



OKLAHOMA DEPARTMENT OF HUMAN SERVICES

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To Whom It May Concern:

Legal Base for Disclosure of Confidential Information:

When a person responsible for a child (PRFC) has been criminally charged with a child's death or near death, Oklahoma State Statute, Title 10A Section 1-6-105, allows release of certain information within three (3) years of the child's death or near death that would otherwise be confidential. The following is a summary of the involvement of the Oklahoma Department of Human Services (OKDHS), Child Welfare (CW), regarding the child death or near death referenced below. Disclosure of the identity of reporters of abuse, parents or other persons responsible for the child, other than those criminally charged, is prohibited by law and is therefore not included in this summary.

Criminal Charges:

On June 10, 2011, Sean Devon Brooks was charged with First Degree Murder in Oklahoma County District Court in connection with the death of Serenity Deal, a child born May 12, 2006.

Child Death Investigation by OKDHS:

On June 4, 2011, the Oklahoma Department of Human Services was notified that a child, Serenity Deal, had been pronounced deceased at the home of her father, Sean Brooks. Sean Brooks reported Serenity had fallen in the shower and then became unresponsive. Serenity was observed to have several injuries to her body that were not consistent with a fall as Sean Brooks reported. The investigation in connection with Serenity's death is on-going.

Investigations and related Court Proceedings within three years of the Child Death or Near Death:

OKDHS had four referrals concerning Serenity Deal and her sibling in the three years preceding her death.

On June 25, 2009 (Referral 1), OKDHS received a referral alleging Serenity's biological mother was accused of sexually molesting a relative. It was reported Serenity was residing with her maternal grandparents at the time in Lincoln County, with her mother coming in and out of the home. The referral was assigned as an assessment. A plan was developed for Serenity's safety that kept her in the home of her maternal grandparents and required that all contact between Serenity and her mother be supervised. The grandparents indicated they would be seeking custody of Serenity and would keep her safe. The assessment was closed.

On August 19, 2009, to secure custody of Serenity, the maternal grandparents filed a petition in Lincoln County to adopt Serenity. Sean Brooks appeared at some proceedings involving the adoption petition. On February 18, 2010, the Court ruled that the maternal grandparent's petition to determine the child eligible for adoption without the consent of the natural father was overruled. The maternal grandparents appealed to the Oklahoma Supreme Court which upheld the trial court's order by May, 2011. On April 14, 2010, Sean Brooks petitioned the District Court of Lincoln County for the sole custody of Serenity. The petition was still pending on May 25, 2011.

On August 26, 2010 (Referral 2), OKDHS received a referral that Serenity and her sibling were having unsupervised contact with their mother and her live-in boyfriend, a registered sex offender and the father of Serenity's sibling. The referral was assigned as an investigation in Pottawatomie County where Serenity's mother then resided. It was found during the course of the investigation that Serenity was not being protected by her maternal grandparents and had several overnight unsupervised visits in the home of her mother and her boyfriend and had slept in the same bed with her mother and boyfriend during these visits. The overall finding of the investigation was Substantiated-Court Intervention Recommended. On August 27, 2010, Serenity's infant sibling was placed in Emergency DHS Custody in Pottawatomie County, the county of residence of Serenity's mother. After a second interview of Serenity, Serenity was placed in Emergency DHS Custody on September 9, 2010 in Lincoln County, the county of residence of her maternal grandparents who had physical custody. The second interview provided information that led to her removal. On September 10, 2010, a petition was filed in Pottawatomie County alleging both children were deprived due to an alleged threat of harm of being sexually abused and failure to protect. On September 13, 2010, an emergency custody hearing was held in Lincoln County. Sean Brooks attended the hearing. The Court left Serenity in OKDHS custody. On September 20, 2010, the Lincoln County Court dismissed the action due to the fact that a petition had been filed in Pottawatomie County District Court on September 10, 2010 alleging both children were deprived.

On October 6, 2010, an adjudicatory hearing was held in the deprived case in Pottawatomie County District Court on behalf of Serenity and her sibling. The attorney for the mother of both children requested a bench trial. The recommendation of OKDHS and the Assistant District Attorney was that Serenity be released from custody and placed in the home of her father, Sean Brooks. There was no objection to this recommendation by Serenity's attorney. Serenity's mother's attorney objected to changing custody and an objection was made on behalf of the maternal relatives based on their pending adoption appeal in the Oklahoma Supreme Court. The Court inquired of the mother's attorney as to whether or not he had any knowledge of "anything bad about Mr. Brooks," to which the mother's attorney replied "no." According to the transcript of the October 6, 2010 hearing, Sean Brooks was present at the hearing and indicated that he did not know that he was the father of Serenity until after a DNA test and thereafter he said that he had paid child support. A child support order had been entered on April 6, 2009 ordering the payment of child support including an arrearage and withholding of child support began in May, 2009. The Pottawatomie County Court did not order a change of custody for either Serenity or her sibling. So custody remained with OKDHS and Serenity was placed with a foster family in Lincoln County with visitation continuing between Sean Brooks and Serenity. The bench trial was set

for November 23, 2010. On November 23, 2010, the bench trial was continued to December 15, 2010. Sean Brooks appeared on November 23, 2010.

On December 15, 2010, a hearing to adjudicate both children deprived was held in Pottawatomie County District Court. Serenity's mother and Sean Brooks stipulated to the allegations in the deprived petition. The father of Serenity's sibling was not present and the sibling was adjudicated deprived as to the sibling's father by default. The Court found that the continuation of the children in the home of their mother was contrary to their welfare. The Court found that reasonable efforts had been made to prevent the need for removal of the children. The Court found that adjudication of the children was in their best interests and that it was in the best interests of the children that they be made wards of the Court. Serenity and her sibling were placed in the Temporary Custody of OKDHS and a dispositional hearing was scheduled for January 11, 2011.

On January 4, 2011 (Referral 3), OKDHS received a referral after Serenity returned from an unsupervised visit with Sean Brooks with a scratch and bruising to Serenity's face and bruising to her abdomen. The injuries were represented to have occurred when she was running out of the bathroom after taking a bath and ran into a door. Serenity was interviewed by an experienced child welfare worker and Serenity described this event as the cause for the scratch and bruising. The worker reported that the injuries appeared to be consistent with Serenity's explanation. The information was documented and based on the information furnished to them; the referral was screened out by the OKDHS Abuse and Neglect Hotline.

On January 21, 2011 (Referral 4), OKDHS received a referral that Serenity had again returned from an unsupervised visit with Sean Brooks and had extensive bruising to her face. The referral was assigned as an investigation. The investigation included an interview of Serenity conducted by an experienced worker. The documentation showed Serenity's insistence upon how the injuries occurred. Her explanation was clear and consistent. Even when another possible cause for her injuries was suggested, she explicitly rejected the reason and restated how she was hurt. When asked independently by a hospital social worker about how she was hurt, Serenity's story remained substantially unchanged although some of the exact details were nominally more precise. Later, her father's story independently recounted substantially the same events that on a Tuesday evening, Serenity was not feeling well. He took her in her pajamas to buy some soda. Upon their return to his apartment, as he got her out of her car seat and put her on his shoulders and while balancing the twelve can package of sodas, he dropped her on her head. Then, he said he kept her awake to observe her. He stated he did not take her to the doctor because Serenity's medical card was with the foster parent. Serenity and her father spent Wednesday and Thursday together. On Friday, she was returned to the foster parent who called the child welfare worker who immediately viewed the child and directed that she be taken to the doctor. Photographs were taken by medical personnel at the hospital on Friday (three days after the incident) and show bruises to Serenity's eye, her neck, behind her ear and her shoulder. Although medical personnel were consulted for the care of Serenity and included skeletal surveys, the medical report did not include a finding of abuse and was inconclusive as to any causes other than the cause expressed by Serenity. The hospital ER admission notes indicated that the admission diagnosis was "possible abuse," however, the triage assessment was checked "no" when asked whether abuse

or neglect existed. The doctor's notes indicated: "Medical decision making discussed with the caregiver. Discussed the findings on x-ray with caregiver, Discussed lab. Recommended not being sent back with biological parent until determination of cause and education. (Caretaker) Agrees." At the request of the child welfare worker, a full skeletal x-ray was completed. A CT scan was also completed. The examination was negative for any fractures.

Although the child welfare worker did not go to the hospital with the foster parent, the child welfare worker had two telephone conferences with the hospital social worker while the child was at the hospital to monitor the examination results. Visitation between Serenity and her father was immediately suspended. About three weeks later, a follow up interview of Serenity was conducted in which she disclosed that she had cried before going to visit her father the last two times. She indicated that she loves her dad and enjoys seeing him, but she has no friends at his house and no one to play with and spends much of the time coloring and watching television. Eventually, she indicated that the things she does not like are when her dad screams at her, spansks her, and makes her ride in the front seat with no seat belt on. Later, Sean Brooks was asked about these statements, he denied that he raised his voice, denied spanking Serenity and stated she uses her car seat.

In the course of the investigation the child welfare worker received information that did not ultimately affect the findings in the investigation, but created questions about the suitability of Sean Brooks to immediately parent Serenity. It was alleged that he did not visit his three children from a prior relationship and he had not seen them for four years. It was also alleged that he was a fast driver and received tickets for excessive speed. Concern was also expressed about his apparent failure to contact the foster parent after the second incident. This information was shared with the permanency planning child welfare workers in Pottawatomie County. A Family Functional Assessment was completed on February 23, 2011 with information provided solely by Sean Brooks. It was determined that day-to-day parenting was an area of concern. Consequently, the services recommended included parenting and comprehensive home based services.

The overall finding of the investigation was Unsubstantiated-Services Recommended and was closed on March 1, 2011. It was recommended that Sean Brooks complete parenting classes and cooperate with comprehensive home based services (CHBS). Since CHBS were one-on-one services, it was agreed that CHBS services should be adequate alone. CHBS services were provided in the home on April 15, April 26, May 3, May 19 and May 24, 2011. Further, Serenity visited her physician on April 4, 2011 with her foster parent and Sean Brooks attended the appointment. CHBS are services available statewide to assist families with reunification..

On February 16, 2011, a dispositional hearing was held in Pottawatomie County District Court after being continued from February 4, 2011 due to inclement weather. OKDHS submitted a Progress Report to the Court dated January 27, 2011 with information that there had been two accidents with injury to Serenity while in the care of her father. The Court was informed within the Progress Report that the child and her father's stories were consistent. Lincoln County child welfare staff suspended visits between Serenity and Sean Brooks pending the outcome of the investigation of the January 21, 2011 referral. However, the January 27, 2011 Progress Report to the Court

does not reflect the suspension of the visits and does not reflect that the investigation of the January 21, 2011 incident was not complete. Further, the February 16, 2011 court transcript of the hearing reflects that the Court was not informed of the suspension of visitation between Serenity and her father nor of the fact that the investigation was not complete. (The investigation's finding of unsubstantiated with services recommended was finalized on March 1, 2011 and was reported to the Court by OKDHS in its Progress Report filed for the May 25, 2011 permanency hearing.)

Also at the February 16, 2011 hearing, the transcripts indicate that the State (Assistant District Attorney) recommended the Individualized Service Plan be adopted as submitted by OKDHS to the Court. There were no objections to that recommendation by the parties present at the hearing, including the attorney for Sean Brooks and the attorney for Serenity and her sibling. The Individualized Service Plan was approved and adopted by the Court. The Court granted OKDHS permission to begin trial reunification of Serenity with her father, Sean Brooks. The Court found that reasonable efforts to reunify were not required as to the mother and biological father of the sibling. The Court also issued a stay on visitation between Serenity and her sibling with their mother. The permanency plan for Serenity was to return to her own home with her father, Sean Brooks, and the permanency plan for her sibling was adoption. According to the transcripts of the February 16, 2011 hearing the attorney for Sean Brooks stated that Sean Brooks was current on payment of child support as to Serenity and requested that any future child support duty be terminated and the Court approved that request, upon reunification.

On May 25, 2011, a permanency hearing was held in Pottawatomie County District Court. According to the Progress Report to the Court prepared May 19, 2011 by the OKDHS permanency planning child welfare worker, the current foster mother reported that each time Sean Brooks brought Serenity to the foster home after a visit Serenity wanted to stay with him. The Progress Report further stated that the CHBS worker indicated that everything was going well and that Serenity had several overnight visits with Sean Brooks prior to the reunification, which took place on May 11, 2011. According to the transcripts of the hearing, A Family Team Meeting was held on April 28, 2011 at the request of the maternal grandparents for the purpose of scheduling visitation between Serenity and her maternal grandparents. Upon inquiry of the Court, the attorney for the mother and maternal grandparents stated: "The father will engage in facilitating that visitation which will also involve contact with the other siblings. So I think we're headed in a positive direction." At the hearing, the State (Assistant District Attorney) recommended that Serenity remain in OKDHS custody placed in the home of her father, Sean Brooks. OKDHS recommended Serenity and her sibling remain in OKDHS custody and in their current placements, with Serenity having been placed with Sean Brooks in trial reunification on May 11, 2011, as granted at the previous hearing of February 16, 2011. There were no objections to the recommendations by any parties present at the hearing, including, the attorney for the children's grandparents, nor the attorney for Serenity and her sibling. The permanency plan approved by the Court for Serenity was reunification with her biological father, Sean Brooks, and the permanency plan for her sibling was adoption

Other investigations within one year after the Child Death or Near Death:

On July 1, 2011 OKDHS received a report with allegations of possible abuse or neglect as to a newborn sibling of Serenity Deal. The report was assigned as an investigation with allegations of Threat of Harm. An affidavit with information as to these allegations was presented to the Oklahoma County District Attorney's Office as well as to the Pottawatomie County District Attorney's Office requesting an emergency custody order for the newborn sibling. Oklahoma County District Attorney's Office deferred the request to Pottawatomie County due to the on-going deprived matter and the request to place the child in custody was declined by the Pottawatomie County District Attorney's Office. The investigation is on-going.

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