

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

Report Release Date: July 14, 2009

**Review of the Near Death of D.H. of
Garfield 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 March 19, 2009, the Office of Juvenile System Oversight (OJSO) was alerted to the near death of D.H. The one-month-old infant had suffered seizures on January 16, 2009, and had been taken to a local hospital. The infant had presented at the hospital with subdural hematomas, retinal hemorrhaging, and a possible skull fracture. D.H. had been mediflighted to a metropolitan hospital. On January 22, 2009, a criminal felony charge of child abuse was filed against the infant's biological father, Shawn Harger. 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: D.H.
Date of Birth: December 11, 2008

Alleged Perpetrator: Shawn Harger

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

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:

OKDHS Report (October 23, 2007)

OKDHS Child Welfare Services received a report on October 23, 2007, regarding two siblings in the Harger family. Reportedly, the two siblings, ages four and five, were living in a paternal relative's home. Allegedly, the relative's home was filthy and roach infested. Reportedly, the five-year-old child, who has developmental disabilities, had taken a tourniquet to school, stating that a relative with whom the child lived had used the tourniquet; the tourniquet appeared to be blood stained.

The OKDHS accepted the report for assessment. The OKDHS documented that the paternal relatives had stated that the two children had lived in their home for the past three years. OKDHS documentation did not record any concerns from the assessment; the OKDHS did recommend that the five-year-old child continue to receive counseling services and that the adults provide a safe home and environment for the children at all times.

OKDHS Report (May 1, 2008)

OKDHS Child Welfare Services received another report on May 1, 2008, regarding the five-year-old child. Allegedly, the child had attended school wearing the same set of clothes for the whole week. Reportedly, the child was observed with dirt caked on his arm and the child had stated that he had only eaten cheese for his evening meal.

The OKDHS accepted the report for assessment. The OKDHS did not document any concerns from the assessment but recommended that the family continue to utilize services through the OKDHS.

OKDHS Report (January 16, 2009)

OKDHS Child Welfare Services received a report on January 16, 2009, regarding D.H.. The one-month-old infant had been taken to a local hospital and later had been transferred to a metropolitan hospital. Reportedly, the infant had presented at the hospital with retinal hemorrhaging and other injuries that were consistent with shaken baby syndrome.

The OKDHS accepted the report for investigation and made a finding of Confirmed Abuse-Court Intervention Requested.

OKDHS Report (April 22, 2009)

OKDHS Child Welfare Services received a report regarding the family on April 22, 2009. Allegedly, Harger had violent tendencies of which the mother was aware and failed to protect the children from him. In addition, allegedly, the children lived in an unsafe home, with hazardous living conditions, and the children's mother did not supervise the children. Reportedly, the children's mother did not plan to divorce Harger.