



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

CAPTA¹ REPORT

In the Matter of
Donovan Baker
Minor Child²

9-03-2010-00015

March 11, 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 Donovan Baker is considered a near death incident due to severe physical abuse perpetrated by the child’s mother. At the time of the near death incident, Donovan was five months of age and residing in the home of his maternal grandmother and mother whom at the time was fifteen years of age.

Donovan was brought to the Emergency Room by his mother and maternal grandmother with complaints that the child was limp and breathing abnormally. The mother reported the child had fallen off a bed two days prior, but no change was noted in Donovan’s behavior by either maternal grandmother or mother. Upon examination Donovan was found to have a subdural hematoma, human bite marks on his feet, hands, and elbow, a healed fractured right femur, a healed fractured right ankle, multiple bruises, and numerous old injuries including breaks to his legs and ribs. Donovan was also noted to appear malnourished. Due to the extent and severity of Donovan’s injuries, Donovan was transported to another hospital for further evaluation and treatment.

Donovan’s mother denied causing the injuries to Donovan, and she continued to state that Donovan’s injuries were a result of his fall from the bed which occurred two days prior. According to the medical personnel, mother’s account of how Donovan received his injuries was not consistent with the severity of his injuries. Mother could provide no further explanation as to how these injuries occurred.

An urgent referral was received by the Division of Family Services’ Child Abuse and Neglect Report Line alleging the physical abuse of Donovan. The report was accepted and a collaborative investigation between law enforcement and the Division of Family Services commenced. During the course of this investigation, it was noted that mother had a poor understanding of the time frames in which the injuries occurred, and mother appeared easily confused with a flat affect. Furthermore, it was revealed that Donovan was under the sole care of his mother for forty-eight hours prior to hospital admittance. Therefore, recent injuries to Donovan were determined to have been inflicted by mother.

Moreover, four months prior to Donovan’s near death incident, a report was made to law enforcement stating that mother’s paramour was seen shaking Donovan. Upon

arrival at the scene, law enforcement visually observed Donovan and decided that he was “okay” with no observable injuries. No report was made by law enforcement to the Division Family Services regarding this incident.

The Division of Family Services substantiated Donovan’s mother for physical abuse. The case was transferred to treatment for on-going services. Mother was arrested and initially charged with Assault in the 1st Degree, Reckless Endangerment, and Endangering the Welfare of a Child. Criminal prosecution resulted in mother pleading guilty and was adjudicated delinquent of Conspiracy in the 2nd Degree and was sentenced to Level IV.

System Recommendations

The following recommendations were put forth by the Commission:

- (1) CDNDSC recommends that Law Enforcement Officers be educated on the effects of Shaken Baby Syndrome/Abusive Head Trauma. Law Enforcement Officers should know their role in identifying and reporting cases of suspected abuse due to Shaken Baby Syndrome/Abusive Head Trauma and that physical injury might not be noticeable but internal injury may be present.
 - a. *Rationale:* Law Enforcement received a report that a child had been shaken violently and upon arrival, law enforcement looked the child over and determined that the child was fine. However, because law enforcement officers are undereducated on the issue of Shaken Baby Syndrome/ Abusive Head Trauma their inability and expertise to identify such injuries are limited.
 - b. *Anticipated Result:* Law Enforcement will have a better understanding of the effects of Shaken Baby Syndrome/Abusive Head Trauma.
 - c. *Responsible Agency:* Child Protection Accountability Commission’s Abuse Intervention Subcommittee

- (2) CDNDSC continues to support the training of Law Enforcement Officers on the identification and recognition of child abuse and neglect.
 - a. *Rationale:* Law Enforcement received a report that a child had been shaken violently, however no reports were made by law enforcement to the Child Abuse and Neglect Report Line regarding this incident.
 - b. *Anticipated Result:* Law Enforcement will report abuse/neglect to the Child Abuse and Neglect Report Line.
 - c. *Responsible Agency:* Child Protection Accountability Commission’s Abuse Intervention Subcommittee.