



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

CAPTA¹ REPORT

In the Matter of
Nicole Richards
Minor Child²

9-03-2008-00010

December 2, 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 Nicole Richards is considered a child death due to hypoxic ischemia brain injury. At the time of death, Nicole was three months of age.

On the day of the incident, Nicole Richards was brought to the Emergency Room in cardiac arrest. Nicole’s mother informed medical personnel that she put Nicole to sleep on an air mattress, in prone position, with her six year old sibling around 2300 hours the night prior. Shortly thereafter, around 0200 hours, Nicole was discovered by her mother lying face down on a soft pillow on the floor. Beside Nicole on the floor was her six year old sibling, who mother found patting Nicole on the back to comfort her. . At this time, Nicole was unresponsive with a small amount of blood near her nose. Emergency Medical Services were called; however, law enforcement was already on scene and transported Nicole to the Emergency Room after performing cardiopulmonary resuscitation (CPR).

Upon arrival at the Emergency Room Nicole was found to be in critical condition. She was intubated and a cardiac rhythm was established after several rounds of epinephrine were administered. Nicole was stabilized and placed on life support where she was then transferred to a children’s hospital for further evaluation and treatment.

While at the children’s hospital an ophthalmic exam was performed and demonstrated retinal hemorrhages. A cerebral blood flow study was performed as well and revealed no blood flow. A computed tomography (CT) scan of the head was performed and demonstrated cerebral edema but no hemorrhages. A skeletal survey was also performed and was deemed normal. Two brain death studies were performed and confirmed no cerebral blood flow. As a result, Nicole was pronounced dead three days after her admission to the hospital.

An autopsy was performed and yielded no evidence of fractures, physical neglect, or head trauma. Nicole was noted to have brain swelling and congestion but no soft tissue

injuries. Nicole's toxicology screen was also negative. Nicole's death was determined to be caused by hypoxic ischemic brain injury due to an unknown etiology. Her manner of death was undetermined; however, her death most likely resulted from asphyxiation.

On the day of the incident, the Division of Family Services' (DFS) Child Abuse and Neglect Report Line received an urgent referral alleging physical abuse – suffocation. Upon acceptance of this report, a joint investigation between law enforcement and DFS began. It was determined that, at the time of the incident, mother was responsible for providing parental supervision, and she failed to provide the necessary care. The Division of Family Services substantiated mother for child abuse-death, level IV.

Mother was arrested and charged with felony Endangering the Welfare of a Child with death resulting. Mother pled guilty to a misdemeanor for Endangering the Welfare of a Child. She was sentenced to one year, suspended after service. Mother served thirteen days before her sentence was suspended.

System Recommendations

After review of the facts and findings of this case, the Panel determined that all systems did meet the current standards of practice and therefore no system recommendations were put forth.