

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

Report Release Date: April 7, 2014

Review of the Near-Death of L.M.

of Oklahoma County, Oklahoma

General Information

On February 28, 2012, the Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the near-death of L.M. A Criminal Felony charge of Child Abuse was filed in Oklahoma County District Court on April 4, 2012, against Kelli Monthaven, the child's mother.

Authorization

The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the dates and outcome of investigations and actions taken by the DHS; the actions taken by the district attorney; the dates and summary of judicial proceedings; and the rulings of the court, as authorized by 10A O.S. Section 1-6-105.

Identifiers:

Child's Name:	L.M.
Age at time of Incident:	Fourteen-months-old
Date of Near-Death:	February 25, 2012
Person Responsible for the Child:	Kelli Monthaven, biological mother

The Oklahoma Commission on Children and Youth (OCCY) did not become aware of this case until after the near-death of L.M.

Criminal Charges

The Oklahoma Supreme Court Network (OSCN) system documented that charges were filed against Kelli Monthaven as a Criminal Felony Proceeding. A Felony Charge of Child Abuse was filed by the Oklahoma County District Attorney's office on February 25, 2012. Kelli Monthaven entered a guilty plea on October 3, 2013, and was sentenced to twenty years suspended except as to the first five years to be served in the custody of the Department of Corrections.

Near- Death Incident

The Oklahoma County D OKDHS received a report in regard to L.M. on February 25, 2012. The report alleged that fourteen-month-old L.M. was taken to the Emergency Room and that the child had severe head trauma with intracranial hemorrhage, epidural hematoma, and subdural hematoma. The child was brought to the Emergency Room by another relative who had picked the child up from the mother, Kelli Monthaven, earlier that day. That relative stated the child was quieter than usual, threw up and then went "lifeless."

The OKDHS documented that the child was diagnosed with non-accidental head trauma. The child was minimally responsive when admitted to the medical facility and was placed on a ventilator. The child had several seizures while hospitalized. The OKDHS documented that the MRI indicated diffused anoxic brain damage which included multiple areas of widespread damage.

The OKDHS noted in their Report to the District Attorney that this was not the first near-death experience for this child, as the child was hospitalized in March of 2011 for respiratory distress, with a bruise on the child's face and a human bite mark on the arm. The OKDHS documented that the physical abuse and neglect of L.M., as well as the failure to correct previous conditions, was so egregious that it was considered to be shocking and heinous. The OKDHS recommended a petition for immediate termination of all parental rights to L.M. as Kelli Monthaven admitted to having shaken L.M. for approximately twenty seconds at approximately 3 a.m. or 4 a.m. on February 25, 2012. The OKDHS further requested a no contact order for Kelli Monthaven on behalf of L.M.

Prior Involvement with the Department of Human Services

There were two previous involvements with the OKDHS in regard to L.M. which are pertinent to this report as both involved physical abuse injuries. The Oklahoma County D OKDHS received a report in regard to L.M. on March 14, 2011. The report alleged that three-month-old L.M. was having trouble breathing, coughing and had a bite mark on the arm when the child's mother, Kelli Monthaven, picked the child up from the babysitter after work.

The OKDHS documented that the child was reported to have a bruise on the cheek and that medical staff documented the child had a human bite mark on the child's right forearm, just above the elbow on the inside of the arm. The OKDHS documented that L.M. had a sinus infection, two types of strep, and pneumonia. L.M. was admitted into the Pediatric Intensive Care Unit (PICU) with respiratory distress and suspected child abuse. The child was intubated and placed on a ventilator.

The mother, Kelli Monthaven, denied any knowledge of how the bite or bruises happened to the child. She stated that she had dropped the child off at the babysitter and when she picked the child up she noticed the bruise on the arm. Kelli Monthaven

also reported that L.M. began making gurgling noises and spitting up when she fed the child. She denied the child had been sick the previous day.

The OKDHS documented that Kelli Monthaven later admitted that L.M. had been in the care of another relative when the child received the injuries. Kelli Monthaven stated that she was not truthful because other relatives would be upset with her as they disliked the relative the child had been with. The OKDHS documented that they were unable to locate that relative but noted that there was previous criminal history for domestic abuse with a guilty plea in regard to that relative who L.M. had been left with by Kelli Monthaven.

The OKDHS documented that law enforcement declined to open an investigation based on the fact that there was no evidence a crime was committed. The officer at the scene reported that in their opinion the mark on L.M.'s arm was not a bite mark. L.M. was discharged from the medical facility with a diagnosis of pneumonia-resolving and respiratory distress-resolving.

The OKDHS documented that a safety plan was developed and Kelli Monthaven agreed to in-home services; therefore, OKDHS did not request court involvement as the safety threat was being controlled through preventive and voluntary services. The OKDHS documented an overall finding of Unsubstantiated with Services Recommended.

Kelli Monthaven signed a Voluntary Family Service Agreement on March 15, 2011. That agreement documented that the family would receive in-home services. The agreement also documented that if L.M. was again left in the care or supervision of the relative the child was with when the injuries occurred, that the OKDHS would request L.M. be placed in custody. The agreement also documented that the mother would complete the in-home services, complete a substance abuse assessment and follow all recommendations.

The Oklahoma County D OKDHS received a report in regard to L.M. on April 4, 2011. The report alleged that four-month-old L.M. had two black eyes and a swollen nose. The report documented that the mother had taken the child to the Emergency Room and was told that L.M.'s nose was not broken. The reporter stated the mother's friend who was watching the child told the mother that L.M. had rolled off of the bed.

The OKDHS worker documented that L.M. had a light brown bruise across the bridge of the nose and that the base and tip of the child's nose did appear to be large, swollen and pink. The OKDHS also documented the child "made noise" with every breath as if the child were congested. The OKDHS also documented the house smelled of cigarette smoke and there were ashtrays with cigarette butts in the living room.

The OKDHS documented that the mother, Kelli Monthaven, reported that L.M. was with the same relative when the child rolled off the bed, and who the child had been left with previously when the March injuries occurred. The OKDHS made an overall finding of

Unsubstantiated with Services Recommended and developed an Immediate Protective Action Plan.

Kelli Monthaven signed an Immediate Protective Action Plan/Voluntary Safety Plan (IPAP/VSP) on April 15, 2011. The plan documented that the present danger to L.M. was the relative who had access to the child. This relative consistently returned L.M. to the mother with bruises and marks. The mother agreed to make sure that this person did not have access to L.M. The plan specified which relatives would monitor the mother and child to assure the child's safety. The OKDHS documented in the Assessment of Child Safety dated July 25, 2011, that L.M. was in an environment without any safety threats.

The OKDHS documented an After Care plan dated July 26, 2011, in which Kelli Monthaven agreed to not allow her child to be unsupervised with the relative who had the care and control of the child when the injuries occurred. She also agreed that if L.M. was found to be unsupervised with that person, the child could come into OKDHS custody.

Judicial proceedings prior to the child's near-death

There were no judicial proceedings in regard to the safety and wellbeing of L.M. prior to the near-death incident.