



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

CAPTA¹ REPORT

In the Matter of
Gregory William III
Minor Child²

9-03-2010-00001

April 18, 2013

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 Summary

The child who is the subject of this review, Gregory William, was born in August 2008 to mother, Laura Reynolds. Child was born via spontaneous vaginal delivery at 38 weeks gestation, weighing five pounds and fifteen ounces. At birth, child presented with no known congenital anomalies or abnormal conditions.

In October 2009, when Gregory was 14 months of age, the Child Abuse Reportline received an urgent referral alleging Gregory's death. The caller indicated that Gregory was brought into the Emergency Department by father with complaints of vomiting, decreased oral intake and physical activity. Approximately three hours after admission, Gregory was pronounced dead after numerous attempts at resuscitation were unsuccessful. Gregory's cause of death was a result of acetaminophen (Tylenol) toxicity.

Mother and Father's History:

The Division of Family Services (DFS) became active with mother, Laura Reynolds, and father, Gregory William Jr., in June 2008. At that time, the Child Abuse Reportline received an urgent referral alleging the physical abuse of Gregory's older sibling, Heather. It was reported that Heather had sustained a severe head injury resulting in two black eyes and other prominent bruising around the skeletal area. During initial interviews, mother indicated that Heather was under the care of her father, Gregory Jr., when she received the injuries. Father advised that while caring for Heather, Heather had fallen from a bunk bed and hit her head. Sometime after this incident Heather was taken to the Emergency Department by mother, where she was then admitted and transferred to the children's hospital for further evaluation and treatment.

Heather was examined by Delaware's Child Abuse Expert where it was determined that Heather's "injuries were not consistent with a fall from a bunk bed, but rather two different impacts. With the extensive bruising to the head, a more severe head injury was feared and prompt medical attention was needed to determine the extent of the injuries."

As a result of the incident, a relative was awarded guardianship of Heather and the case was referred to treatment for reunification services. DFS substantiated mother for medical neglect and severe physical neglect, both level III findings. DFS determined that mother failed to seek immediate medical attention for Heather and did not attempt to protect Heather from her father even though mother was aware of his violent nature. Criminally, mother was charged with two counts of misdemeanor level Endangering the Welfare of a Child (EWC). Mother received probation before judgment, 12 months, level II.

Father, Gregory Jr., was charged with Assault in the Second Degree for the injuries inflicted upon Heather. On November 2008, he was found guilty of Assault in the Third Degree. Father was sentenced to one year, level V; suspended to one year, level III probation. A No Contact Order was also put in place between Heather and father.

Apart from the June 2008 investigation, no other history exists with DFS as it pertains to mother and father.

Gregory's Death Event:

In October 2009, Gregory's mother had contacted his Primary Care Physician (PCP) with complaints that Gregory had been vomiting since early that morning. Mother reported that she had given Gregory one teaspoon of Children's Tylenol and three milliliters of Benadryl the night before, as Gregory was teething. Mother was advised to continue monitoring Gregory and if symptoms worsened then the PCP's office should be contacted again.

Later that day, Gregory went to visit with father. During that visit, father noticed that Gregory was lethargic and ill-appearing. Father called mother to inform her that Gregory seemed to be getting worse. Mother contacted the PCP's office again and was advised to take Gregory to the Emergency Department (ED).

That afternoon Gregory was taken to the ED by his father. Upon arrival, father informed the hospital staff that Gregory had been vomiting since the night before, had decreased oral intake and limited physical activity. Gregory was observed by a Physician, at 5:05 p.m., and was noted to be in grave/extreme circumstances ("extremis"), ill-appearing, and actively vomiting fluids which appeared coffee-like in color. Gregory had abnormal breath sounds in the lungs, neck stiffness, and possible seizure activity.

At 5:20 p.m., Gregory was placed on a monitor where he was observed requiring the use of accessory muscles to assist him with breathing. Shortly thereafter, at 6:10 p.m., an intravenous line (IV) was inserted and medication was administered. At that time, Gregory was noted to have a heart rate of less than 60 beats per minute, chest compressions were initiated. Gregory was ventilated until he was intubated. He had persistent bloody vomit and a heart rhythm that alternated between asystole and pulseless electrical activity. Cardiopulmonary resuscitation (CPR) was discontinued after life saving measures were deemed unsuccessful by medical personnel. Gregory was pronounced dead at 6:38 p.m.

Immediately following Gregory's death, the DFS Child Abuse Reportline was contacted. The reportline accepted the referral and a joint investigation began with law enforcement.

An autopsy was performed which revealed that 14 month old Gregory had died from hepatic failure resulting from acetaminophen toxicity. Gregory's manner of death was listed as undetermined. During the civil and criminal investigation, it was established that Gregory's mother had been giving him one tablespoon of children's acetaminophen Elixir every three to four hours for the past two to three weeks as Gregory was teething.

Upon conclusion of the civil investigation, DFS substantiated mother, Laura Reynolds, for physical neglect, level III. The criminal investigation resulted in mother being charged with Murder in the Second Degree and felony level Endangering the Welfare of a Child (EWC). The EWC charge was nolle prossed and mother was found guilty of Criminally Negligent Homicide. Mother was sentenced in August 2010, to 5 years, level V; suspended after serving 2 years; suspended to 6 months home confinement, level IV; suspended to 18 months, level III probation.

After review of the facts and findings of this case, the Panel determined that all systems did meet the current standards of practice; however, the following ancillary recommendations were noted:

Ancillary Recommendations

CHILD PROTECTION ACCOUNTABILITY COMMISSION:

1. CDNDSC recommends that research be conducted and legislation be drafted in order to enhance the criminal penalties for assaults on children under the age of 18.
 - a. Rationale: In June 2008, Gregory's older sibling, Heather, was severely abused by father. The criminal investigation resulted in father being charged with Assault in the Second Degree. However, upon criminal disposition, father was found guilty of Assault in the Third Degree and in turn was sentenced to level III probation for one year. The Panel believed that as a result of the injuries sustained to Heather, father should have received a more stringent sentence.
 - b. Anticipated Result: Revisions to Delaware's Sentencing Accountability Commission (SENTAC) guidelines, so that harsher sanctions can given when taking into consideration the severity of the offense, the criminal history of the offender, and the public's safety.
 - c. Responsible Agency: Child Protection Accountability Commission & Department of Justice

DEPARTMENT OF JUSTICE:

2. CDNDSC recommends that research be conducted and legislation be drafted in order to enhance the criminal penalties for assaults on children under the age of 18.
 - a. Rationale: In June 2008, Gregory's older sibling, Heather, was severely abused by father. The criminal investigation resulted in father being charged with Assault in the Second Degree. However, upon criminal disposition, father was found guilty

of Assault in the Third Degree and in turn was sentenced to level III probation for one year. The Panel believed that that as a result of the injuries sustained to Heather, father should have received a more stringent sentence.

- b. Anticipated Result: Revisions to Delaware's Sentencing Accountability Commission (SENTAC) guidelines, so that harsher sanctions can given when taking into consideration the severity of the offense, the criminal history of the offender, and the public's safety.
- c. Responsible Agency: Child Protection Accountability Commission & Department of Justice