

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

Report Release Date: April 7, 2014

Review of the Near-Death of R. L.

Of Tulsa County, Oklahoma

General Information

On March 12, 2013, the Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the near-death of four-year-old R.L. A Felonious Child Neglect charge was filed in Tulsa County District Court on May 21, 2013, against the biological mother, Gloria Her, and her significant other, Jason Chang.

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 OKDHS; 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:	R.L.
Age at time of incident:	Four-years-old
Date of Near Death:	February 19, 2013
Persons Responsible for the Children:	Gloria Her, biological mother Jason N. Chang, biological father of Sibling One
Sibling 1:	Two-years-old

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

Criminal Charges

The Oklahoma State Courts Network (OSCN) system documented that charges were filed against Gloria Her and Jason Chang on May 21, 2013, as Criminal Felony Proceedings. The charge of Child Neglect was filed by the Tulsa County District Attorney's office. The OSCN documented that a Warrant of Arrest was issued for Ms.

Her and Mr. Chang on May 21, 2013, and that both parties were arrested on May 21, 2013. The OSCN documented that bail was set for each party at \$25,000.00. The criminal case was still pending at the time of the writing of this report.

Near-Death Incident

On February 19, 2013, the OKDHS received a report that alleged four-year-old R.L. was admitted to a medical facility with severe abdominal injuries. The injuries were severe enough that the child was admitted in critical condition and required immediate surgery. According to the report, doctors at the facility said that the injuries appeared inflicted. The OKDHS assigned this as a Priority I Investigation to be initiated the same day as the report. Those persons interviewed during the investigation included the alleged child victim, Ms. Her, Mr. Chang, law enforcement, three medical professionals, six relatives, and two counselors. Sibling One was observed, but not interviewed, due to being too young to properly interview.

According to the OKDHS documentation, on the day of the incident R.L. had been in the care of Ms. Her and Mr. Chang, another relative, and for a period of time in the sole care of Mr. Chang. The OKDHS documented that Ms. Her reported that she took the child to the pediatrician after the child had vomited the evening of February 14, 2013. The pediatrician was reported to diagnose R.L. with a "24-hour vomiting illness" and prescribed medication. The next days, R.L. continued to vomit, and Ms. Her took the child to a local emergency room where the child was diagnosed with gastroenteritis. According to the OKDHS documentation, R.L. was seen again by a pediatrician the morning of February 19, 2013. R.L. was admitted to the medical facility later that night where medical professionals determined that the child had an abdominal tear as a result of blunt force trauma to the stomach. The OKDHS documented that medical professionals reported that the injuries were consistent with child physical abuse.

The OKDHS made an overall finding of Substantiated as to allegations of Abuse-Near Death, Neglect-Failure to Obtain Medical Attention and Neglect-Failure to Protect. The OKDHS requested a petition to be filed and the children were removed by Emergency Court Order on February 19, 2013. R.L. and the sibling were placed in Emergency OKDHS Custody on February 19, 2013.

R.L. and the sibling were moved to an OKDHS Foster Home. The sibling remained in the foster home as of the writing of this report. R.L. was moved from Emergency Custody and placed in Temporary OKDHS Custody on March 21, 2013. R.L. was placed with the child's biological father by Court Order on August 8, 2013.

The Individualized Service Plan (ISP) for Gloria Her was court ordered on June 27, 2013. At the Juvenile Court hearing on December 5, 2013, the Tulsa County District Attorney's office served Ms. Her with a motion to terminate her parental rights. At the last Juvenile Court hearing on January 9, 2014, the Tulsa County District Attorney's office requested that the Motion to Terminate be held in abeyance.

The OKDHS documented that a jury trial was held on January 6, 2014, as to the Motion to Terminate Parental Rights of Sibling One as to Jason Chang in the Tulsa County District Court. On January 9, 2014, the jury returned with the verdict that termination of parental rights was in the best interest of the child, Sibling One.

Prior Involvement with the Department of Human Services

There were two prior reports made to the OKDHS that were pertinent to the near-death of R.L. because they involved physical abuse.

The OKDHS accepted both reports as Priority II Investigations with two days to initiate contact with the children. In the first report dated November 5, 2009, the OKDHS documented that R.L. had bruises on the back and genitals and fluid in the child's abdomen. The report also documented that Mr. Chang's parental rights to two children were terminated in another state because of physical abuse on Mr. Chang's part. The OKDHS documented that R.L. was reported to be under the care of Mr. Chang at the time the injuries occurred. Mr. Chang and R.L. had been involved in an automobile accident on November 3, 2009. According to OKDHS documentation, the child appeared to be fine, but on November 4, 2009, the child fell backwards and lost consciousness. The OKDHS made an overall finding of Unsubstantiated with Services Recommended as medical professionals could not specifically state that abuse had occurred.

The second relevant report dated May 17, 2012, alleged that four-year-old R.L. presented to a medical facility with a hematoma on the back of the head and bruises on the left cheek and elbow, all in different stages of healing. The report further alleged that the child had fallen while getting out of the bathtub but the mother waited over ten hours to have the child seen by a medical professional.

The medical facility documented that R.L. was diagnosed with a subdural hematoma, a linear skull fracture, a facial contusion, and an elbow contusion. The OKDHS requested and received Emergency Custody of both R.L. and Sibling One on May 18, 2012. The OKDHS made an overall finding of Substantiated. The Tulsa County District Attorney declined to file a deprived petition in the case, and the children were ordered to be released to Ms. Her on May 31, 2012. The OKDHS opened a Family Centered Services case with the family on May 31, 2012, and closed its case with the family on January 17, 2013.

Judicial proceedings prior to the child's near-death incident

Both R.L. and Sibling One were placed into OKDHS Emergency Custody on May 18, 2012, and a Court Hearing was held on May 22, 2012. The children were returned to their mother's custody on May 31, 2012, and the Juvenile Court proceedings were closed on that date.