



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

CAPTA¹ REPORT

In the Matter of
Kristin White
Minor Child²

9-03-2011-00011

May 16, 2014

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.

Case Synopsis

The female child who is the subject of this review, Kristin White, was born in September 2008 to mother, Diane Smith, and father, Steven Stone. Kristin was delivered via spontaneous vaginal delivery, weighing seven pounds. At birth, no anomalies or abnormal conditions were noted.

In October 2010, the Division of Family Services’ (DFS) Child Abuse and Neglect Report Line received a referral alleging the physical abuse of two-year-old Kristin. The allegations stated that Kristin was suffering from a two centimeter brain bleed. She also presented with superficial abrasions to her forehead as well as mild bruising. Mother and her paramour, Keith Williams, reported that the child had vomited earlier in the day, experienced seizure-like activity, and fell backwards onto the kitchen floor. Due to the nature of her injuries, Kristin was transported to the children’s hospital for further evaluation and treatment. A skeletal survey later confirmed the subdural hematoma and also revealed multiple layers of retinal hemorrhaging. The Children at Risk Evaluation (CARE) determined that the explanations provided by mother and her paramour were not consistent with Kristin’s injuries.

In November 2010, DFS was granted temporary custody of Kristin. She was released from the children’s hospital on the same date and placed in a foster home. Then, a month later, Keith Williams confessed to law enforcement that he struck Kristin in the right side of her head with the back of his hand. He realized that he struck her too hard, when she fell back on the floor from a standing position. Keith was charged with Assault in the Second Degree and Endangering the Welfare of a Child.

Keith Williams was also substantiated for Physical Abuse, Level IV, and DFS transferred the case to treatment to provide reunification services to mother.

Family History: Father

In 2000, the DFS Child Abuse and Neglect Report Line received two reports alleging lack of supervision involving father, Steven Stone, as the alleged perpetrator. The first report alleged that the adults were sleeping late and the children were left to care for themselves, whereas, the second report involved the two-year-old, with special needs, being found face down in a bathtub. Both reports involved father's paramour's daughters, who at the time were under the age of five. The two reports were linked and a DFS investigation was opened. A safety plan was implemented, and father was permitted no unsupervised contact with the paramour's children. The investigation was unfounded, and father and his paramour were referred to treatment for on-going services.

Family History: Mother

In February 2005, mother, Diane Smith, became active with DFS due to a report alleging severe emotional neglect by maternal grandmother. At the time of this report, mother was sixteen years of age and had presented to her Primary Care Physician (PCP) with severe depression and anxiety. Mother also self reported a suicide attempt one month prior, but did not require medical treatment. Collateral contacts showed that mother was receiving treatment on a monthly basis, where she was being prescribed medication. The investigation was closed as unfounded as there was no evidence to support the allegation of emotional neglect.

In March 2009, the DFS Child Abuse and Neglect Report Line received a referral regarding mother as a parent. The report alleged a domestic dispute in which six-month-old Kristin was present. It was later determined through the DFS investigation that there was no domestic, but rather a physical altercation between two male acquaintances at the home where Kristin was residing. Collateral contacts were completed, and it was determined that Kristin was not at risk. Based upon the information provided, there was no evidence to suggest that Kristin was abused and/or neglected; therefore, the case was closed as unfounded.

From the latter part of 2009 until 2010, there was a custody dispute between mother and father relating to child support. In September 2010, father filed a petition for Emergency Custody. In this petition father alleged that his daughter, Kristin, was in imminent danger. Father expressed concern over mother's mental health and her ability to care for Kristin. Father advised that Kristin often comes to his home with bruises, which are not explained or the explanation provided by mother is inconsistent with the marks. Father further reported that mother's paramour, Keith Williams, was thought to be abusing Kristin as well. A hearing was held on the Emergency Ex Parte Petition for Custody in which the Court was "not satisfied that there [was] a risk of imminent or irreparable harm to [Kristin] if she continue[d] to reside in mother's care. Accordingly, Temporary Emergency Relief [was] denied. However, the custody petition [was] forwarded for judicial scheduling on the ordinary course."

Kristin's Near-Death Incident

Approximately one month after father's petition for custody was filed and denied, two- year-old Kristin presented to the Emergency Department (ED) via Emergency Medical Services (EMS) with the chief complaint of vomiting and seizure-like activity. Upon physical examination, it was noted that Kristin had superficial abrasions to her forehead as well as mild bruising. A computed tomography (CT) scan of the head was also completed and revealed a small subdural hematoma.

Kristin was accompanied by mother and mother's paramour while in the ED. When mother and paramour were questioned by medical personnel as to how Kristin received her injuries, mother reported that Kristin had run into a partially opened door and fell onto the floor. Mother advised that this incident occurred approximately one week prior. At that point in time, the only injury noted to Kristin was a rug burn to her forehead. Paramour further advised that while Kristin was seizing she had fallen backward from a seated position and hit her head.

Due to the nature of Kristin's injuries, Kristin was transported to a children's hospital for further evaluation and treatment. The Division of Family Services and law enforcement were also contacted and informed of the circumstances and that the injuries sustained by Kristin were most likely a result of non-accidental trauma.

On the day of Kristin's near-death incident, it was explained that earlier that day mother, paramour, and Kristin were visiting paramour's family. Upon their return home, mother and paramour discovered that their residence had been burglarized. Law enforcement was dispatched to the residence where an incident report was completed. Sometime thereafter, Kristin began to vomit. While paramour proceeded to change Kristin, mother left the residence, briefly, in order to drive a neighbor home. Upon mother's departure, Kristin began to scream and cry. Paramour left Kristin in order to go into the kitchen and get her a drink. While in the kitchen, paramour heard Kristin scream loudly and then witnessed her fall backwards. Immediately following this, mother returned home and called EMS where Kristin was transported to the ED.

While at the children's hospital, Kristin received a skeletal survey which confirmed the subdural hematoma and also revealed multiple layers of retinal hemorrhaging. It was documented that Kristin's injuries were likely a result of Abusive Head Trauma. A Children at Risk Evaluation (CARE) consult was completed where it was determined that the explanations provided by mother and paramour were not consistent with Kristin's injuries. Moreover, it was also determined that Kristin was suffering from a contusion to her face, scalp, neck, thigh and hip, as well as an abrasion to her head and open wound to her mouth and tongue.

Two days after Kristin's near-death incident, paramour was interviewed by law enforcement. Paramour informed the detective of the burglary and said the report was reviewed by the detective. The witness, mentioned within the burglary report, was re-interviewed for any further information relating to the injuries sustained by Kristin. Mother would not agree to an interview until Kristin was discharged from the hospital. That same day, the detective contacted the DFS caseworker to discuss the investigation and the initiation of a safety plan.

In November 2010, DFS petitioned for and was granted custody of Kristin as no appropriate family resources were identified for placement. That same day, Kristin was discharged from the children's hospital and placed in a foster home.

Delaware's Child Abuse Expert was contacted by law enforcement where he advised the detective that the brain bleed sustained by Kristin was caused by a recent injury. The injury could have been caused by shaking and impact or a severe impact to the head. The story provided by paramour that Kristin fell backwards from a seated position onto a carpeted floor would not generate enough force to produce the degree and/or severity of injury to the inside of the skull and the retinal hemorrhaging. As a result of the CARE evaluation, paramour was informed that he was to have no contact with Kristin.

In December 2010, paramour submitted to a polygraph examination in which he failed. After paramour was informed of the polygraph results, paramour admitted that he had not been truthful. Paramour stated that Kristin was standing in the living room when he proceeded to walk by and strike her on the right side of her head with the back of his hand. Paramour realized he struck the child too hard when Kristin fell back onto the floor. Paramour stated that Kristin stood up a few seconds later and then fell down again. Kristin started making a noise as if she was trying to cry and catch her breath. Immediately following this, Kristin appeared to start having seizures.

Criminal /Civil Disposition

Keith Williams was charged with Assault in the Second Degree and Endangering the Welfare of a Child. In March 2011, he pled guilty to Assault in the Second Degree, and the Endangering the Welfare of a Child charge was Nolle Prossed. He was sentenced to two years, level V; suspended to six months level IV followed by one year level III probation.

In November 2010, DFS substantiated Keith Williams for Physical Abuse, Level IV. The case was transferred to treatment for reunification with mother and support services; such as, parenting classes, a plan for appropriate supervision, substance abuse evaluation and treatment, and mental health evaluation and treatment. Mother was also advised not to engage in contact with paramour. It was noted that mother failed to complete her substance abuse and mental health evaluation and treatment, as well as, to remain free from contact with paramour. As a result, Kristin began a trial home placement with father, and the placement was determined to be successful after father had completed all the requirements of his case plan. Therefore, in August 2011, joint custody was rescinded back to Kristin's parents with placement of Kristin with her father. Mother was granted supervised visitation with Kristin at a visitation center.

System Recommendations

After review of the facts and findings of this case, it was determined that all systems did not meet the current standards of practice; therefore, the following system recommendations were put forth:

Primary Recommendation

Medical

1. CDNDSC recommends that the initial treating hospital's Emergency Department review the standard of care as it relates to cervical spine immobilization and/or stabilization of a child resulting from suspected head trauma.
 - a. Rationale: This child had significant head trauma and the appropriate spine immobilization should have been in place until clearance of the cervical spine was done.
 - b. Anticipated Result: Compliance with standard of care.
 - c. Responsible Agency: Initial Treating Emergency Department

Ancillary Recommendations

Family Court

1. CDNDSC shall send a letter to the Honorable Chief Judge Kuhn of the Family Court, carbon copying the Department of Justice, alleging a failure to report suspected child abuse.
 - a. Rationale: Child's father had filed an Ex Parte Protection from Abuse (PFA) Petition against mother due to questionable bruising on child. The Ex Parte Petition was denied and a hearing was set three months from the date of the Petition. On date of hearing, domestic violence and possible abuse of the child was noted; however, a report was never made to the Division of Family Services' Child Abuse and Neglect Report Line as mandated in 16 Del.C. §903.
 - b. Anticipated Result: To ensure the safety and well-being of Delaware's children through the identification and recognition of child abuse and the reporting of such abuse to the DFS Child Abuse and Neglect Report Line.
 - c. Responsible Agency: Family Court

Delaware Police Departments

1. CDNDSC recommends that when Delaware Police Departments are contacted by individuals who are concerned for a child's well-being, that officers comply with the Memorandum of Understanding (MOU) between DSCYF, the Children's Advocacy Center, Department of Justice and Delaware Law Enforcement Agencies and instruct such individuals to contact the Division of Family Services' Child Abuse and Neglect Report Line, as well as to contact the Report Line themselves, regardless of whether or not it is believed that a crime against a child has occurred.
 - a. Rationale: In September 2010, father had contacted law enforcement and expressed his concerns regarding his child's well-being while residing in the care

of her mother. Although it was not believed that a crime had been committed, law enforcement did not suggest that father contact the Division of Family Services, nor were any other services offered to father.

- b. Anticipated Result: Compliance with the MOU.
 - c. Responsible Agency: Delaware Police Departments
2. CDNDSC recommends that the Memorandum of Understanding (MOU) between DSCYF, the Children’s Advocacy Center, Department of Justice and Delaware Law Enforcement Agencies be amended to include a suspected location of incident as it pertains to the criminal investigative duties of law enforcement. Specifically, that within the first twenty-four to forty-eight hours, law enforcement must secure and maintain the location of the alleged incident for scene preservation and evidence collection.
 - a. Rationale: As it relates to the criminal investigation of this case, documentation within the initial crime report and all supplemental reports does not suggest that law enforcement identified the location of where the alleged incident occurred or observed that location for evidence collection/preservation.
 - b. Anticipated Result: Revision to the Memorandum of Understanding and compliance with recognized best practice as it relates to scene preservation and investigation by law enforcement.
 - c. Responsible Agency: Delaware Police Departments

Child Protection Accountability Commission

1. CDNDSC recommends that the Memorandum of Understanding (MOU) between DSCYF, the Children’s Advocacy Center, Department of Justice and Delaware Law Enforcement Agencies be amended to include a suspected location of incident as it pertains to the criminal investigative duties of law enforcement. Specifically, that within the first twenty-four to forty-eight hours, law enforcement must secure and maintain the location of the alleged incident for scene preservation and evidence collection.
 - a. Rationale: As it relates to the criminal investigation of this case, documentation within the initial crime report and all supplemental reports does not suggest that law enforcement identified the location of where the alleged incident occurred or observed that location for evidence collection/preservation.
 - b. Anticipated Result: Revision to the Memorandum of Understanding and compliance with recognized best practice as it relates to scene preservation and investigation by law enforcement.
 - c. Responsible Agency: Child Protection Accountability Commission

Division of Family Services

1. CDNDSC recommends that the Division of Family Services revise Policy F-1 through 11 as it relates to parental substance abuse. Specifically, assessing whether substance abuse is a risk factor, making referrals to a substance abuse liaison or private treatment provider, and ensuring compliance with evaluations and/or treatment. This should be initiated during the investigation, so that if the participant fails to comply with such

request then a motion to compel can be filed by notifying and discussing the case with the Child Protection Unit of the Department of Justice Family Division.

- a. Rationale: In November 2010, following a substantiated incident of physical abuse against the mother's paramour, the case was transferred to treatment for reunification with the mother and support services. The mother failed to complete the required substance abuse and mental health evaluations identified in her case plan. As a result, residential custody was granted to the father and mother was permitted supervised visitation at a visitation center. The treatment workers lacked the evidence to compel compliance of the mother.
 - b. Anticipated Result: To enforce compliance of substance abuse and mental health evaluations during DFS investigations.
 - c. Responsible Agency: Division of Family Services
2. CDNDSC recommends that the Division of Family Services develop policy related to parental mental health issues. Specifically, assessing whether a parent's mental illness is a risk factor, making referrals to a mental health provider or a community mental health center, and ensuring compliance with evaluations and/or treatment. This should be initiated during the investigation, so that if the participant fails to comply with such request then a motion to compel can be filed by notifying and discussing the case with the Child Protection Unit of the Department of Justice Family Division.
- a. Rationale: In November 2010, following a substantiated incident of physical abuse against the mother's paramour, the case was transferred to treatment for reunification with the mother and support services. The mother failed to complete the required substance abuse and mental health evaluations identified in her case plan. As a result, residential custody was granted to the father and mother was permitted supervised visitation at a visitation center. The treatment workers lacked the evidence to compel compliance of the mother.
 - b. Anticipated Result: To enforce compliance of substance abuse and mental health evaluations during DFS investigations.
 - c. Responsible Agency: Division of Family Services