



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

## **CAPTA<sup>1</sup> REPORT**

In the Matter of  
Jacqueline Smith  
Minor Child<sup>2</sup>

9-03-2010-00017

December 2, 2011

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<sup>1</sup> 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).

<sup>2</sup> 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 Jacqueline Smith is considered a child death case due to severe physical abuse perpetrated by the mother’s paramour. At the time of Jacqueline’s death, Jacqueline was fifteen months of age and residing with her mother and mother’s paramour in a motel room.

Jacqueline was brought to the Emergency Room via ambulance with cardiopulmonary resuscitation (CPR) in progress. Reports by mother and mother’s paramour indicate that mother left the motel room for a short period of time, approximately two minutes, and she returned to find her paramour laying Jacqueline down. At this time, Jacqueline was noted to be limp and unresponsive. Mother and paramour called Emergency Medical Services (EMS) and began CPR until EMS arrived. In the field, Jacqueline had agonal breaths and was intubated and given three rounds of epinephrine. Upon arrival at the Emergency Room, Jacqueline’s temperature was noted to be 35.5 degrees celsius. She had no breathing, and the heart monitor showed pulseless electrical activity. Further, examination noted a distended abdomen, bruising over her chest and abdomen, and marks on the dorsum of the hands. An abdominal ultrasound demonstrated free fluid in the abdomen. Also noted was discoloration and possible ecchymoses (bruising) on the right upper gum. Resuscitation continued for forty-five minutes but was unsuccessful. Jacqueline was pronounced dead at 1735 hours. A post-mortem bone scan demonstrated a right healing ulnar fracture indicating the possibility of prior abuse. An autopsy was performed and revealed that Jacqueline was suffering from severe contusions to her lungs, liver (liver was torn), intestines and kidneys. Jacqueline also presented with bruising to her front which appeared to resemble knuckle prints. It was determined that Jacqueline’s death resulted from multiple blunt force injuries due to assault; and her death was ruled a homicide.

The Division of Family Services’ Child Abuse and Neglect Report Line was contacted and informed of the circumstances surrounding Jacqueline’s death. The report was accepted and an investigation commenced with local law enforcement.

It was discovered that mother and paramour had been residing in Delaware for approximately 1.5 weeks. Prior to this, mother and paramour were residing in another state with mother's grandmother. However, this arrangement was temporary as mother and paramour were asked to leave due to family discord. Law enforcement interviewed mother's paramour which lead to a partial confession. During this time, paramour admitted to punching Jacqueline in the stomach, because he was mad at Jacqueline's mother. Witnesses also confirmed that mother and paramour were arguing. During the argument, several "thuds" against the wall were heard, and then Jacqueline was no longer heard crying. It was further reported that, at the time that these "thuds" took place, mother was not present in the motel room.

The Division of Family Services substantiated mother's paramour for abuse-death, level IV. Paramour was charged with murder by abuse in the first degree. Approximately two years after Jacqueline's death, paramour pled guilty to second-degree murder by abuse. Paramour was sentenced to thirteen years in prison, followed by five years of probation.

### **System Recommendations**

Upon review of this case, it was determined that, at the time of Jacqueline's death, reasonable standards of practice were met due to the fact that no systems were involved with Jacqueline and/or her family. However, CDNDSC did note that mother's chronic and multigenerational history of abuse and transient lifestyle could be considered mitigating factors in Jacqueline's death and therefore should be tracked.