

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

Report Release Date: November 30, 2010

**Review of the Death of Maggie May Trammel
of Washington County of Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the 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 5, 2010, the Office of Juvenile System Oversight (OJSO) received a request for a public report pursuant to Title 10A Section 1-6-105 in regard to the death of ten-day-old Maggie May Trammel who died on November 4, 2010. Maggie's mother Lyndsey Fiddler was charged with Felony Child Neglect on November 8, 2010, in Washington County District Court.

Authorization

Title 10A, Section 1-6-105, B, D and E, of the Oklahoma Statutes, states:

B. When a person responsible for a 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 is served by public disclosure of certain information concerning:

1. The circumstances of the investigation of the death or near death of the child; and
2. Any other investigations concerning that child, or other children while living in the same household, within:
 - a. three (3) years of the death or near-death, and
 - b. one (1) year after the death or near-death.

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: Maggie May Trammel
Date of Birth: October 25, 2010
Date of Death: November 4, 2010

Alleged Perpetrator: Lyndsey Fiddler

Sibling 1 Eight-years-old

Sibling 2 Five-years-old

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

The following was a summary of the actions taken by the Department of Human Services (OKDHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court, as authorized by 10A O.S., Section 7005-1.9, D and E (below).

Case History

Report 1 (March 27, 2009)

The Washington County OKDHS received the first report in regard to this family on March 27, 2009. The report alleged that the children had been absent from day care a week prior. Lyndsey reported the children had been sick.

The reporter stated that Lyndsey Fiddler and the children lived with a relative until about two or three weeks earlier when they were thrown out. The reporter was concerned about the children's safety.

The OKDHS initially accepted the report as a Priority II Assessment with fifteen days in which to initiate contact with the child victims. The OKDHS then screened out the report on April 4, 2009, as Not Child Abuse/Neglect. The OKDHS documented that this referral was staffed with a supervisor and no information was given that stated the children's welfare was at substantial risk of serious neglect or physical danger.

Report 2 (October 12, 2009)

The Washington County OKDHS received the second report in regard to this family on October 12, 2009. The report alleged that Lyndsey Fiddler and two other adult relatives lived in the home and all used drugs in front of the children. It was further reported that the adults passed out from drug use and Sibling 2, then aged five-years-old, walked down to the end of the road and the adults did not know where the child had gone.

The reporter further stated they had witnessed the mother slap Sibling 1, which left a bruise on that child's face. This happened about three months earlier. The reporter also stated one of the adults was so high that they fell asleep in their food.

The OKDHS accepted the report as a Priority II Assessment with fifteen days in which to initiate contact with the child victims. Those persons involved in the assessment process included the mother, two relatives, both children, and a TANF worker. The biological father was documented as being incarcerated at this time.

The OKDHS documented that the children were safe in the Child Safety Assessment. The OKDHS also documented in the Safety Assessment there were "High red flags" regarding drug use by Ms. Fiddler and other adults in the home due to their behavior and Ms. Fiddler's positive drug screening. However, the children did not report any

knowledge of drugs. The children appeared clean, appropriately dressed and developmentally on target.

Report 3 (April 8, 2010)

The Washington County OKDHS received the third report in regard to this family on April 8, 2010. The report alleged that Lyndsey Fiddler was arrested and put in jail on charges of drug possession. Allegedly Lyndsey Fiddler tried to smuggle drugs into the jail. She also had outstanding warrants when arrested. Lyndsey did bond out of jail. The reporter was concerned as they did not know where the children were located.

Lyndsey Fiddler and her children previously lived with a relative but were asked to leave. The reporter was concerned that Lyndsey had left the children with an inappropriate caretaker in the past.

On April 17, 2009, the OKDHS screened out the report as Not Child Abuse/Neglect.

Report 4 (June 21, 2010)

The Washington County OKDHS received the fourth report in regard to this family on June 21, 2010. The report alleged that a relative of Lyndsey Fiddler died in her home of a drug overdose. The deceased relative was downstairs and the children were up-stairs at the time of the death. Another relative came to the home and took the children away. An additional relative in the home wanted the children to stay there but kept passing out from drugs while trying to argue the point. Lyndsey finally told the relative to take the children as she had no food in the home. The reporter also stated there was no refrigerator in the home. The children were hungry and dirty at the scene.

The deceased relative was reported to have been left in the home for seven hours prior to law enforcement notification as everyone at the residence was "shooting up speed" when the relative died.

The reporter also stated that Lyndsey was pregnant and due to deliver the new child in a couple of months.

The OKDHS accepted the report as a Priority II Assessment with twelve days in which to initiate contact with the child victims. Those persons involved in the assessment process included Lyndsey Fiddler, the biological father, Lyndsey's boyfriend, one relative, and the two children.

The OKDHS documented that the children were safe in the home. The OKDHS also documented in the Comments/Summary Safety Section of the Assessment that OKDHS did have a "red flag" regarding drug use; however, OKDHS was unable to prove neglect or abuse of the children.

Report 5 (September 14, 2010)

The Washington County OKDHS received the fifth report in regard to this family on September 14, 2010. The report alleged concern for the unborn child of Lyndsey Fiddler. It was reported that Lyndsey was taking prescription drugs to the point of not being able to walk down stairs, having slurred speech and was due to deliver her child on October 28, 2010.

The OKDHS documented the supervisor checked the OKDHS Information Management System (IMS), and there were two children who lived in the home with Lyndsey Fiddler.

The report was screened out nine days later on September 23, 2010, as Not Child Abuse/Neglect. The OKDHS documented in the Recommendation for Disposition Section of the report, a request for an assessment of the mother's ability to care for the five and eight-year-old currently living in the home.

Report 6 (October 25, 2010)

The Washington County OKDHS received the sixth report in regard to this family on October 25, 2010. The report alleged that Lyndsey Fiddler had given birth and had reportedly used drugs throughout her pregnancy.

The OKDHS accepted the report as a Priority II Assessment with two days in which to initiate contact with the child victims. The OKDHS documented a failed contact with the siblings and biological father of Maggie on October 26, 2010. According to OKDHS documentation, Maggie and Lyndsey were observed on October 26, 2010. A total of nine collateral witnesses were contacted regarding the assessment process. This assessment was open at the time of Maggie's death and was closed on November 19, 2010. The OKDHS documented in the Safety Decision Section of the Assessment, that all children were safe and that Lyndsey Fiddler was willing to work on parenting services.

Report 7 (November 4, 2010)

The seventh report regarding this family was received by the Washington County OKDHS on November 4, 2010. The report alleged that a ten-day-old infant was found in a washing machine after the wash cycle was completed.

The OKDHS accepted the report as a Priority I investigation. This investigation is on-going.

Report 8 (November 4, 2010)

The Washington County OKDHS received the eighth report in regard to this family on November 4, 2010. The report alleged that the ten-day-old infant, Maggie Trammel, had been found in a washing machine. The infant was deceased.

The OKDHS screened out the report as a duplicate report.

Report 9 (November 5, 2010)

Report nine was received by the Washington County OKDHS on November 5, 2010. The reporter was concerned that the surviving siblings had not been removed from the home. The OKDHS screened out the report as Other and documented the children were not in the home with the mother as she was in jail. The OKDHS documented the children were placed voluntarily with relatives who were seeking legal guardianship.

Felony Charges Filed (November 8, 2010)

Lyndsey Fiddler was charged with Felony Child Neglect on November 8, 2010, in Washington County.