May 23, 2008)

The Court Review and Permanency hearing was held on May 23, 2008. The Permanency Review report filed documented that the continuation of the children in

their home was not contrary to the welfare of the children and that reasonable efforts had been made to prevent the need for removal of the children from the home.

The new permanency plan was documented as reunification with a parent for all three children. Documentation stated that reunification might occur when the parents completed "significant progress on treatment plan" and the "State recommends unsupervised visitations begin".

The OKDHS documented, "Judge orders unsupervised visits per worker's discretion," pending the results of the hair follicle testing on the parents. It was further documented that the foster mother had expressed concerns "about the parent's ability to maintain".

OKDHS Case Contact Note (July 21, 2008)

The OKDHS supervisor documented that a Permanency Planning Review meeting was held, listing all attending members and the notation, "See paper case."

Court Review and Permanency Hearing (August 1, 2008)

The Court Review and Permanency hearing held on August 1, 2008, indicated a permanency plan of "Return to Own Home" for Ryan, Child 2, and Child 3. The OKDHS recommendation documented that overnight unsupervised visitation had begun on July 7, 2008. The recommendation also documented there had been reports of domestic violence occurring during the July 7 and July 21, 2008, visits; however, the OKDHS had not confirmed the allegations and a visit was documented as having taken place on July 14, 2008. It was further recommended that Child 2 begin counseling to address honesty and the emotional distress that he had endured due to his involvement with child welfare and foster care.

Court Review and Permanency Hearing (August 1, 2008)

The Court Review and Permanency report filed with the Beckham County District Court on August 1, 2008, documented that the OKDHS recommendation was to continue placement of the children in their home, as the placement was not contrary to the welfare of the children and that reasonable efforts had been made to prevent the need for removal of the children from the home. The report further documented a recommendation of reunification for all three children and that the reunification might occur on August 1, 2008. The continued documentation stated that based on the report and recommendations, the court's finding was that the parents had made marked progress toward reunification, and, therefore, the OKDHS was hereby granted permission to return the children to the home of the mother and Moore.

Referral 6 (September 18, 2008)

On September 18, 2008, at 9:17 a.m., the OKDHS received a sixth referral regarding Ryan Weeks, Child 2, and Child 3 as victims. The reporter alleged that Ryan had a huge handprint on the left side of his face and fingerprints behind his left ear. The

reporter stated Ryan had said he was sad and that his brother had hit him. The reporter stated that the handprint was that of an adult and therefore did not believe that the marks were from Child 3 hitting Ryan.

The OKDHS accepted the referral as a Priority One investigation, which was initiated on September 18, 2008, at 11:30 a.m. Those interviewed during the investigation were the children, parents, and three collaterals, including a school staff member and OKDHS Permanency Planning worker 6.

OKDHS Permanency Planning worker 6 interviewed Ryan at 11:30 a.m. on September 18, 2008, and documented that the child reported Moore had thrown a shoe at him because Moore "likes to leave bruises on him" and showed the worker two bruises on his shin that the worker documented, "Appear to be normal play-type bruises to worker." The worker documented that it was "noticed that Ryan's cheeks were reddish in color, but did not notice any bruising on his face or neck". The worker documented that she pointed to Ryan's cheeks and asked what had happened. Ryan was documented as stating he had fallen off the bed, that Child 2 had pushed him.

The OKDHS investigative worker interviewed Ryan a second time on September 18, 2008, at 2:00 p.m., and documented that the child "did not seem to be fearful of either parent".

The OKDHS investigative worker interviewed Child 2 and documented that Child 2 reported that he had hit Ryan in the face that morning. The worker documented no concerns at that time.

The OKDHS investigative worker observed Child 3 and documented that the worker did not see any bruising on the child.

The mother was documented by the OKDHS investigative worker as stating that Child 2 was always picking on Ryan and that she had been at work that morning and did not know what had taken place in the home. The worker's observations of the mother and the children were documented as the same, which stated, "This worker observed that there was adequate food for the family and the home was free of clutter."

The OKDHS investigative worker interviewed Moore and documented that he heard Ryan crying and when he asked what had happened, Ryan told him that Child 2 "hit him on the cheek". The remainder of the interview addressed Moore looking for a better job and better housing. The worker further documented, "He was open with worker and did not appear to be hiding anything." Again, the worker documented, "This worker observed that there was adequate food for the family and the home was free of clutter."

The OKDHS investigative worker documented that during the interview with Permanency Planning worker 6, she was informed that Ryan was shy around people he did not know; subsequently, the investigative worker requested that Permanency Planning worker 6 conduct the interview with the child. The investigative worker

documented that Permanency Planning worker 6 stated that she had seen the children on August 1 and August 19, 2008. It was further documented that Permanency Planning worker 6 had stated that "she hasn't had any concerns while she was in the home". (This interview was added to the OKDHS case on November 7, 2008.)

On September 19, 2008, OKDHS Permanency Planning worker 6 documented a home visit during which time the worker asked Child 2 about being mean to Ryan. The worker documented that Child 2 stated Ryan was mean to him, also. The worker documented that she told the children they needed to be nice to each other. It was further documented that the mother stated she was having a hard time getting the children to mind and that sometimes she had to get Moore to stop by the house during one of his deliveries for his job to make sure the children stood in the corner because they minded Moore really well. Moore arrived home during the visit. The Permanency Planning worker documented safety concerns due to Ryan having a handprint on his face the previous day at school. The worker documented there was an open investigation at this time. The worker also documented that it was determined from her interviews with the children and mother that the handprint had come from Child 2.

On October 29, 2008, OKDHS Permanency Planning worker 6 documented that Child 2 had a red mark under the corner of his right eye. The worker further documented that when she asked the child about it, the child stated it had happened at "morning school". The worker documented that the mother stated the school had not sent home an incident report regarding the injury. The worker documented she asked the mother to call the school the next day to find out what had happened.

On October 30, 2008, OKDHS Permanency Planning worker 6 documented that the mother had called to report to the OKDHS that Head Start had confirmed that the injury to Child 2's face had happened at the school and they had forgotten to send the incident report home with the child but would send it that day. (Documentation indicated that the OKDHS Permanency Planning worker verified this information on November 5, 2008.)

Referral 7 (November 4, 2008)

On November 4, 2008, the OKDHS received a seventh referral regarding Ryan Weeks, Child 2, and Child 3 as victims. The reporter stated that Ryan was at an emergency room and he looked "pretty banged up" and had bruises and abrasions.

The OKDHS accepted the referral as a Priority One investigation, which was initiated within an hour of the OKDHS receiving the referral. Those interviewed during the investigation were Child 2, Child 3, the parents, and five collaterals.

The OKDHS investigating worker documented an observation of Ryan on November 4, 2008, while he was at the hospital. According to documentation, Ryan was in critical condition.

The OKDHS child welfare field liaison documented on November 4, 2008, at 9:00 p.m. that a call was received from the statewide hotline that Ryan had died. The liaison contacted law enforcement to confirm the information and learned the criminal charge had been changed to "murder one".

Referral 8 (November 4, 2008)

On November 4, 2008, the OKDHS received an eighth referral reporting the death of Ryan Weeks. The reporter stated that the medical examiner would determine the cause of death.

The OKDHS accepted the referral as a Priority One investigation; the referral was later screened out as a duplicate referral.

On November 4, 2008, the OKDHS case aide documented the removal of the surviving siblings from the home after the death of Ryan.

Referral 9 (November 5, 2008)

On November 5, 2008, the OKDHS received a ninth referral regarding Ryan Weeks. The reporter stated the family's OKDHS worker had been informed of the situation. The referral documented Ryan had been medi-flighted to a metropolitan hospital where he had died. The referral also documented it was reported the child had fallen in the bathtub and had hit his head. The referral further documented the two other children had been removed from the home and placed in foster care after Ryan's trip to the emergency room.

The referral was to have been assigned as a Priority Two investigation, but later, was screened out as a duplicate referral.

Request for Termination of Trial Reunification (November 4, 2008)

A request for termination of trial reunification by an OKDHS Permanency Planning supervisor was submitted to Beckham County District Court and was signed by the judge on November 4, 2008. The documentation was filed into the court record on November 5, 2008. The request stated that the continuation of the children in the home was contrary to the health, safety, or welfare of the children and reasonable efforts to prevent the removal of the children from the home had been made. The request continued to document Ryan's injuries upon arrival at the emergency room and his medi-flight to the metropolitan hospital for head trauma, where Ryan was then transferred to a metropolitan children's hospital and died, due to retinal hemorrhaging.

Order Terminating Trial Reunification (November 4, 2008)

An order terminating the trial reunification of the family was filed in Beckham County District Court on November 4, 2008, and signed by the Beckham County District Court judge. The documentation was filed into the court record on November 5, 2008.