



STATE OF DELAWARE
Child Death, Near Death and Stillbirth Commission
900 King Street
Wilmington, DE 19801-3341

CAPTA¹ REPORT

In the Matter of
Daniel Evan-Smith
Minor Child²

9-03-2008-00023

March 11, 2011

¹ The federal Child Abuse Prevention and Treatment Act requires the disclosure of facts and circumstances related to a child's near death or death. 42 U.S.C § 5106 a(b)(2)(A)(x). See also, 31 Del.C. § 323 (a).

² To protect the confidentiality of the family, case workers, and other child protection professionals, pseudonyms have been assigned.

Background and Acknowledgements

The Child Death, Near Death and Stillbirth Commission (“CDNDSC”) was statutorily created in 1995 after a pilot project showed the effectiveness of such a review process for preventing future child deaths. The mission of CDNDSC is to safeguard the health and safety of all Delaware children as set forth in 31 Del.C., Ch., 3.

Multi-disciplinary Review Panels meet monthly and conduct a retrospective review of the history and circumstances surrounding each child’s death or near death and determine whether system recommendations are necessary to prevent future deaths or near deaths. The process brings professionals and experts from a variety of disciplines together to conduct in-depth case reviews, create multi-faceted recommendations to improve systems and encourage interagency collaboration to end the mortality of children in Delaware.

Summary of Incident

The case regarding Daniel Evan-Smith is considered a near death incident due to physical abuse perpetrated by the child’s father. At the time of this near death incident, Daniel Evan-Smith was six and one half months of age and residing in the home of his mother and father.

On the day of the near death incident, Daniel’s mother stated that she dropped Daniel off at daycare at approximately 1000 hours. Later, Daniel’s maternal grandmother picked the child up from daycare at approximately 1700 hours, and at that point in time no injuries were indicated or observed by the daycare provider and/or maternal grandmother. Then, Daniel was dropped off at home and left in the sole care of his mother until the child’s father arrived home at 1900 hours. Shortly after father’s arrival home, Daniel began crying uncontrollably and was noted to be breathing abnormally. Upon this discovery, Daniel was immediately taken to the emergency room.

Shortly after Daniel’s arrival to the emergency room, he was admitted to the Pediatric Intensive Care Unit (PICU) where it was determined that he was suffering from a severe linear skull fracture and severe injury to the brain. Further observation and evaluation revealed that the child was suffering from inflicted head injuries consistent with abusive head trauma/shaken baby syndrome. A possible impact injury was also suspected. The injuries sustained by Daniel were bilateral chronic and acute subdural hematomas and bilateral retinal hemorrhages which extended to the mid peripheral retina. Examination of these injuries revealed that old and new fluid was present in the brain; therefore, the child most likely suffered from more than one episode of physical abuse.

The collaborative investigation conducted by law enforcement and the Division of Family Services revealed that Daniel’s father shook his son and struck the right side of his son’s head, thus causing Daniel to become unresponsive. Father also admitted to previously shaking Daniel approximately one month prior to the near death incident.

The Division of Family Services substantiated Daniel’s father for physical abuse, shaken baby syndrome and head trauma, level IV. The Division of Family Services raised concern about mother’s ability to parent effectively due to her denial and lack of

understanding regarding the severity of the injuries that were inflicted upon her son by his father. Therefore, the case was transferred to treatment to provide on-going services and monitoring for mother and child.

Father was initially arrested and charged with two counts of Assault in the 2nd Degree and two counts of Endangering the Welfare of a Child. Criminal prosecution resulted in Daniel's father pleading guilty to Assault in the 2nd Degree. Immigration and Customs Enforcement (ICE) was contacted and since the child's father was convicted of a violent felony, the detainee was sent to prison.

System Recommendations

Following the expedited and final review of the near death incident of Daniel Evan-Smith, it was determined that all systems met reasonable standards of practice and therefore no system recommendations were put forth.

Ancillary Factors³

At the time of review, the Division of Public Health and the Division of Family Services were no longer active with the mother and child. A formal referral was made to the Division of Public Health for follow-up and if necessary intervention based on the following concerns presented by the panel: mother's age, mother's denial and lack of understanding regarding the injuries that were inflicted upon her son, language barrier and financial instability.

³ In some cases there may be no system practices or conditions that impacted the death or near death of the child; however, if the Panel determines that there are ancillary factors which impact the safety or mortality of children, those factors are compiled by CDNDSC staff and presented at least annually to the Commission for possible action.