



**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  
Kaitlin Watson  
Minor Child<sup>2</sup>

9-03-2010-00012

May 16, 2014

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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.

The case information presented below is based off documents from the treating hospitals, the Department of Services for Children, Youth and Their Families, the Office of the Child Advocate, Family Court, Delaware Law Enforcement, and the Department of Justice.

## **Case Synopsis**

The female child who is the subject of this review, Kaitlin Watson, was born in July 2007 to Sandra Watson and Kevin Riddle. Kaitlin was born at forty-one weeks gestation, weighing seven pounds. Upon birth, no congenital anomalies or abnormal conditions were noted. Kaitlin was discharged home to the care of her mother, Sandra, on day three of life.

In June 2009, the Division of Family Services (DFS) Child Abuse and Neglect Report Line received a referral alleging that, at twenty-two months of age, Kaitlin was pronounced dead as a result of a subdural hemorrhage and cerebral edema. An autopsy was performed on Kaitlin; however, her manner of death was undetermined. The Office of the Chief Medical Examiner was unable to conclude which impact caused her brain to finally hemorrhage.

Interviews conducted during the criminal investigation revealed that Kaitlin sustained multiple falls and impacts to the head prior to the death incident, while in the care of her mother and mother’s paramour, Carter Smith. Mother reported that, one week prior to the incident, Kaitlin had fallen down stairs on two occasions. Prior to responding to the hospital, mother alleged that her paramour hit Kaitlin’s head on the doorframe when they were running out of the home. Carter reported an incident that occurred earlier in the evening, when mother was receiving treatment at the Emergency Department and Kaitlin was under his care and supervision. He alleged that Kaitlin fell out of the car and hit her head on the ground outside the hospital. On the other hand, the Emergency Department’s surveillance camera captured footage of two additional incidents which occurred outside the hospital, while Kaitlin was in the care of mother’s paramour. Carter was first seen

carrying Kaitlin in his arms, and her head was observed to make contact with a sign causing it to fall over. Next, he was observed dropping Kaitlin on a nearby wooden bench to return to pick up the sign. In the video, Kaitlin appeared to be limp, lifeless, and non-reactive to the impact of the fall on the bench. No surveillance footage captured the alleged fall out of the car.

Carter Smith was originally charged with felony level Assault by Abuse and Murder by Abuse. However, the charges were later Nolle Prossed. The Division of Family Services investigation was unsubstantiated and closed with concern due to Kaitlin's unexplained death while in the care of her mother and mother's paramour.

### **Family History: Mother**

Prior to Kaitlin's death, there was no documented history with DFS regarding mother, Sandra. It was noted that mother had minimal criminal history primarily consisting of motor vehicle violations and shoplifting.

### **Family History: Father**

Kaitlin's father, Kevin Riddle, had a history of two investigations with DFS beginning in 2007. Both investigations stemmed from Kevin's childhood and involved unstable housing. As a result, Kevin's mother was unable to provide care for him and his siblings.

Kevin also had a history with the Division of Youth Rehabilitative Services from 2003, when Kevin pled delinquent to felony level theft. In 2005, Kevin tested positive for marijuana and continued to have behavioral problems. Kevin was on probation at the time.

At sixteen years of age, in September 2007, Kevin was a victim of a gunshot wound of the lungs, trachea and aorta. Kevin suffered a massive hemorrhage and died. His manner of death was determined to be a homicide. During the investigation of Kevin's death, it was determined that Kevin was a bystander in the shooting and not directly involved. According to law enforcement, Kevin was at the wrong place at the wrong time. At the time of Kevin's death, Kaitlin was one month of age.

### **Family History: Mother's Paramour**

Mother's paramour, Carter Smith, had a history of two investigations with the Division of Family Services beginning in 1999. Both investigations stemmed from Carter's childhood and were a result of physical abuse and emotional neglect. Both cases were closed by the DFS as unsubstantiated. It was further noted that in 2000, DFS had also received a referral alleging neglect due to parental substance abuse. However, this report was screened out as it did not meet the requirements for an investigation by DFS since the substance abuse was not impacting the parent's ability to care for the child.

Carter was also noted to have a criminal history which consisted of motor vehicle violations, robbery, criminal trespassing, use of a non-narcotic schedule I controlled substance, and shoplifting.

### **Kaitlin's Death Incident**

In June 2009, DFS received an urgent referral alleging the physical abuse of Kaitlin by mother's paramour, Carter Smith. It was reported that Kaitlin, who at the time was twenty-two months of age, was brought to the Emergency Department and presented as unresponsive and limp. Additionally, it was noted that Kaitlin had bruising to both of her upper thighs, severe bleeding to her brain, and hemorrhages in both eyes. Upon completion of a computed tomography (CT) scan of her head, it was determined that Kaitlin was suffering from a traumatic brain injury. Once stabilized, Kaitlin was transported via ambulance to the children's hospital with a slim likelihood of survival.

Contact was immediately made with law enforcement to advise them of the situation. At that point in time, the location of where Kaitlin had received her injuries had yet to be determined. Therefore two law enforcement agencies proceeded in a joint investigation until jurisdiction could be established.

Law enforcement conducted initial interviews with Mother, Sandra, and her paramour, Carter Smith, while at the hospital. Mother informed law enforcement that she had been to the Emergency Department earlier that evening for a respiratory infection. While receiving treatment, Kaitlin was under the care and supervision of Carter. Mother reported that she was discharged from the hospital around 11:30 PM. After arriving home, mother noticed that Kaitlin was not moving and appeared hurt. Mother notified paramour that something was wrong. Paramour instantly picked Kaitlin up and while running out of the residence to the vehicle, Kaitlin's head impacted the doorframe causing a loud thud. It was noted that Kaitlin was unresponsive to this impact. Mother and paramour arrived with Kaitlin at the Emergency Department around 12:05 AM.

Mother further advised law enforcement that she and Kaitlin had been staying at Carter's residence for the past three days. Mother described her relationship with Carter as a good relationship, and mother did not suspect that Carter would harm Kaitlin. Mother denied hitting or striking Kaitlin, and she stated that to her knowledge Carter had never struck Kaitlin. Mother advised that one week prior, on two different occasions, Kaitlin had fallen down a set of steps, but did not appear to be injured. It was noted that mother was unable to provide a reasonable explanation as to the visible trauma that was noted to Kaitlin.

During paramour's initial interview, he stated that Kaitlin had fallen out of the vehicle, noted to be a minivan, after mother was dropped off at the hospital entrance of the Emergency Department. Carter stated that Kaitlin was in the back seat and as he opened the back door Kaitlin jumped to the front seat and fell out of the vehicle, hitting her head on the ground.

Surveillance footage was obtained and reviewed by law enforcement. The footage recorded Carter walking back towards the Emergency Department entrance with Kaitlin in his arms. It appeared that Carter had knocked over a sign that was standing upright on the sidewalk and just outside the entrance doors. A further look at the video suggested that Kaitlin's head made contact with the sign causing it to fall over. Immediately following this, Carter had dropped Kaitlin onto a nearby wooden bench, so that he could return to pick the sign up. The video suggested that Kaitlin appeared to be limp, lifeless, and non-reactive to the impact of the drop onto the wooden bench. Law enforcement proceeded back to the hospital in order to photograph the immediate area observed in the surveillance footage and collect evidence pertaining to this incident.

Upon a secondary interview, law enforcement informed Carter that there was no surveillance footage that captured Kaitlin falling out of the vehicle within the proximity of the Emergency Department entrance doors. The footage that did exist, noted Kaitlin walking in the parking lot after mother's drop off at the Emergency Department. When asked to clarify his statements, Carter changed his story, saying that he later took Kaitlin out to the vehicle to change her diaper, and this was when she fell out of the vehicle hitting her head. Law enforcement conducted a consensual search of the vehicle in question in order to collect evidence. Photographs of the vehicle and the child's injuries were also taken.

It was also noted that hospital staff reported seeing Kaitlin while mother was in the Emergency Department. However, Kaitlin was wrapped in a sweatshirt and Carter informed the staff that she was sleeping. The child was never observed to be moving.

Delaware's Child Abuse Expert examined Kaitlin, and it appeared that Kaitlin's injuries were a result of someone grabbing her forcibly from behind and swinging her at an object in which her head impacted. Upon this determination, a safety plan was implemented by DFS barring mother and paramour from any contact with Kaitlin. However, the plan was later amended to allow mother to have contact when it was determined that Kaitlin's injuries would result in her death.

Law enforcement inquired with the Child Abuse Expert to see if Kaitlin could have sustained such an injury from falling out of the vehicle. The expert informed law enforcement that the type of injury would only occur if the vehicle was moving at a rate of 60 miles per hour.

Mother's paramour, Carter, was arrested and charged with felony level Assault by Abuse. However, approximately thirteen hours after Kaitlin was brought into the Emergency Department, she was pronounced dead. As a result, Carter was then recharged with Murder by Abuse. Kaitlin's body was turned over to the Office of the Chief Medical Examiner's (OCME) where an autopsy and forensic investigation was performed. The forensic investigation was left open for a period of two months, at which time mother's and paramour's account of Kaitlin's injuries remained consistent.

Due to the life saving measures that were taken on behalf of Kaitlin, the OCME had difficulty dating Kaitlin's injuries. Moreover, the investigation conducted by law enforcement found no further evidence, such as blood in the vehicle, to support the allegation of physical abuse by paramour. The footage captured by the surveillance video does capture trauma to the child; however, it was determined that these impacts were not intentional, but more so a result of Carter being negligent in his care of Kaitlin. Carter continued to insist that Kaitlin fell out of the vehicle while he was changing her diaper. It was further reported by family members, that Kaitlin had fallen on more than one occasion, within the last few days, and that after each fall Kaitlin appeared normal. It was questionable as to whether or not these falls resulted in any impacts to the head.

### **Criminal /Civil Disposition**

The criminal charges brought against Carter Smith for the death of Kaitlin were Nolle Prossed. The OCME had ruled Kaitlin's manner of death as undetermined as there had been too many impacts to Kaitlin's head to conclude which impact caused her penultimate brain hemorrhage. Likewise, DFS closed the case as unsubstantiated with concern due to Kaitlin's unexplained death while in the care of mother and her paramour.

Following further inquiry with the Department of Justice, it was revealed that there were multiple suspects identified and the OCME's report noted the injuries could have been sustained within a 72-hour period, at which time Kaitlin was in the care of her mother, the mother's paramour and the paramour's sister. Furthermore, there were multiple injuries with no means of pinpointing exactly which injury caused the child's death or when that particular injury actually occurred. Moreover, with the manner of death listed as undetermined, there was no clear and convincing evidence to overcome these factors for prosecution purposes. Without a clear theory of what happened to the child, there was no way to prove the guilt of the mother's paramour without a confession. Hence, the charges were Nolle Prossed.

### **System Recommendations**

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

#### **Medical**

1. CDNDSC recommends that hospitals adhere to the standard of care as it relates to computed tomography (CT) scans being performed prior to lumbar punctures (spinal taps) when a child presents to the Emergency Department with possible head trauma.
  - a. Rationale: The child presented to the Emergency Department where a lumbar puncture (spinal tap) was performed prior to a CT scan. Concern was raised that due to the trauma the child had sustained and the manner in which the child presented to the Emergency Department (unresponsive

and limp), that a CT scan should have been performed prior to the lumbar puncture in order to prevent a brain stem herniation.

- b. Anticipated Result: Compliance with general medical practice regarding care management for pediatric head trauma.
- c. Responsible Agency: Chief Medical Officer of Treating Hospital

### **Division of Family Services**

- 1. CDNDSC recommends that the DFS reconsider the ability to substantiate a case for physical abuse and/or neglect with perpetrator unknown.
  - a. Rationale: Grave concern was raised by members of the Panel about the closure of cases. Specifically, cases that are unsubstantiated because the perpetrator is unknown, but it is clear that abuse is occurring within the child's residence.
  - b. Anticipated Result: To ensure the safety and well-being of the child.
  - c. Responsible Agency: Division of Family Services