

## Office of Juvenile System Oversight

# REVIEW OF THE NEAR DEATH OF P.H. MCCURTAIN COUNTY, OKLAHOMA

Report Release Date: August 6, 2024

## OVERVIEW

The Office of Juvenile System Oversight (OJSO) received a request to conduct a case review concerning the near death of five-month-old P.H.

On April 26, 2024, the McCurtain County District Attorney's Office charged the mother of P.H. Destinie Hilton with one felony count of Child Neglect.

On April 29, 2024, the McCurtain County District Attorney's Office charged the father of P.H. Duff Hilton with one felony count of Child Neglect.

## IDENTIFIERS

Child's Name:

Age at Time of Incident:

Date of Near-Death Incident:

P.H.

Five Months Old

March 21, 2024

Person Responsible for Child (PRFC):

Additional Identifiers:

Destinie Hilton, biological mother  
Duff Hilton, biological father

Sibling One: Ten Years Old  
Sibling Two: Six Years Old  
Sibling Three: Five Years Old  
Sibling Four: Three Years Old

## ACTIONS

The release of the following summary of the actions taken by the Oklahoma Department of Human Services (OKDHS) and the proceedings in the district court is authorized by 10A O.S. § 1-6-105H.

The OJSO did not become aware of this case until after the near death of P.H.

## NEAR-DEATH INCIDENT

- On March 21, 2024, the McCurtain County office of the OKDHS received a report of five-month-old P.H. being brought to the hospital by Destinie Hilton. Per documentation provided by the OKDHS, P.H. was gray in color and not breathing. P.H. was admitted in critical condition and observed by hospital staff to be malnourished. The OKDHS documented that hospital staff reported receiving conflicting stories about what led to P.H.'s condition.
- The OKDHS accepted this report as a Priority I Investigation to be initiated by March 21, 2024.
- On March 21, 2024, the OKDHS recommended implementing a safety plan; however, the family refused.
- On March 22, 2024, the OKDHS requested and was granted emergency custody of the children.

- On April 27, 2024, the McCurtain County District Attorney's office filed a petition alleging the children to be deprived.

## INVESTIGATION

The OKDHS conducted its investigation by interviewing the parents, third-party witnesses of the family, medical personnel, and law enforcement.

During the investigation, the OKDHS documented that hospital staff noted Mrs. Hilton as being uncooperative during the treatment of P.H. The parents were reported as being hostile and aggressive towards hospital staff as well as refusing feeding and blood draws of P.H. The OKDHS further documented that Mrs. Hilton had to be removed from the hospital by law enforcement due to her obstructing medical care. The OKDHS documented that through interviews with Mrs. Hilton and the children, Sibling One had dropped P.H. accidentally. The OKDHS further documented that upon viewing the children, all were observed to be "dirty."

The OKDHS documented that the medical records for P.H. indicated that the Emergency Room diagnosis for P.H. was "protein-calorie malnutrition, failure to thrive, suspected child abuse, and documentation of physical injuries resulting in contusions."

- The OKDHS made a Substantiated Finding of Neglect/Near Death by Destinie Hilton to P.H.
- The OKDHS made a Substantiated Finding of Neglect/Threat of Harm by Destine Hilton to Sibling Four.
- The OKDHS made a Substantiated Finding of Neglect/Threat of Harm by Duff and Destinie Hilton to Siblings Two, Three, and Four.
- The OKDHS recommended a deprived petition be filed on behalf of the children, with allegations of shocking and heinous due to the nature of the allegations.

## PRIOR INVOLVEMENT OF THE PRFC WITH OKLAHOMA DEPT. OF HUMAN SERVICES

The OJSO identified four pertinent reports of child abuse and/or neglect before the near-death incident of five-month-old P.H.

### Pertinent Report 1

On November 6, 2013, the OKDHS office in McCurtain County received the first pertinent report. Reportedly, Destinie Smith (now Hilton) tested positive for marijuana, methamphetamines, and amphetamines when she gave birth to Sibling One. It was further reported that both parents of Sibling One were intoxicated during the child's delivery and were exhibiting "inappropriate behaviors."

- The report was accepted as a Priority II Investigation.

The OKDHS documented that hospital staff stated Ms. Smith was behaving erratically during the delivery of Sibling One; she was reportedly yelling, cursing, and "acting inappropriately."

The OKDHS did not document anything that would indicate the child's father was intoxicated or "behaving inappropriately."

The OKDHS documented that Sibling One's meconium was tested with results indicating methamphetamine and amphetamine use by Ms. Smith during the third trimester.

- The OKDHS made a Substantiated Finding of Neglect/Threat of harm by Destinie Smith and Sibling One's father as to Sibling One.

The OKDHS recommended that the McCurtain County District Attorney's office file a deprived petition. The OKDHS further recommended that the parents complete substance abuse assessments as well as parent education classes.

- On November 7, 2013, the OKDHS requested emergency custody of Sibling One.
- On November 7, 2013, the District Court of McCurtain County ordered Sibling One to be taken into emergency custody.
- On November 20, 2013, the McCurtain County District Attorney's office filed a petition in McCurtain County District Court alleging that Sibling One was a deprived child.
- On December 17, 2013, Sibling One was adjudicated as a deprived child.
- On February 25, 2014, the Court adopted Individualized Service Plans for the parents.
- On August 25, 2014, Ms. Smith filed a protective order against Sibling One's father, who was arrested due to domestic violence.
- On June 19, 2015, trial reunification began between Sibling One, Ms. Hilton (formerly Smith), and Sibling One's father.
- On August 25, 2015, the Court dismissed the deprived case due to successful reunification.

## **Pertinent Report 2**

On January 4, 2021, the OKDHS office in McCurtain County received the second pertinent report. Reportedly, Duff Hilton, the biological father to Siblings Two, Three, and Four, took multiple Xanax pills, laid down on the road, and was hit by a car. He survived. It was further reported that the biological mother, Destinie Hilton, was under the influence of drugs, had been awake for nine days, and had slit her wrists, causing an Emergency Order of Detention for her commitment to a mental health facility.

- The report was accepted as a Priority II Investigation.

The OKDHS documented that the children had been living with their paternal grandparents for over a month prior to the report and had not been present when the incidents with the parents as described in Pertinent Report 2.

The OKDHS documented that Mrs. Hilton admitted to using opiates as well as methamphetamines. It was further documented that Mr. Hilton admitted to abusing prescription medication, other drugs, and alcohol. The OKDHS documented that Mrs. Hilton was committed to a mental health facility due to "having a psychotic break," which was related to her Post Traumatic Stress Disorder.

The OKDHS made a Substantiated Finding of Neglect/Threat of Harm by Duff and Destinie Hilton to Siblings One, Two, Three, and Four.

- On April 22, 2021, a family supervision case was initiated.
- On January 25, 2022, the children were reunified with Mr. and Mrs. Hilton.
- On January 26, 2022, the family supervision case was closed.

## **Pertinent Report 3**

On January 5, 2021, The OKDHS office in McCurtain County received the third pertinent report. Reportedly, the children's biological mother, Destinie Hilton, had been placed in a psychiatric hospital after slitting her wrists. It was further reported that she admitted to using methamphetamines and opiates.

- The OKDHS screened out this report, as duplicative of information previously received with allegations to be addressed in Pertinent Report 2.

## **Pertinent Report 4**

On September 30, 2022, the OKDHS office in McCurtain County received the fourth pertinent report. Reportedly, Sibling Three was in the hospital due to Respiratory Syncytial Virus (RSV) and pneumonia and was on oxygen. It was further reported that the biological father, Duff Hilton, was caught smoking marijuana in the hospital rooms. It was further reported that both parents were threatening to check Sibling Three out of the hospital against medical advice.

- The report was accepted as a Priority I Investigation.

The OKDHS documented that Mr. Hilton denied smoking marijuana in the hospital room stating that he had arrived there straight from work and still had a bag with a tube of marijuana in it. The OKDHS further documented that Mr. Hilton claimed that the lid to the marijuana tube had popped off, causing an odor in the room.

The OKDHS documented that both parents denied wanting to check the child out of the hospital against medical advice; they were simply becoming frustrated.

The OKDHS lastly documented that hospital staff claimed to have not seen Mr. Hilton smoking marijuana; they only smelled the odor. The OKDHS noted that hospital staff were unaware of any threats made by the parents to take the child out of the hospital.

- The OKDHS made an Unsubstantiated Finding of Neglect/Threat of Harm by Duff Hilton to Sibling Three.
- The OKDHS made an Unsubstantiated Finding of Neglect/Failure to Obtain Medical Attention for Sibling Three.
- The OKDHS had no recommendations for the family.

## **JUDICIAL PROCEEDINGS PRIOR TO THE CHILD'S NEAR-DEATH**

The OJSO identified no other relevant judicial proceedings prior to the near-death incident.