

**OKLAHOMA COMMISSION ON CHILDREN AND YOUTH
OFFICE OF JUVENILE SYSTEM OVERSIGHT**

Report Release Date: August 16, 2010

**Review of the Death of Atrinity Hasbell
of Lincoln County, Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the
Department of Human Services; Actions Taken by the District Attorney;
and Dates and Summary of Judicial Proceedings and Rulings of the Court

General Information

On June 4, 2010, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the death of Atrinity Hasbell, a two year old child that was found dead lying on the floor of a van. The roommate of Atrinity's mother, Jessica Holmes was charged with felony second degree manslaughter in the death of Atrinity on June 3, 2010, in Lincoln County. The following is a summary of the actions taken by the Department of Human Services (OKDHS); the actions taken by the district attorney; judicial proceedings; and the rulings of the court, as authorized by 10 O.S., Section 7005-1.9, D and E (below).

Authorization

Title 10A, Section 1-6-105, B, D and E, of the Oklahoma Statutes, states:

B. When a person responsible for a child has been charged by information or indictment with committing a crime resulting in the death or near death of the child, there shall be a presumption that the best interest of the public is served by public disclosure of certain information concerning:

1. The circumstances of the investigation of the death or near death of the child;
and

2. Any other investigations concerning that child, or other children while living in the same household, within:

a. three (3) years of the death or near-death, and

b. one (1) year after the death or near-death.

D. 1. At any time subsequent to seven (7) days after the date the person responsible for the child has been criminally charged, the Oklahoma Commission on Children and Youth shall, upon request, release certain information to the public within sixty (60) days of the request as follows:

a. a confirmation shall be provided by the Commission as to whether a report of suspected child abuse or neglect has been made concerning the alleged victim or other children while living in the same household and whether an investigation has begun,

b. confirmation shall be provided by the Commission as to whether previous reports of suspected child abuse or neglect have been made and the dates thereof, a summary of those previous reports, the dates and outcome of any

investigations or actions taken by the Department [OKDHS] and the Commission in response to any previous report of child abuse or neglect, and the specific recommendation made to the district attorney and any subsequent action taken by the district attorney,

c. the dates of any judicial proceedings prior to the death or near death of the child,

d. recommendations submitted by the Department [OKDHS] and the Commission shall be provided in writing including recommendations made at the hearing as they relate to custody or placement of a child, and

e. the rulings of the court.

2. Specific recommendations made by the Commission described in any progress reports of a pending case submitted to the court may be disclosed by the Commission.

E. Any disclosure of information pursuant to this section shall not identify or provide an identifying description of any complainant or reporter of child abuse or neglect, and shall not identify the name of the child victim's siblings or other children living in the same household, the parent or other person responsible for the child, or any other member of the household, other than the person criminally charged.

Identifiers:

Child's name: Atrinity Hasbell
Date of Birth: March 11, 2008
Date of Death: May 26, 2010

Alleged Perpetrator: Jessica Holmes

The Oklahoma Commission on Children and Youth did not become aware of this case until after Atrinity's death.

Summary of Actions Taken by the Department of Human Services, Action Taken by the District Attorney; Judicial Proceedings; and the Rulings of the Court:

The OJSO reviewed the OKDHS records regarding Atrinity that occurred prior to her death. The OKDHS documented four referrals regarding the child's family within the past three years.

Case History

First Report Received by the OKDHS Alleging Neglect/Abandonment (November 4, 2008), Lincoln County

The OKDHS received a report regarding eight-month-old Atrinity and her sixteen-year-old mother, and, Atrinity's seventeen-year-old maternal aunt. The report alleged that

the maternal grandmother of Atrinity left the family home on November 2, 2008 and did not tell the children where she was going or when she would return.

The OKDHS accepted the report as a Priority I investigation, with twenty-four hours to initiate contact with the alleged child victims. Those persons interviewed on November 4, 2008, by the OKDHS were the child victims, the parents of the victims and, two collateral witnesses.

The OKDHS documented contact with Atrinity and her mother on November 4, 2008, at their home. According to the documented interview, the worker observed Atrinity to be clean and appropriate for her age and size. The OKDHS also documented that Atrinity's mother denied the allegation and reported that the grandmother returned to the home on November 2, 2008, at approximately 10:30 p.m. The OKDHS further documented that the grandmother reported that she argued with her daughters on November 2, 2008, and that she left the home "early" and went to work and returned home the same night after her workday ended.

The OKDHS Report to the District Attorney documented a finding of Services Recommended.

[The following is a summary of the reports received by the OKDHS regarding the death incident. The reports are documented as they were received by the OKDHS and may not accurately reflect the incident.]

Second Report Received by the OKDHS Alleging Neglect/Child Death (May 26, 2010), Lincoln County

A report received by the OKDHS regarding two-year-old Atrinity that alleged Jessica Holmes did not deliver Atrinity inside the "Tendercare #1" day care. Allegedly, Ms. Holmes was employed by the "Tendercare #2" day care. According to the reporter, Ms. Holmes transported three children to the Tendercare #1 day care and delivered two of the children inside the center. Reportedly, Ms. Holmes unknowingly left Atrinity in the Tendercare #2 van from 8:00 a.m. through 3:00 p.m. Allegedly, when Ms. Holmes returned to the Tendercare #1 to pick-up the children, she was advised that Atrinity had not been delivered into the center. Ms. Holmes returned to the Tendercare #2 and found that Atrinity had died in the Tendercare #2 van.

The OKDHS accepted the report as a Priority I investigation, however; the referral was later Screened Out after it was determined that Atrinity died in Ms. Holmes personal vehicle. The OKDHS documented that it was determined that Ms. Holmes was a Person Responsible For Child (PRFC), and that her negligence did not occur as a child care employee.

Third Report Received by the OKDHS Alleging Neglect/Failure to Protect (May 27, 2010), Lincoln County

A report was received by the OKDHS regarding two-year-old Atrinity. Allegedly the mother of Atrinity asked her roommate, Jessica Holmes to “drop Atrinity off” at the “Tendercare Day care #2” along with Ms. Holmes two children. According to the reporter, Ms. Holmes “dropped off her two children” and completed an eight hour shift at the “Tendercare #1.” Allegedly, Ms. Holmes returned to the Tendercare #2 to pick-up the children, and was advised that Atrinity had not been delivered into the day care. Ms. Holmes returned to the “Tendercare #1 parking lot and found Atrinity dead in a van.”

The OKDHS accepted the report as a Priority II investigation, with seven days to contact the alleged child victim. The Recommendation for Disposition section of the OKDHS Referral Information Report also noted that Atrinity’s mother should be assessed for allegations of failure to protect.

The OKDHS documented a finding of Unsubstantiated-Services Recommended in reference to Atrinity’s mother. The OKDHS also documented that Ms. Holmes was drug tested on May 26, 2010.

Fourth Report Received by the OKDHS Alleging Neglect/Threat of Harm (May 27, 2010), Lincoln County

A report was received by the OKDHS regarding two children that were two years-old. Allegedly the mother of the children, Jessica Holmes took her children along with Atrinity to day care. Reportedly, Ms. Holmes delivered her two children into the day care but Atrinity was left in the backseat. According to the reporter, Ms. Holmes returned to the day care after her work day to pick-up all three children and was advised that Atrinity was not delivered into the day care that morning. The documentation found that Atrinity’s body was discovered in the van and that she was left in the van for approximately six hours and died.

The OKDHS accepted the report as a Priority I investigation, with twenty-four hours to contact the alleged child victims.

The OKDHS documented a finding of Unsubstantiated-Services Recommended. The OKDHS also documented that Ms. Holmes arranged a guardianship with her maternal aunt for the continued care of her children.

APPLICATION FOR WARRANT OF ARREST (June 1, 2010), Lincoln County

The application to the Lincoln County District Court for a WARRANT OF ARREST documented Ms. Holmes’s statement of account of the activities on the date that Atrinity died. According to the documentation, Ms. Holmes reported that she had two children and that Atrinity was an only child. Specifically, in regard to the death incident, Ms. Holmes stated that the morning of May 26, 2010, she and Atrinity’s mother put all three

of the children in the car seats contained in a van. Ms. Holmes's two children were placed in car seats directly behind the driver and front passenger seats. Atrinity was placed in a car seat on the third seat that was located behind the seat where the two other children were placed.

Ms. Holmes reported that she then transported Atrinity's mother and the children from Meeker to Shawnee. Ms. Holmes explained that the mother attended a GED class in Shawnee. Additional explanation by Ms. Holmes noted that she returned to Meeker and delivered her two children into a day care center. Further documentation found that Ms. Holmes then drove to another day care center where she was employed. The warrant application also documented that Ms. Holmes reported that she took a break from work at approximately 12:45 p.m. and that she "got in the van and drove to Bank 1st at about 1:20 p.m." In addition, Atrinity's mother arrived at Ms. Holmes's place of employment at approximately 1:30 p.m. According to the documentation, Ms. Holmes reported that at 3:30 p.m., both women "got in the van and drove to the day care to get the kids." Reportedly, Atrinity's mother went inside the center to retrieve the children. The mother returned to the van and stated that the center had reported that Atrinity was not inside. Ms. Holmes stated that she looked in the rearview mirror and saw Atrinity sitting in her car seat. In addition, Ms. Holmes reported that she had forgotten that Atrinity was in the van and that transporting Atrinity to day care was not part of her "regular routine." Further documentation found that Atrinity had been left in the van all day and that the windows had been "rolled-up" during that time. Also, documented were the temperatures on May 26, 2010, at 12:00 p.m. and 3:00 p.m., respectively. The National Weather Center had advised the Meeker Police Chief that the temperature in Shawnee was 88 degrees Fahrenheit at 12:00 p.m. and, 90 degrees Fahrenheit at 3:00 p.m.

Oklahoma Supreme Court Network (OSCN)

Information on the OSCN documented that on June 3, 2010, Jessica Holmes was charged and arrested for the offense of second degree manslaughter in the death of Atrinity Hasbell. In addition, Ms. Holmes was present at her initial appearance on June 29, 2010, and at her pre-preliminary hearing on August 3, 2010.