

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

Report Release Date: July 14, 2009

**Review of the Death of Natalie Emami Day
of Oklahoma 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 February 4, 2009, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the death of Natalie Emami Day, a five-month-old child who was transported unresponsive to the emergency room by an ambulance service. A criminal felony charge of first degree murder was filed against the alleged biological father, Jason Scott Day. 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 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 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 [OKDHS] 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: Natalie M. Emami Day

Date of Birth: August 27, 2008

Alleged Perpetrator: Jason Scott Day

The Oklahoma Commission on Children and Youth did not become aware of this case until after the death of Natalie Emami Day.

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:

Referral 1 (October 16, 2008)

The OKDHS received the first report regarding Natalie Emami Day on October 16, 2008. The caller reported that seven-week-old Natalie lived with her biological mother in a home that did not have utility services (gas, electricity, or water). The caller alleged that substance abuse was occurring in the home and that Natalie's mother rarely held the infant to feed her. Reportedly, Natalie's mother has two other children; one child was living with a grandparent and the other child was living with the child's biological father.

The OKDHS accepted the report as a Priority One investigation. According to OKDHS documentation, an attempt was made to contact the family on October 16, 2008, and again on October 17, 2008; both attempts were unsuccessful. The OKDHS documented that contact was made with the family on October 18, 2008.

The OKDHS ruled the finding of the investigation as Services Recommended. The biological mother had signed a voluntary services agreement for housing and day care assistance through Parent Aide Services. The OKDHS investigation was completed on December 14, 2008.

Referral 2 (November 14, 2008)

The OKDHS received the second report regarding Natalie Emami Day on November 14, 2008. The caller reported that two-month-old Natalie was living in a home that did not have electric service. In addition, reportedly, Natalie had not been seen by a physician since birth and she had not received any immunizations. The caller also reported that Natalie's mother was feeding her a different infant formula weekly.

On November 14, 2008, the OKDHS screened out the report without investigation. The OKDHS documented that the information was duplicative of a previous report (October 16, 2008) that had been assigned as an investigation.

Referral 3 (February 3, 2009)

The OKDHS received the third referral regarding Natalie Emami Day on February 3, 2009. The caller reported that five-month-old Natalie was unresponsive and had been transported to a hospital. The child's injuries were listed as multiple brain bleeds, multiple bruises in different stages on her face, and retinal hemorrhages. Reportedly, Natalie had been placed on a ventilator.

According to OKDHS documentation, a hospital medical professional had stated that "Natalie has been shaken". The OKDHS documented that Natalie had not shown any brain activity and that use of the ventilator would likely be discontinued.

On February 4, 2009, the OKDHS accepted the report as a Priority One investigation. The OKDHS requested that the district attorney's office file a petition to terminate the

parental rights of Natalie's biological mother, due to the heinous and shocking nature of the abuse of Natalie.

Natalie Emami Day died on February 5, 2009.