



## OKLAHOMA DEPARTMENT OF HUMAN SERVICES

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To Whom It May Concern:

When a person responsible for a child has been criminally charged with the child's death, Oklahoma State Statute, Title 10, § 7005-1.9, allows release of certain information that would otherwise be confidential. The following information is a summary of the involvement of the Oklahoma Department of Human Services (OKDHS), Child Welfare (CW), with Olivia Scroggins, a child who was born on September 11, 2005 and died on August 20, 2007. Disclosure of the identity of reporters of abuse, siblings or other children in the home, 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.

On August 20, 2007, OKDHS CW received a report that 23-month-old Olivia had been pronounced deceased after being brought into a hospital emergency room. At that time Olivia was observed to have a head injury, multiple bruises all over her body, and vaginal tearing and bleeding.

On August 30, 2007, Kerry Joe Smith was charged, in the District Court of Oklahoma County, with First Degree Murder of Olivia. Mr. Smith is charged with causing Olivia's death by striking her head repeatedly, inflicting mortal wounds. Mr. Smith is the live-in boyfriend of Wendy Denise Scroggins, Olivia's mother. Also on August 30, 2007, Ms. Scroggins was charged with Permitting Child Abuse by Mr. Smith.

An OKDHS CW investigation into the death of Olivia is in pending status at this time. A younger sibling living in the home was placed in the custody of OKDHS on August 20, 2007.

*The following details the prior report and CW investigation of alleged abuse and neglect involving the victim, Olivia Scroggins, and a sibling who was living in the same household at the time of her death.*

On August 16, 2007, at 10:29 a.m., OKDHS received a report stating that Olivia had previously had a black swollen eye and a round red bite mark on her cheek, that the home where Ms. Scroggins and her children were living was not good, and that Ms. Scroggins appeared to be doing drugs. The report further stated that Olivia screamed when Ms. Scroggins came to pick her up, that Ms. Scroggins had previously not known

the whereabouts of Olivia for four days, and that Olivia had changed since Ms. Scroggins began dating a man named Kerry.

On August 16, 2007 at 2:30 p.m. the assigned CW worker's supervisor attempted to make a visit to the home where Olivia was reportedly living. Upon entry to the yard a dog was observed near the door to the house. The CW supervisor could not determine if the dog was chained or not and could not get anyone to come to the door.

A second attempt to visit the home was made by the assigned CW worker on August 16, 2007 at 7:19 p.m. Upon arrival, Olivia, Ms. Scroggins, and a dog were outside the house. A nine-month-old was observed, lying on a couch, through the glass screen door.

During the visit, the CW worker requested and Ms. Scroggins voluntarily undressed both children. Olivia was observed to have old scars on her legs, one old scar on her left arm, and a circular mark on her left cheek. Ms. Scroggins explained that the facial mark was from her (Ms. Scroggins) sucking on Olivia's face as this is how she kisses Olivia. The worker did not observe a black eye but Ms. Scroggins stated that Olivia previously did have a black eye from jumping on a bed, losing her balance, and falling onto the edge of the bed.

The CW worker observed both children and Ms. Scroggins to be healthy and clean. Olivia was limited verbally due to her age but said "hello", "belt", "dog" and "bye" during the visit. Both Olivia and the nine-month-old sibling appeared developmentally normal for their ages.

The CW worker was shown through the three bedroom home by Ms. Scroggins. The living room contained a couch, love seat, a bar bell, and TV. One bedroom contained toys, a few clothes on the floor and a bed where both children slept. Ms. Scroggins bedroom contained a bed and clothes. The third bedroom contained a toddler bed. The kitchen contained food cooking on the stove, a working refrigerator, counters and sink free of dirty dishes, and an appropriate amount of food in the cabinets. The dining area/laundry area was empty. The bathroom was fairly clean and no debris or dirt was observed in the bath tub, toilet, or counter.

The CW worker attempted to speak with Mr. Smith but was informed by Ms. Scroggins that he had gone to the store to get the sick dog some medicine. The CW worker left a contact telephone number with Ms. Scroggins and requested that Mr. Smith make contact when he arrived home.

Another adult living the home was interviewed briefly and stated that neither Mr. Smith nor Ms. Scroggins hit the children.

This investigation was in pending status when OKDHS received the August 20, 2007, report of Olivia's death.