

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

Report Release Date: June 14, 2011

**Review of the Death of Serenity Deal
of Lincoln, Pottawatomie and Oklahoma Counties 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 June 6, 2011, 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 Serenity Deal, a five year old child who died on June 4, 2011. Serenity's father, Sean Brooks was charged with First Degree Murder on June 10, 2011, following the death of Serenity.

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.

The OJSO reviewed the OKDHS and deprived court action regarding Serenity that happened prior to and immediately following her death. The OKDHS documented five reports alleging abuse/neglect regarding her family within the past three years.

Identifiers:

Child's name: Serenity Deal

Date of Birth: May 12, 2006

Alleged Perpetrators: Sean Brooks

Half-Sibling (sibling): Ten-months

Case History

Report 1 June 25, 2009 (Lincoln County)

The OKDHS received a referral alleging that Serenity's mother molested a relative. The referral also alleged that Serenity was residing in the home of her maternal grandparents and that Serenity's mother also resided in the home intermittently.

The OKDHS accepted the report as a Priority II Assessment with six days to make contact with the child victim.

The OKDHS documented that Serenity's mother admitted that she engaged in sexual activity with the relative. The OKDHS also documented that Serenity would not be allowed unsupervised contact with her mother. The OKDHS further documented that Serenity was observed to be a happy, well adjusted, and shy child. Reportedly, Serenity received a pace maker in 2008, and appeared to be overcoming the developmental delays that included a congenital heart defect caused by her premature birth.

Child Protective Services (CPS) Family Functional Assessment and Assessment of Child Safety (AOCS) July 10, 2009

The OKDHS documented that no safety threats were identified during the CPS assessment process and that Serenity was considered to be safe.

Report 2 August 26, 2010 (Pottawatomie County)

The OKDHS received a referral alleging that Serenity and her sibling resided with their mother and the father of the sibling even though a safety plan was in place that required Serenity to live with her maternal grandparents allowing only supervised visits with her mother. The referral also alleged that Serenity's mother had pending charges regarding the molestation of a relative and that the sibling's father was registered on the Oklahoma Department of Corrections Sex Offender Registry as a level three sex offender.

The OKDHS accepted the report as a Priority I Investigation with contact to be made with the children on the same day. Those persons interviewed during the investigation included Serenity, both of her parents, the sibling's father and five relatives.

The OKDHS documented that Serenity had numerous overnight visits with her mother and that she reported that she slept in the same bed as her mother and her sibling's

father. The OKDHS further documented that Serenity needed minimal discipline and that she was extra sensitive when scolded. Reportedly, Serenity responded well to time-out when she needed to be redirected due to inappropriate or non-compliant behavior. The OKDHS documented that Serenity appeared to have an advanced vocabulary and that she participated in the CPS investigation at a much higher degree than many children her age.

The OKDHS documented that Sean Brooks reported that he learned that he was the father of Serenity when Serenity was three years old or more after he consented to a paternity test. The OKDHS also documented that Mr. Brooks reported that he had three older children ages seven, five, and four respectfully. Reportedly, Mr. Brooks visited his older children quite often and that he wanted full-custody of Serenity.

The OKDHS documented a finding of Substantiated-Court Intervention Requested regarding the allegations noted in the report. The OKDHS also documented that Serenity's sibling was placed in the emergency custody of the OKDHS by the District Court of Pottawatomie County on August 26, 2010, and that Serenity was placed in the emergency custody of the OKDHS by the District Court of Lincoln County on September 8, 2010.

Lincoln County District Court Order September 9, 2010

The Court ordered Serenity into emergency custody of the OKDHS.

Pottawatomie County District Attorney September 10, 2010

A deprived petition was filed by the Pottawatomie County District Attorney in Pottawatomie County District Court that alleged that Serenity and her sibling did not receive proper parental care and guardianship.

Lincoln County District Court Emergency Custody Hearing September 13, 2010

An emergency custody hearing was held and the Court documented that Serenity needed immediate protection and that it was contrary to her health, safety or welfare to remain in the home because of her contact with a registered sex offender. The Court also documented that the Lincoln County District Attorney was granted an additional seven days to file a deprived petition.

Complaint Filed With the Oklahoma Commission on Children and Youth (OCCY) November 23, 2010

The OCCY received a complaint alleging that Serenity and her sibling were removed from their mother's custody due to allegations that their mother had previously molested

a relative child and was awaiting criminal sentencing, and that her mother had exposed the children to a convicted sex offender.

Allegedly Serenity and her sibling were not suppose to have unsupervised visits with their mother, however, the maternal grandparents allowed Serenity and her sibling to stay all night unsupervised with their mother.

OCCY confirmed that the OKDHS was within its statutory scope to request the removal of Serenity and her sibling due to the grandparents violating the previously arranged safety agreement. The Lincoln County Court upheld the emergency custody order of Serenity.

Pottawatomie County District Court Adjudication Hearing December 22, 2010

An adjudication hearing was held and both of Serenity's parents stipulated to the deprived petition, the father of Serenity's sibling failed to appear and the Court found that his absence constituted consent to the petition. Subsequently, both of the children were adjudicated as deprived and both of the children were placed in the temporary custody of the OKDHS.

Report 3 January 4, 2011(Lincoln County)

The OKDHS received a referral alleging that Serenity sustained an injury during her unsupervised visitation with Mr. Brooks. Allegedly, a one-inch scab was observed on Serenity's forehead, a bluish discoloration below her left eye, and a slight bruise was observed just below her ribcage (the approximate location of her pacemaker). The referral also alleged that Serenity reported that she sustained the injuries after she ran into a door.

The OKDHS Screened Out the report and documented that the injury was accidental.

Report 4 January 21, 2011(Lincoln County)

The OKDHS received a referral alleging that Serenity sustained injuries during her extended visitation with Mr. Brooks. Allegedly, Serenity looked like hell but did not appear to be in pain. Reportedly, Serenity was observed to have two black eyes, the left side of her face was observed to be swollen, and a quarter size bruise was observed on the right side of her face. The referral also alleged that Mr. Brooks rushed to get Serenity out of his vehicle before she vomited and he dropped her on her head when he took her out of the car.

The OKDHS accepted the report as a Priority I Investigation with contact to be made with the child victim on the same day. Those persons interviewed during the investigation included Serenity, both of her parents, one relative, and three collateral witnesses.

The OKDHS documented the receipt of collateral documentation that noted that Serenity was examined in a hospital emergency room and that she sustained massive facial bruising on both sides of her face, inside one of the ears, behind her left ear, and on her right shoulder that was considered to be consistent with a fall from some height. Also during the OKDHS CPS Investigation, the OKDHS documented that Serenity was diagnosed with "Black Dot Tinnia Capitis". According to the OKDHS documentation, the condition is caused by poor hygiene and Serenity lost almost half of her hair due to the very serious scalp infection. Further case documentation obtained during the OKDHS CPS Investigation noted that Serenity was described by all those interviewed as a sensitive, sweet, and compliant child that had not been placed in time out by her foster parents due to inappropriate or noncompliant behavior since her placement in the custody of the OKDHS September 8, 2010.

The OKDHS documented that Serenity reported two different accounts regarding the circumstances that surrounded the incident when she sustained the documented injuries: (1) Mr. Brooks dropped Serenity when he picked her up out of her car seat of the vehicle. (2) Serenity fell when she was on the shoulders of Mr. Brooks. The OKDHS also documented that Serenity reported that she cried but did not bleed due to the incident and that after the incident Mr. Brooks did not seek medical attention. The OKDHS further documented that Serenity indicated that she loved Mr. Brooks and enjoyed their visits. However, the OKDHS documentation also noted that Serenity visited Mr. Brooks twice during the month of January 2011. Reportedly, Serenity cried prior to each of the visits, prior to the second visit, Serenity stated that she did not like her dad and that she did not want to go to his home for the scheduled visitation. According to the case documentation, Serenity explained that during the visits, Mr. Brooks screamed at her, spanked her, allowed her to ride in his vehicle in the front passenger seat without being secured by a seatbelt, and that he did not wash her hair.

The OKDHS documented that Mr. Brooks reported that he "accidentally dropped" Serenity when he tried to get her out of his vehicle. Reportedly, Mr. Brooks wanted some soda after Serenity had gone to bed for the night. The OKDHS also documented that Mr. Brooks reported that he took Serenity to the convenience store and that upon their return home, Serenity felt sick to her stomach. Reportedly, he took Serenity out of the car and when she did not vomit, he then "picked her up along with the 12 pack". The OKDHS further documented that Mr. Brooks reported that he did not have a good hold on Serenity; she became top heavy, and she fell out of his arm. The OKDHS documented that Mr. Brooks reported that Serenity sustained a knot and then bruising,

and he did not take Serenity to a hospital emergency room or to a doctor to be examined. According to the OKDHS documentation, Mr. Brooks also added that he did not seek medical attention for Serenity because he did not have her medical information. The OKDHS also documented that Mr. Brooks denied that he used any type of discipline during the visitations with Serenity. The OKDHS further documented that Mr. Brooks explained that Serenity missed her friends during the visitations and that was the reason that Serenity might cry prior to the visitations.

The OKDHS documented interviews with relatives and collateral witnesses noted that Mr. Brooks stated that he would sign his rights over upon the birth of Serenity and that Mr. Brooks never requested to visit Serenity until "DHS pushed the issue". The OKDHS documented interviews also noted that Mr. Brooks rarely sees or gets his older children and indicated that he had not seen the children for approximately four years. The OKDHS interviews further noted that Mr. Brooks was never married nor did he ever have custody of any of his older children.

The OKDHS documented that it was determined by the Lincoln County OKDHS CPS investigators that the visitations between Serenity and Mr. Brooks be discontinued until the conclusion of the investigation. The OKDHS also documented that a records check was conducted during the OKDHS CPS Investigation that revealed that an arrest warrant was issued for Mr. Brooks on December 13, 2010, due to charges of driving while the privilege was suspended and operation a motor vehicle on which taxes are due to the state. The OKDHS further documented that on February 22, 2011, Mr. Brooks appeared to be out on bond as it pertained to the noted offenses.

The OKDHS documented a finding of Unsubstantiated-Services Recommended. The OKDHS also documented that the recommendations included that Mr. Brooks meet the medical needs of Serenity and cooperate with the comprehensive home based services (CHBS) worker assigned to the case.

The OKDHS further documented the recommendations also included that Mr. Brooks "initiate, attend, and complete parenting classes".

Pottawatomie County District Court Dispositional Hearing February 2, 2011

The OKDHS Individual Service Plan (ISP) Progress Report submitted to the Court by the Pottawatomie County OKDHS regarding the permanency of the children was reviewed by the Court during the dispositional hearing. The OKDHS report documented that Serenity needed to be seen by a doctor every ninety days for a regular check-up regarding her pacemaker. The OKDHS report also documented that Serenity had two accidents with injury while in the care of Mr. Brooks. The OKDHS report also documented that the OKDHS referral regarding the first accident that was received on January 4, 2001, was screened out because the injury was consistent with being an

accident. The OKDHS report further documented that the OKDHS referral received on January 21, 2011, was concerning another accident and bruising. The OKDHS report documented that the “stories” provided by Serenity and Mr. Brooks were consistent and noted that Serenity “had fallen off Mr. Brooks’ shoulders when he was getting her out of the car”. The OKDHS report also documented that Serenity was examined by a doctor and that the doctor reported that the bruising was consistent with the statements of Serenity and Mr. Brooks. The OKDHS report documented that the OKDHS recommended that Serenity be placed in trial reunification with Mr. Brooks and a stay on visitation between the children and their mother.

Pottawatomie County District Court Order February 16, 2011

A Disposition Order documented that the Court granted permission to the OKDHS to begin trial reunification of Serenity with Mr. Brooks. In addition, the Court stayed all visitations between the mother and the children.

Maternal Grandparents Motion to Intervene Pottawatomie County District Court

March 8, 2011

The maternal grandparents of Serenity filed a Motion to Intervene regarding the deprived court case of Serenity and her sibling. The motion documented that Serenity resided with her maternal grandparents most of her life. The motion also documented that the input and participation of the maternal grandparents regarding the deprived case was vital and would serve the best interests of Serenity and her sibling.

CPS Family Functional Assessment and AOCS March 17, 2011 (Pottawatomie County)

The OKDHS documented that based on the safety assessment, there was a determination that Serenity was in an environment without any safety threats and that Serenity needed to be placed with Mr. Brooks.

OKDHS Family Team Meeting April 28, 2011 (Pottawatomie County)

The Pottawatomie County OKDHS child welfare services facilitated a Family Team Meeting and documented that the meeting was held to discuss visitation between Serenity and her maternal relatives as well as the visitation between Serenity and Mr. Brooks. The OKDHS documented that the maternal relatives would be allowed to plan a birthday party for Serenity on May 21, 2011. The OKDHS also documented that Serenity was transitioning into the home of Mr. Brooks and that his visits with Serenity were unsupervised. The OKDHS further documented that the projected date of reunification was June 1, 2011.

Pottawatomie County District Court Review/Permanency Hearing May 25, 2011

The OKDHS ISP Progress Report submitted to the Court by the Pottawatomie County OKDHS regarding the permanency of the children was reviewed by the Court during a review hearing. The OKDHS report documented that Mr. Brooks was not allowed to visit with Serenity by the OKDHS Lincoln County child welfare services during the investigation of the allegations noted in Report 4 (January 21, 2011, through March 31, 2011). The report also documented that the OKDHS Pottawatomie County child welfare services met with Mr. Brooks on March 31, 2011, and resumed visitation in April 2011. The OKDHS report also documented that on May 11, 2011, Serenity was reunified with Mr. Brooks and that CHBS was placed in the home to assist Mr. Brooks regarding his parenting skills. The OKDHS report further documented that the Pottawatomie County OKDHS recommended that Serenity be placed in trial reunification with Mr. Brooks and a stay on visitation between the children and their mother.

Report 5 June 4, 2011 (Oklahoma County)

The OKDHS received a referral alleging that Serenity was gruesomely beat. Reportedly, a gash was observed on the back of her head and bruising was observed to be all over her body. The referral also alleged that the incident occurred at the home of Mr. Brooks and that blood was observed to be all over the house. The referral further alleged that Serenity was dead for several hours before Mr. Brooks called 9-1-1. The referral alleged that Serenity was in OKDHS custody and in trial reunification with Mr. Brooks. He reported that Serenity "fell in the tub".

The OKDHS accepted the report as a Priority I Investigation with contact to be made with the child on the same day. According to the OKDHS documentation, the investigation is ongoing.