

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

Report Release Date: January 16, 2008

**Review of the Death of JaJuan Flowers
of LeFlore County, Oklahoma**

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

General Information

On October 30, 2007, the Office of Juvenile System Oversight (OJSO) received a request for a public report on the death of JaJuan Flowers. The child died on December 11, 2006. A criminal felony Second Degree Murder charge was filed on December 14, 2006, against the child's stepmother, Maria Torres-Vasquez. The Department of Human Services (DHS) had placed the child in a biological parent's home in LeFlore County, Oklahoma; however, the death occurred in Sebastian County, Arkansas. The following is a summary of the actions taken by the DHS; the actions taken by the district attorney's office; judicial proceedings; and the rulings of the court, as authorized by 10 O.S., Section 7005-1.9, D and E (below).

Authorization

Title 10, Section 7005-1.9, D and E, of the Oklahoma Statutes, states:

D. 1. At any time subsequent to seven (7) days, but no more than thirty (30) days, of 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 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 [DHS] 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 [DHS] 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:

Name of Child:	JaJuan Flowers
Date of Birth:	August 29, 2002
Child's Stepmother:	Maria Torres-Vasquez
Siblings:	Child 1, step-sibling, dob 4/14/96 Child 2, step-sibling, dob 12/14/00 Child 3, half-sibling, dob 2/7/01 Child 4, step-sibling, dob 1/1/02 Child 5, step-sibling, dob 1/27/03 Child 6, half-sibling, dob 6/3/05 Child 7, half-sibling, dob 6/3/05 Child 8, step-sibling, dob unknown

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

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

The OJSO reviewed the child welfare history on the family that occurred prior to the child's death. The DHS documented two referrals regarding the child's family.

Referral 1 (November 13, 2002)

The first referral received by the DHS regarding the family alleged a half-sibling [Child 3] to JaJuan had been injured while in the care of the children's biological mother. The reporter stated that the twenty-one-month-old child [Child 3], who had bruises on the right side of the face, the ear, and on the head above the ear, had been transported to a hospital emergency room in Oklahoma by a relative. The DHS documented that Child 3 had bruising to the left side of the face, from the "temple area down the side of [the] cheek." The DHS documentation stated that the child also had a "puffy upper lip" and three small bruises on the back of the leg. According to documentation, JaJuan and Child 3 lived with their biological mother in Arkansas. The children had come to Oklahoma to stay with a relative at the time Child 3's injuries were treated.

The referral was assigned as a Priority I for investigation. The DHS documented that the DHS worker observed Child 3 and then two-month-old JaJuan at the hospital on November 15, 2002. According to DHS documentation, the biological mother and several collaterals had stated that the child did not sustain the bruises while in the mother's care or in the mother's home but while in the care of Maria Torres, a friend of the mother's. The DHS made a confirmed finding of physical abuse. The DHS documented that the identity of the alleged perpetrator was unknown. In addition, DHS documented that the Oklahoma worker had spoken to Torres, who confirmed that three of the child's injuries had occurred while the children were in her home. The DHS made a confirmed finding of Failure to Protect as to Child 3 and a confirmed finding of Threat of Harm as to JaJuan.

Emergency custody order (November 15, 2002)

JaJuan and Child 3 were placed into emergency custody in Sequoyah County, Oklahoma, pursuant to a verbal order by a judge, on November 15, 2002.

Medical report (November 15, 2002)

A medical doctor at the hospital where Child 3 was treated documented that the child had suffered a contusion to the face and head, as a result of child abuse.

Protective custody order (November 18, 2002)

The Sequoyah County court issued an order on November 18, 2002, to place JaJuan and Child 3 into Oklahoma DHS protective custody. The two children were placed into foster care.

Show Cause hearing (November 22, 2002)

A Show Cause hearing was held on November 22, 2002. The judge issued an order for both children to remain in Oklahoma DHS custody.

Deprived petition (December 3, 2002)

The Sequoyah County District Attorney filed a petition on December 3, 2002, to adjudicate JaJuan and Child 3 as deprived.

Amended Petition (December 6, 2002)

The Sequoyah County District Attorney filed an amended petition on December 6, 2002, to correct a scrivener's error in the original petition.

Adjudication hearing (December 16, 2002)

The adjudication hearing was continued to February 12, 2003, as the biological mother did not have an attorney to represent her in court.

DHS case contact note (January 3, 2003)

The DHS documented in the contact note that the DHS had been notified that JaJuan and Child 3's biological mother had given birth to another child.

Kinship placement (January 17, 2003)

JaJuan and Child 3 were placed into kinship foster care.

Court Minute (February 7, 2003)

A court hearing that was previously set for February 12, 2003, was rescheduled for February 24, 2003.

Adjudication hearing (February 24, 2003)

A court hearing was held on February 24, 2003. JaJuan and Child 3 were adjudicated Deprived as to the biological mother. According to DHS documentation, neither of the children's fathers attended the adjudication hearing.

Initial treatment plan for the biological mother (February 24, 2003)

The DHS developed an initial treatment plan for the biological mother. The signatures of the biological mother, child welfare worker, and child welfare supervisor on the treatment plan were dated as having been signed on February 24, 2003. Neither of the children's fathers was listed as a participant of the initial treatment plan.

Dispositional hearing (March 27, 2003)

DHS records reflected a dispositional hearing was held on March 27, 2003. The DHS KIDS case file did not document any information regarding the dispositional hearing.

Foster care placement (June 23, 2003)

JaJuan and Child 3 were temporarily placed into foster care, because the kinship foster parent relocated.

DHS permanency planning review (PPR) (July 28, 2003)

Documentation in the DHS case file indicated the PPR form was incomplete.

Kinship foster care placement (July 30, 2003)

The kinship foster care relative returned to Oklahoma. JaJuan and Child 3 were returned to the relative's home.

DHS case contact note (August 13, 2003)

The DHS documented in the contact note that the biological mother provided the DHS with her certificate of completion regarding parenting classes, a requirement of her treatment plan, and that she requested placement of JaJuan and Child 3 in Arkansas through the Interstate Compact on the Placement of Children (ICPC) [an agreement between the states regarding the placement of a child from one state into another state].

Court review hearing (September 24, 2003)

A review hearing was held on September 24, 2003. The Journal Entry of Review reflected that the children were to remain in DHS custody, with placement in the relative's home. The DHS KIDS case file did not document any information regarding the hearing.

DHS Report to the Court (September 24, 2003)

The DHS's report to the court stated that a visit between JaJuan and his biological father had taken place. The DHS documented in the court report that the biological father had not visited the child for approximately two months, prior to the visit.

DHS case contact note (December 2, 2003)

The DHS documented in the contact note that the DHS had been informed the biological mother had plans to move. The contact note stated that the ICPC request was to be put on hold.

Court review hearing (December 16, 2003)

A review hearing was held on December 16, 2003. According to the Journal Entry of Review, neither of the children's fathers attended the review hearing. Custody of Child 3 and JaJuan remained with the DHS, with placement in kinship foster care.

DHS case contact note (January 28, 2004)

The DHS documented in the contact note that the DHS had been informed that the biological mother had agreed to the adoption of JaJuan by a relative in Oklahoma. [JaJuan and Child 3 were living in the relative's home.] The contact note stated that the ICPC request by the biological mother would remain on hold until after the termination of the mother's parental rights to JaJuan.

DHS permanency planning review (January 28, 2004)

Documentation in the DHS case file indicated the PPR form was incomplete.

DHS case contact note (February 13, 2004)

The DHS documented in the contact note that the biological mother had contacted the DHS by telephone. According to documentation, the mother told the DHS that she wanted to relinquish her parental rights to JaJuan.

Court hearing regarding termination of parental rights (February 24, 2004)

A court hearing was held on February 24, 2004. The biological mother relinquished her parental rights to JaJuan. The court accepted the relinquishment. According to DHS KIDS documentation, the mother requested that JaJuan be placed with the relative in Oklahoma.

ICPC Request (March 3, 2004)

The DHS documentation on form ADM-59 indicated that the DHS in Oklahoma (sending state) submitted an ICPC request to the DHS in Arkansas (receiving state) for an out-of-state placement of Child 3 with the biological mother in Arkansas.

Court review hearing (March 16, 2004)

A review hearing was held on March 16, 2004. The DHS documented that neither the biological mother, nor the biological fathers of JaJuan and Child 3, attended the hearing. Custody of Child 3 and JaJuan remained with the DHS, and the court recommended that the children stay in the current kinship foster home.

ICPC home study (April 8, 2004)

The Arkansas DHS completed a home study on the biological mother's home in Arkansas, in response to the Oklahoma DHS's request for an out-of-state placement. The Arkansas DHS denied the request to accept responsibility of the ICPC placement of the child with the mother in Arkansas. According to documentation, the Arkansas DHS had previously terminated the biological mother's parental rights to one of her other children because of her non-compliance with the Arkansas DHS requirements.

Additional reasons the request was denied were the lack of income and inadequate housing by the biological mother. Documentation indicated the biological mother was unemployed, and the only income for the family was from child support received on another child who lived in the home. The mother had rented her apartment for only three months, and the payments of the utility services were provided through a program of the U.S. Department of Housing and Urban Development (HUD). In addition, the apartment had insufficient square footage for an additional child. Documentation stated that the DHS in Arkansas had yet to receive the results of the criminal record background checks requested through the criminal and central registries.

Petition to terminate parental rights (June 28, 2004)

The Sequoyah County District Attorney filed a petition on June 28, 2004, to terminate the parental rights of JaJuan's biological father.

DHS case contact note (July 7, 2004)

The DHS documented in the contact note that a meeting was held on July 7, 2004, to discuss the adoption of JaJuan.

Court hearing (July 22, 2004)

A hearing regarding the termination of the parental rights of JaJuan's biological father was held on July 22, 2004. The district attorney's office requested, and was granted, a continuance of the termination hearing until August 12, 2004. The DHS KIDS case file did not document any information regarding the hearing.

DHS case contact note (July 27, 2004)

The DHS documented in the contact note that the DHS permanency planning for JaJuan and Child 3 was for a relative in Oklahoma to adopt both children.

Motion for Continuance (August 12, 2004)

A Motion for Continuance was granted from August 21, 2004, until September 21, 2004, regarding the hearing for termination of the parental rights of JaJuan's biological father.

DHS case contact note (August 19, 2004)

The DHS documented in the contact note the concern of the relative in Oklahoma who planned to adopt the children. The relative had expressed concern about the biological parents deciding not to allow JaJuan to be adopted.

Treatment plan (September 14, 2004)

The DHS developed a treatment plan to address permanency planning for JaJuan and Child 3.

Court hearing (September 21, 2004)

The Sequoyah County District Attorney filed an amended petition to terminate the parental rights of the biological mother and the biological fathers of JaJuan and Child 3. All three parents requested jury trials.

DHS case contact note (October 6, 2004)

The DHS documented in the contact note that a detective in Arkansas had informed the DHS in Oklahoma that JaJuan's biological father had been arrested for domestic violence of his girlfriend. Reportedly, the girlfriend told Arkansas law enforcement that her boyfriend [JaJuan's biological father] had threatened to kill JaJuan's Oklahoma child welfare worker.

DHS case contact note (October 6, 2004)

The DHS documented in the contact note that the child welfare worker advised that JaJuan's biological father was not a legal citizen of the United States. Documentation stated that the worker was advised to contact Immigration and Naturalization Services (INS).

Arkansas law enforcement report (October 12, 2004)

The Arkansas law enforcement report stated that a woman had reported that her ex-boyfriend [JaJuan's biological father] had threatened to kill JaJuan's Oklahoma DHS worker. The woman provided law enforcement with the name of the DHS worker.

Court hearing (October 25, 2004)

A hearing was held on October 25, 2004, regarding termination of the parental rights of JaJuan's biological father. The termination case was to be reset upon application. The date for the review and permanency hearing was set by the court for December 21, 2004.

DHS case contact note (December 7, 2004)

The DHS documented in the contact note that the DHS had been unsuccessful in their attempts for visitation between JaJuan and his biological father. The contact note stated that termination of the parental rights of JaJuan's biological father had been requested.

Treatment plan (December 15, 2004)

The DHS developed another treatment plan to address permanency planning for JaJuan and Child 3. Adoption was listed as the goal in the treatment plan.

Court review hearing (December 21, 2004)

A review hearing was held on December 21, 2004. The Sequoyah County court issued an order for JaJuan's father to pay child support. Custody of JaJuan and Child 3 remained with the DHS. According to DHS KIDS system documentation, termination of the parental rights of JaJuan's biological father was still planned. The court did not issue an order for DHS to develop treatment plans for the biological fathers of JaJuan and Child 3.

DHS case contact note (January 20, 2005)

The DHS documented in the contact note that a permanency planning review was held on January 20, 2005. According to DHS documentation, the goals of permanency planning for JaJuan and Child 3 were the termination of the parental rights and adoption.

DHS case contact note (February 1, 2005)

The DHS documented in the contact note that the jury trial regarding the termination of the parental rights of JaJuan's father was rescheduled for February 2005.

DHS case contact note (February 23, 2005)

The DHS documented in the contact note that the biological mother had called and advised the DHS that her attorney had informed her that the court had not ordered visitation to halt between her and the two children [JaJuan and Child 3].

DHS case contact note (March 2, 2005)

The contact note documented that the DHS had discussed the option of open adoption with the relative in Oklahoma. According to the documentation, the relative approved of an open adoption.

DHS case contact note (April 27, 2005)

The DHS documented in the contact note there had been no visitation between JaJuan and his biological father. Documentation stated that the relative in Oklahoma was upset because of the setbacks in the case to terminate the parental rights of JaJuan's biological father. According to the documentation, the district attorney was to file a new petition with the court to terminate the parental rights of the biological father.

DHS case contact note (May 6, 2005)

The DHS documented in the contact note that the biological mother had called the DHS to request visitation with her children. According to the documentation, the mother stated she had completed her treatment plan and the children should be returned to her home.

The DHS also documented that the mother did not want the relative in Oklahoma to adopt her children because of the relative's alleged lifestyle.

DHS case contact note (May 25, 2005)

The contact note stated that the relative had told the DHS that JaJuan's father had ceased visitations with JaJuan on his own. According to the documentation, the jury trial was scheduled for August 29, 2005, regarding the termination of the parental rights of JaJuan's father.

DHS case contact note (June 23, 2005)

The contact note stated that the relative in Oklahoma wanted to move to Arkansas.

DHS permanency planning review (July 25, 2005)

Documentation in the DHS case file indicated the PPR form was incomplete.

Amended petition regarding termination of parental rights (August 16, 2005)

The district attorney's office amended the petition to request termination of the parental rights of JaJuan's biological father.

DHS case contact note (September 22, 2005)

The DHS documented in the contact note that the termination trial regarding JaJuan's biological father was rescheduled for October 2005.

DHS case contact note (January 13, 2006)

The DHS documented in the contact note that the jury trial regarding the termination of parental rights of JaJuan's biological father was scheduled for February 6, 2006.

DHS case contact note (January 18, 2006)

The contact note documented that a meeting was held to review the permanency planning for JaJuan. The contact note also documented that the jury trial may be held up, because the biological fathers of JaJuan and Child 3 had not been provided with treatment plans.

Amended petition regarding termination of parental rights (January 23, 2006)

The attorney for the relative in Oklahoma filed an application to amend the petition regarding the termination of the parental rights of JaJuan's biological father. The amended petition was to grant permission to proceed with the adoption without the biological father's consent. The grounds for the request were that JaJuan's biological

father had not provided financial support in the past and he had not visited with the child for a year.

Treatment plan (February 1, 2006)

The DHS KIDS system documented that DHS developed a treatment plan for JaJuan's biological father.

Court review hearing (February 21, 2006)

A review hearing was held on February 21, 2006. The DHS provided the court with the treatment plan for JaJuan's biological father for approval. A court order was issued for an individualized service plan for the biological father and Maria Torres and to provide for visitation with JaJuan. [Maria Torres, whose name was now Maria Torres-Vasquez, became JaJuan's stepmother when JaJuan's father and Torres married.] DHS records reflected that the biological father and Torres-Vasquez were given ninety days to complete the requirements of the individualized service plan.

DHS case contact note (February 22, 2006)

The DHS documented in the contact note that Torres-Vasquez contacted the DHS to schedule visitation with JaJuan.

DHS case contact note (February 23, 2006)

The contact note stated that JaJuan was to begin visits with his biological father.

Treatment Plan (February 24, 2006)

The DHS sent a copy of the treatment plan regarding Child 3 to the biological father.

DHS case contact note (March 17, 2006)

The DHS documented in the contact note that the relative in Oklahoma had called the DHS and left a voicemail stating he/she had decided to discontinue the adoption process because he/she "can't do this anymore." According to documentation, the relative planned to move by the end of the month and would be bringing JaJuan and Child 3 to the DHS office on March 31, 2006, to leave them.

DHS case contact note (March 31, 2006)

The DHS documented in the contact note that the children were placed in a foster home on March 31, 2006.

DHS case contact note (March 31, 2006)

The DHS documented in the case note that the relative was “very emotional and cried” throughout the interview. According to the documentation, the relative told the DHS that the adoption should have been completed a long time ago and that he/she “can’t believe this happened.” The documentation stated that the relative asked if the worker “had gotten in trouble for all of this.” The DHS documented that the relative was advised that the DHS “does the best we can and the issues with the fathers wasn’t [sic] such a big deal until last year.” The DHS documented that the relative was told in the interview by a child welfare supervisor that she “knows that the system has let (the relative) down and for that we are very sorry.” According to documentation, the child welfare supervisor also told the relative that JaJuan’s biological father had asked about placement of Child 3 in his home, also. The DHS documented that the relative expressed satisfaction in knowing that the children would not be separated.

DHS case contact note (April 3, 2006)

The DHS documented in the contact note that the worker advised the children’s biological mother that she had not completed the requirements of her treatment plan and that the results of her home study did not allow placement of the children in her home. According to documentation, the biological mother stated that the relative in Oklahoma had been living in Arkansas and brought the children to her [biological mother’s] home for visitation on weekends. The DHS documented that the biological mother stated that she had developed a relationship with Child 3 and wanted the child returned to her home. In addition, the DHS documented that the biological mother stated that the relative had said she would return Child 3 to the biological mother’s home if the biological mother relinquished her parental rights to JaJuan.

DHS case contact note (April 10, 2006)

DHS documented in the contact note that the foster mother had reported that visits between JaJuan and his biological father had been occurring since February 23, 2006. Documentation stated that the upcoming visit would be extended because JaJuan would be out of school. According to the documentation, the worker had requested an ICPC study to be conducted on the biological father’s home, and if the home was approved, then JaJuan and Child 3 would be placed with JaJuan’s biological father in Arkansas. The DHS also documented that Child 3 might need to repeat Pre-K because the child had fallen behind in schoolwork.

DHS permanency planning review (April 14, 2006)

The DHS documented a permanency planning review on this date, but no other documentation was found to support what happened.

PARB report (April 27, 2006)

The goals listed in the PARB report for the children were for Child 3 to be adopted and JaJuan to return home.

DHS case contact note (May 1, 2006)

The DHS documented in the contact note that visits had been occurring between JaJuan and his biological father since February 23, 2006, and that visits were occurring every Friday.

DHS case contact note (May 2, 2006)

The DHS documented that the PARB review board's recommendation regarding the case was for the DHS to pursue ICPC placement of both children with the biological father. The DHS also documented that a request would be made to the district attorney's office to petition the court for the termination of parental rights of the biological mother and the biological father of Sibling 3.

Court review hearing (May 16, 2006)

A review hearing was held on May 16, 2006. According to DHS documentation, the process was to continue towards terminating the parental rights of the biological mother as to Child 3. The permanency planning for the children was placement of JaJuan with his biological father and adoption for Child 3. Documentation stated that the biological mother had not successfully completed her treatment plan nor corrected the conditions that had caused the children to be removed from her home. According to documentation, DHS had previously developed an individualized service plan for JaJuan's biological father. DHS records reflected the dispositional hearing regarding the biological father of Child 3 was scheduled for June 20, 2006, and the review hearing regarding the biological father of JaJuan was scheduled for July 18, 2006.

ICPC home study (May 23, 2006)

The DHS documented that the foster care home study conducted for placement of Child 3 in the home of JaJuan's biological father and Torres-Vasquez was not approved. The basis for the denial was that they had been married for less than two years, the biological father had been arrested for Domestic Battery in Arkansas in 2004, and the biological father did not have a social security number, and, therefore, a nationwide criminal record background check could not be obtained. In addition, seven children lived in their home at the time of the home study. Other reasons for not approving the placement were that the biological father was unemployed and had been for more than a year and his illegal citizenship status made for an unstable home environment.

E-mail (June 1, 2006)

An e-mail between child welfare staff stated that JaJuan's biological father had an illegal citizenship status. The worker wrote, "Problem: The biological father is (nationality named) and does not have a resident card or a social security number. He and his wife are willing to move to Oklahoma in order to keep this [sic] children together. Question: What can be done to help this man meet the requirements to be a non-relative kinship placement for (Child 3). Step by step instructions would be appreciated. I am sure there are many things needing to be done."

DHS case contact note (July 7, 2006)

The contact note stated that JaJuan and Child 3 had been in DHS custody since November 15, 2002, and that the children had never lived in separate homes. According to documentation, DHS had planned to proceed for termination of the parental rights of JaJuan's biological father, but the termination proceedings had been delayed because the DHS had not developed a treatment plan for the biological father. The DHS documented that once the treatment plan was developed, however, the biological father and Torres-Vasquez, the stepmother of JaJuan, completed the plan in five weeks. Documentation stated that the Arkansas DHS had denied the placement of the children with the biological father in Arkansas, due to the illegal citizenship status and the number of children already residing in the home.

The documentation stated that the next court hearing was scheduled for July 18, 2006, and that the Oklahoma DHS planned to request the placement of Child 3 in the biological father's home, as well. Documentation stated that the worker had been advised by DHS State Office administration to proceed with the placement of the children in the biological father's home, as long as the illegal citizenship status did not affect JaJuan's placement in the home. A statement in the contact note stated, "Think it can be done but may require legals [DHS Legal Division] input."

Court review hearing (July 18, 2006)

A review hearing was held on July 18, 2006. According to documentation, DHS planned to proceed with placement of JaJuan in the home of his biological father and Torres-Vasquez and the adoption of Child 3 by JaJuan's biological father, because the biological father was working his treatment plan. Documentation indicated that the DHS submitted to the court the individualized service plan.

DHS permanency planning review (July 26, 2006)

Documentation in the case file indicated the PPR form was incomplete.

DHS case contact note (August 10, 2006)

DHS documented in the contact note that the foster mother was having trouble with the two children's behaviors. Reportedly, when she placed them in timeout, they screamed and cried. The DHS documented that Arkansas DHS did not approve the ICPC home study to place the children in the biological father's home in Arkansas.

Dispositional hearing (August 15, 2006)

A dispositional hearing was held on August 15, 2006, regarding the biological father of Child 3. Custody of Child 3 and JaJuan remained with the DHS. The court adopted the DHS treatment plan for Child 3's biological father.

DHS case contact note (August 16, 2006)

The DHS documented in the contact note that Child 3's biological father visited the DHS to discuss his child's case. According to DHS documentation, the biological father asked what had happened in court the previous day. The father stated that he knew he was to attend the court hearing. The DHS documented that the worker advised the biological father that the judge had given him three months to complete the treatment plan that DHS had developed for him. According to documentation, the biological father told the worker that he had "a lot going on right now" and that he did not have a parent-child relationship with Child 3. The DHS documented that the biological father apologized and stated that he did not plan to seek reunification with Child 3. The biological father was thanked for letting the DHS know of his intentions.

Journal Entry of Review and Permanency (August 25, 2006)

The court record regarding the May 16, 2006, review hearing stated that the court found that "custody of (JaJuan and Child 3) should remain with the Department of Human Services and recommends placement as currently placed with DHS supervision." The court record further stated that JaJuan's biological father had completed his treatment plan and that JaJuan was to be placed with his biological father, "with DHS supervision, upon ICPC approval."

Journal Entry of Review and Permanency (August 25, 2006)

The court record regarding the July 18, 2006, review hearing stated that the court found that "custody of (JaJuan and Child 3) should remain with the Department of Human Services and recommends placement as currently placed with DHS supervision."

DHS case contact note (August 28, 2006)

The DHS documented in the contact note that the Oklahoma DHS Legal Division was consulted on December 12, 2006 [sic], regarding placement of Child 3 in the home of JaJuan's biological father. Documentation indicated that the worker explained to the

legal division that with the placement of JaJuan and Child 3, nine children would be living in the home. According to the documentation, the legal division advised that there was no legal limit on the number of children to be placed into the home and that the court could grant permission for JaJuan's biological father to adopt Child 3 "under the circumstances."

DHS case contact note (August 30, 2006)

The DHS documented in the contact note that the children seemed to be excited about going to live with JaJuan's biological father and that visitation was occurring every Friday. The documentation stated that the ICPC request for placement of the children in the biological father's home in Arkansas had been denied. According to documentation, the biological father and Torrez-Vasquez moved to a town in LeFlore County, Oklahoma, so that the children could be placed with them.

Placement of the children (September 1, 2006)

DHS placed JaJuan in trial reunification with his biological father on September 1, 2006, in the father's home in LeFlore County, Oklahoma. Child 3 was also placed in the home. The DHS KIDS placement screen did not document the placement of Child 3 from September 1, 2006, until December 12, 2006.

PARB report (September 9, 2006)

The PARB recommendations in the report were reunification of JaJuan with his biological father and adoption of Child 3 by JaJuan's biological father.

DHS case contact note (September 15, 2006)

The DHS documented in the contact note that the Oklahoma DHS worker visited JaJuan and Child 3 in the biological father's home in LeFlore County, Oklahoma. The DHS also documented that the children were still adjusting to the placement and that Torres-Vasquez stated that she had put the children in time-out.

DHS case contact note (October 13, 2006)

The DHS documented in the contact note that a call was received from the relative in Oklahoma who had previously attempted to adopt the children. The relative asked for visitation with the children, but the request was denied. According to documentation, the DHS told the relative that the children were still trying to adjust to their new placement.

DHS case contact note (October 13, 2006)

The DHS documented in the contact note that Torrez-Vasquez had advised the DHS that the children were put in time-out for misbehaving.

DHS case contact note (November 14, 2006)

The DHS documented that PARB recommended that JaJuan and Child 3 remain in the home of JaJuan's biological father and Torres-Vasquez and that the biological father and stepmother obtain custody of JaJuan and guardianship of Child 3.

Court Review and Permanency hearing (November 21, 2006)

A review and permanency hearing was held on November 21, 2006. According to documentation, "after review of the report submitted by the DHS, the court finds that custody of (JaJuan and Child 3) should remain with Department of Human Services and recommends placement of JaJuan with his father with DHS supervision and Child 3 shall remain in DHS custody and as currently placed [in foster care] with DHS supervision."

DHS case contact note (November 28, 2006)

The DHS documented in the contact note that the worker attempted to visit JaJuan and Child 3 in the biological father and Torres-Vasquez's home in LeFlore County, Oklahoma, but that no one was there.

Referral 2 (December 11, 2006)

The DHS received a second referral on December 11, 2006, reporting that JaJuan had been taken to a hospital emergency room. Reportedly, the child had stopped breathing and shaken baby syndrome was suspected. The child was possibly going to be life-flighted to a hospital in Arkansas.

The referral was assigned as a Priority I for investigation. The worker documented two failed attempts to make contact with Child 3. According to documentation, one of the failed attempts was to make contact with Child 3 at a police department in LeFlore County, Oklahoma, the county where the children had lived with the biological father and Torres-Vasquez. The other was a failed attempt to make face-to-face contact with Child 3 at the hospital. DHS documented that JaJuan died of blunt force trauma to the head, with clotting, on December 11, 2006. According to documentation, Arkansas DHS began to conduct an investigation, because of the death occurring in Arkansas. The DHS documented that after the incident, Torres-Vasquez made arrangements for the other children to go to Texas. Child 1, Child 2, Child 4, and Child 5 [step-siblings to JaJuan] and Child 6 and Child 7 [half-siblings to JaJuan] all were interviewed in Texas on December 12, 2006. Oklahoma DHS documented that an assistant district attorney advised the Oklahoma DHS not to interview the parents as the Oklahoma State Bureau of Investigation had become involved in the case. The DHS did not list the children's biological mother as a person to contact on the investigation. The assistant district attorney advised the DHS that since the incident occurred in Arkansas, all of the children, except for Child 3, who was in Oklahoma DHS custody, were under the jurisdiction of Arkansas DHS. The DHS made a finding of Confirmed-Services Recommended to

Threat of Harm regarding Child 3 as to the biological father and Torres-Vasquez. The worker recommended that Child 3 remain in Oklahoma DHS custody.

DHS case contact note (December 12, 2006)

The DHS documented in the contact note that the Oklahoma DHS contacted Arkansas law enforcement to explain Oklahoma DHS's custody of Child 3. The Oklahoma DHS facsimiled a copy of the custody order, with the addresses of two locations where Child 3 could be found. The DHS documented that the Arkansas law enforcement stated they would attempt to locate the child and return a call to Oklahoma DHS.

DHS e-mail (December 12, 2006)

In a DHS e-mail from DHS county child welfare staff to DHS State Office staff, the county staff wrote that Arkansas law enforcement had reported that there was an hour span before Torres-Vasquez transported JaJuan to the hospital emergency room after the incident occurred. In addition, the email stated: Eight other children were living in the home. One of the eight, Child 3, was in Oklahoma DHS custody. The judge had granted custody of JaJuan to his biological father on November 21, 2006, with DHS retaining supervision. The night JaJuan was taken to the hospital emergency room, Torres-Vasquez fled with the eight children to Texas. LeFlore County DHS had contacted and was coordinating with Texas Child Protective Services for the return of the children to Oklahoma. The biological father was cooperating with law enforcement. Oklahoma DHS received information that Torres-Vasquez had turned herself into Arkansas law enforcement on the morning of December 12, 2006. Torres-Vasquez told Arkansas law enforcement that the incident regarding JaJuan had occurred in Arkansas. Oklahoma DHS contacted the school in LeFlore County, Oklahoma, where the children were to be attending. DHS was advised the children were checked out of school on November 27, 2006, and enrolled in a school in Arkansas. The DHS contacted the school in Arkansas, which stated that the family had given an Arkansas address. The family maintained a residence in Oklahoma, as well.

DHS e-mail (December 12, 2006)

An e-mail from State Office staff to the county child welfare staff and the Child Welfare Field Liaison (CWFL) stated: The DHS believed that the family still lived in Oklahoma. It was learned that the family moved to Arkansas without advising the permanency planning worker. The court had granted Oklahoma DHS supervision of JaJuan, who died in Arkansas. Sibling 3, who was in DHS custody, was picked up by DHS child welfare staff on December 12, 2006.

DHS case contact note (December 12, 2006)

The DHS documented in the contact note that the worker met with JaJuan's biological father. According to the documentation, the father "then started crying for approximately 2 mins. [minutes] continuing to say that he had worked so hard to get his son and now

he's gone. Stated to worker that he told the police he would never let anything happen to his son because he worked for three years to get him."

DHS e-mail (December 12, 2006)

An e-mail from county child welfare staff to DHS State Office staff and the CWFL stated that the judge had granted custody of JaJuan to his biological father on November 21, 2006, with DHS retaining supervision.

DHS case contact note (December 12, 2006)

The DHS documented in the contact note that the biological mother stated to the DHS worker that she had told the worker not to place JaJuan and Child 3 with the biological father and Torres-Vasquez. The worker documented that she told the biological mother that she [biological mother] had never said that to the worker. The worker also documented that she informed the biological mother that she [biological mother] had relinquished her parental rights to JaJuan and that placement of the child would not have been her decision to make. DHS documented that the biological mother "started blaming DHS for everything." According to documentation, the worker told the biological mother that "they were not going to rehash everything since Arkansas denied her for placement of the children and she relinquished her rights on JaJuan."

DHS case contact note (December 12, 2006)

The DHS documented in the contact note that a DHS supervisor contacted Torres-Vasquez, who stated she would take Child 3 to a gas station in a town [a different town than where the family had lived] in LeFlore County to return the child to Oklahoma DHS. The supervisor made arrangements for the worker to meet Torres-Vasquez to make the exchange.

E-mail (December 14, 2006)

The e-mail from the child welfare supervisor to the CWFL stated: "I never entered (Child 3) in a placement, just was on a visit until the guardianship." According to the email, Child 3's placement with the biological father and Torres-Vasquez was not entered into the DHS KIDS system, because the child was on a visit at the home until guardianship of the child was granted to JaJuan's biological father and Torres-Vasquez.

DHS case contact note (December 29, 2006)

The DHS documented in the contact note that the relative, who had lived in Oklahoma, called the DHS. According to documentation, the relative did not have money to move back to Oklahoma, and the relative believed that Arkansas DHS would not allow placement of Child 3 because of his/her lifestyle. The DHS told the relative to inquire of the Arkansas DHS as to whether Child 3 could be placed in his/her home.

Letter (January 12, 2007)

The DHS sent a letter to the relative, who had lived in Oklahoma, inquiring whether he/she was staying in Arkansas or moving to Oklahoma.

DHS case contact note (January 17, 2007)

The DHS documented in the contact note that the relative contacted the DHS to advise he/she might be moving to Oklahoma. DHS documentation indicated that the relative was advised it was unknown how long the process would be regarding the termination of parental rights of Child 3's biological parents. The DHS also documented that the DHS discussed with the relative regarding he/she moving to Arkansas without the DHS's knowledge and approval, and that the last three or four times the worker attempted to make home visits when the children lived with the relative, the relative made excuses and did not want the worker to visit.

DHS case contact note (January 19, 2007)

The DHS documented in the contact note that the DHS had advised the relative, who had lived in Oklahoma, that Child 3's other relatives were being considered for placement of the child.

DHS case contact note (January 31, 2007)

The DHS documented in the contact note that the biological mother called and wanted Child 3 placed with her. According to DHS documentation, the biological mother told the DHS that she did not know why placement could not be with her, explaining that she had given birth three years earlier to another child, who had remained in her care, and that she had stayed the night several times with Child 3.

Subpoena (February 2, 2007)

The DHS received a subpoena from Sebastian County, Arkansas, requesting the court appearance of an Oklahoma DHS worker.

DHS case contact note (February 12, 2007)

The DHS documented in the contact note that a meeting was held to review the permanency planning for Child 3. According to documentation, there was a discussion regarding the biological father of Child 3 relinquishing his parental rights to the child. Documentation indicated that a supervisor advised staff that visitation between Child 3 and the biological mother could be scheduled.

DHS case contact note (February 14, 2007)

The DHS documented in the contact note that the DHS contacted a DHS supervisor in Sebastian County, Arkansas, regarding the biological mother's child welfare history in Arkansas. The Oklahoma DHS was advised that the mother's parental rights to an older child had been terminated. In addition, the Arkansas DHS advised that its office had received two unsubstantiated reports alleging the biological mother cooked methamphetamine.

DHS case contact note (February 16, 2007)

The DHS documented that the relative who had lived in Oklahoma contacted the DHS to inquire why her visits with Child 3 were supervised and the biological mother's visits were unsupervised.

Court review hearing (February 23, 2007)

A review hearing was held on February 23, 2007. The court determined to hold a re-dispositional hearing and to work with the mother once again regarding reunification of Child 3 and the mother. A re-dispositional hearing was scheduled for March 21, 2006, to determine if the ruling of efforts to reunite the child with the biological mother could be set aside and a new home study be requested.

Individualized service plan (February 23, 2007)

The DHS developed an individualized service plan for Child 3, the biological mother, and the biological father of Child 3.

Court hearing (February 28, 2007)

A hearing was held on February 28, 2007, regarding the termination of the parental rights of Child 3's biological father. The father and his court-appointed attorney attended the hearing. The father announced to the court that he did not wish to relinquish his rights to Child 3. The hearing was continued to April 25, 2007.

Dispositional hearing (March 21, 2007)

A re-dispositional hearing was held on March 21, 2007, to determine if all efforts had been exhausted regarding reunification of Child 3 with the biological mother. The court issued an order for DHS to develop a new treatment plan for the biological mother.

DHS case contact note (April 3, 2007)

The DHS documented in the contact note that the relative who had lived in Oklahoma had not visited the child for two months.

DHS court review hearing (April 25, 2007)

A review hearing was held on April 25, 2007. The father of Child 3 was found in non-compliance of the previously ordered treatment plan, and the review hearing was set for August 15, 2007.

DHS case contact note (April 27, 2007)

The DHS documented in the contact note that a court hearing was held on April 25, 2007. A request was made to terminate the parental rights of Child 3's biological father.

DHS case contact note (May 1, 2007)

The DHS documented in the contact note that PARB recommended the termination of the parental rights of Child 3's biological father.

DHS case contact note (May 4, 2007)

The DHS documented in the contact note that DHS sent an ICPC request for a home study to Arkansas regarding approval of the child's placement in Arkansas with the biological mother.

ICPC home study (June 14, 2007)

The Arkansas DHS did not approve the home study for placement of Child 3 into the biological mother's home in Arkansas. The reasons for denial were that the mother's parental rights to another child were terminated less than five years earlier in Arkansas and the biological mother was listed on the Arkansas criminal and central registries for several counts of Failure to Protect and Neglect. The Arkansas DHS advised that the State of Arkansas would close out its interest in the case.

DHS case contact note (June 21, 2007)

The DHS documented in the contact note that the biological mother's home study for placement of Child 3 in her home had not been approved in Arkansas, due to her past child welfare history.

DHS case contact note (June 28, 2007)

The DHS documented in the contact note that the relative, who had lived in Oklahoma, had advised that he/she would attempt placement of Child 3 in the home through Arkansas DHS. The DHS documented that a visit between the relative and Child 3 had occurred.

DHS case contact note (July 9, 2007)

The DHS documented in the contact note that the relative had advised that he/she planned to attend foster care orientation in Sebastian County, Arkansas, on July 10, 2007.

Court review hearing (July 18, 2007)

A review hearing was held on July 18, 2007. According to documentation, the court planned for reunification of the biological mother and Child 3.

Court review hearing (August 15, 2007)

A review hearing was held on August 15, 2007. Custody of Child 3 remained with the DHS, and placement with DHS supervision. The next review hearing was set for November 14, 2007.