

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

Report Release Date: February 16, 2010

**Review of the Near Death of J.W. 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 November 6, 2009, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the near death of J.W., a two-year-old child who was taken in critical condition to a hospital emergency room by his biological mother. A criminal felony charge of Child Abuse was filed on September 3, 2009, against Gregory Barnard, the biological mother's male friend. 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 10A O.S., Section 1-6-105, B, D, and E (previously numbered as 10 O.S., Section 7005- 1.9) below.

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: J.W.
Date of Birth: July 16, 2007

Alleged Perpetrator: Gregory Barnard

Siblings: Child 2, this child and J.W. have the same biological mother but different biological fathers. This child is in the custody of his biological father.

Child's date of birth: December 30, 2003

Child 3, this child and J.W. have the same biological mother, but different biological fathers. This child is in the guardianship of a maternal aunt.

Child's date of birth: June 5, 2009

The Oklahoma Commission on Children and Youth (OCCY) became aware of this case on August 4, 2009, through an OKDHS Initial Report of a Near Death. On November 6, 2009, the OJSO received a request to prepare a public release report.

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 10A, Section 1-6-105, 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.]

First Report Alleging Abuse/Neglect Received by the OKDHS (October 1, 2007)

The OKDHS received the first report regarding J.W. and Child 2 on October 1, 2007. The report alleged that the parents had a domestically violent relationship and that the home was filthy. The report also alleged that the reporter had seen marijuana on the bottom of the infant's bottle. The reporter had concerns for the safety of the children and stated that the father is on parole for drug abuse and manufacturing. The reporter stated the children were in the home at the time of the last incident of domestic violence. It was further reported that family members went to the home to "clean up the blood".

The OKDHS accepted the report as a Priority II investigation to be initiated within two days. During the investigation, the OKDHS interviewed the mother, the biological father of one of the children, and two relatives, and the OKDHS performed visual observations of the two children.

The OKDHS overall finding was Services Recommended. The OKDHS documented a recommendation for the parents to attend counseling to address the domestic violence in the home. The OKDHS further documented that the children were reported to have been at a grandparent's home during the altercation.

Second Report Alleging Abuse/Neglect Received by the OKDHS (June 24, 2008)

The OKDHS received the second report regarding J.W. and Child 2 on June 24, 2008. The report alleged that the parents were drug abusers and had physical fights with the children present. It was further reported that the adults and their friends smoked marijuana and used some form of injected drug with the children present in the room. The reporter stated that used syringes lay around the house and that the children had access to these syringes and other drug paraphernalia. It was further alleged that the mother left her children with various other drug users who were irresponsible and “tweaking”.

The OKDHS accepted the report as a Priority II assessment to be initiated within nine days. During the assessment, the OKDHS documented that the father reported that he had been in prison more than once for drug use and still smoked marijuana on an occasional basis. The father denied that anyone smoked marijuana in the house. Both parents denied the children’s presence when they fought, but they did admit to fighting.

The OKDHS documented that during the assessment process, the mother and father “broke up and he moved in with a girl. . . .” The OKDHS recommended that the mother apply for day care and housing assistance as well as pursue child support from the fathers of her children. The OKDHS further documented that “[a]t this time no child is found to be in immediate danger. No further action is necessary.”

Third Report Alleging Abuse/Neglect Received by the OKDHS (August 29, 2008)

The OKDHS received the third report regarding J.W. and Child 2 on August 29, 2008. The report stated that the reporter had seen the mother using drugs in her home with the children present. The reporter further stated that the parents got into physical fights with the children present. The older child told the reporter that his mother hit the stepfather with a telephone. The family was being evicted from the home. The reporter stated that the older child’s father was attempting to obtain custody of the older child and was interested in obtaining custody of J.W.

The OKDHS screened-out the report and documented, “Same allegations recently investigated . . . were not substantiated.” The OKDHS further documented that, according to the previous investigation, the stepfather had gotten a new girlfriend and had moved to another town.

Fourth Report Alleging Abuse/Neglect Received by the OKDHS (July 17, 2009)

The OKDHS received the fourth report regarding J.W. on July 17, 2009. The report documented that J.W. was admitted into a metropolitan hospital, and that he was later transferred to the pediatric intensive care unit at another metropolitan hospital. The child was reported to have been beaten badly, resulting in a skull fracture, many facial bruises, and swelling and tenderness around his left eye.

The OKDHS accepted the report as a Priority I investigation. The OKDHS interviewed the mother, two of the biological fathers, and eleven collateral witnesses, and the OKDHS performed a visual observation of J.W. J.W.'s two siblings were no longer living in the home and had been placed with relatives through civil court action.

The OKDHS overall finding was Confirm-Court Intervention Requested. The OKDHS documented that J.W. was transferred to a metropolitan hospital where he was admitted in serious condition. The child had multiple contusions to his face and scalp and both of his eyes were swollen shut with signs of massive head trauma.

The OKDHS documented that J.W.'s mother reported she had left the child in the care of a male friend, Gregory Barnard, while she and a friend went shopping. The mother reported finding the injured child when she returned from shopping.

The OKDHS further documented consistent reports from family members that the mother regularly left the child in the care of others and that she had a significant prescription drug abuse problem. It was further documented that since the birth of Child 3 on June 5, 2009, J.W. had been left with the alleged perpetrator and his girlfriend.

Protective Custody (July 17, 2009)

OKDHS documentation indicated J.W. was placed in protective custody on July 17, 2009.

OKDHS Kinship Foster Care Placement (July 19, 2009)

J.W. was placed in a kinship foster home on July 19, 2009. His siblings remained placed with other relatives.

Emergency Custody Hearing (July 21, 2009)

The emergency custody hearing regarding J.W. was held on July 21, 2009. Child

Abuse Charge Filed (September 3, 2009)

A criminal felony charge, SEXBC, Child Abuse, was filed on September 3, 2009, against Gregory Barnard, the biological mother's male friend.