

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

Report Release Date: January 7, 2009

**Review of the Death of Trinity Hiser
of Rogers County, Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the Rogers County and Kay County Departments of Human Services; Actions Taken by the Rogers County District Attorney; and Dates and Summary of Judicial Proceedings and Rulings of the Rogers County Court

General Information

On September 8, 2008, the Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the death of Trinity Hiser. The two-month-old child had died on September 6, 2008. On September 17, 2008, a felony Manslaughter II charge was filed against Kristi Hiser, the biological mother of Trinity. The following is a summary of the actions taken by the Oklahoma 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, B, D, and E (below).

Authorization

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

B. In cases involving the death or near death of a child when a person responsible for the 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 will be served by public disclosure of certain information concerning the circumstances of the investigation of the death or near death of the child and any other investigations within three (3) years of the death or near-death and one (1) year after the death or near-death concerning that child, or other children while living in the same household.

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: Trinity Hiser
Date of Birth: July 15, 2008

Alleged Perpetrator: Kristi Hiser

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

The OJSO reviewed the OKDHS child welfare case history on the family prior to and including the death of Trinity Hiser and the Oklahoma Supreme Court Network system (OSCN) documentation regarding family history prior to and including the time of the death of Trinity.

The OKDHS documented receiving two referrals related to Trinity. The OSCN documented four court records related to Trinity.

Referral 1 (April 7, 2006)

The Kay County Department of Human Services (DHS) received a referral regarding a sibling and the mother, Kristi Hiser. (Trinity Hiser was not yet born; Trinity and her sibling have different biological fathers.) Allegedly, the biological mother “drank like a fish” and was not taking care of the three-week-old infant who was ill. In addition, Hiser would allegedly not bathe the baby, change the baby’s soiled diapers, nor feed or hold the baby. When the baby cried, Hiser yelled at the baby and told the baby to “shut up”. Hiser would put pillows over her ears so she could not hear the infant cry. Reportedly, Hiser suffered from mental illness and had not been taking medications for her stated mental illness. The reporter stated that Hiser had previously said that she wished she had never had the baby. Allegedly, Hiser had used crack cocaine during the first four months of her pregnancy. Reportedly, Hiser and the infant were homeless but were staying with a maternal relative. On the day of the referral, Hiser had reportedly left the home with the baby in the stroller and walked out in the rain.

The referral was assigned as a Priority II investigation to be initiated within five days of assignment. According to OKDHS documentation, the Kay County DHS initiated the investigation within three days of assignment. The OKDHS attempted to observe the sibling at the maternal relative’s home. The worker documented that the baby appeared happy and healthy with no bruises or concerning marks on the baby’s body. According to OKDHS documentation, the worker observed the maternal relative feed the baby and did not note any concerns. The OKDHS Report to the District Attorney documented that the Kay County DHS completed an investigation regarding the family and the allegations noted in the referral. The worker documented that during the investigation interviews were conducted with the baby’s maternal relative, the maternal relative’s spouse (a non-biological relative to the baby), and their attorney. The OKDHS also documented that two other maternal relatives were interviewed.

The worker documented that the maternal relative who was taking care of the baby stated that Hiser would do drugs and would return home intoxicated. The maternal relative also stated that Hiser had stated she wished that she had never had the baby

and would yell at the baby to “shut-up”. According to OKDHS documentation, the maternal relative and the maternal relative’s spouse feared Hiser would grab the baby and walk out in the middle of the night with the baby, so the maternal relative and spouse moved the baby’s crib into their bedroom. The OKDHS also documented that the maternal relative had filed for emergency custody of the baby and had given Hiser a few weeks to find a job or Hiser would have to move out of the maternal relative’s home.

The maternal relative’s spouse reported later to the OKDHS that Hiser had not returned to the home for two weeks and the maternal relative’s spouse suspected that Hiser had moved to a metropolitan area in Oklahoma and was living with another relative. According to OKDHS documentation, the maternal relative and spouse had maintained telephone contact with Hiser and had requested that Hiser contact the OKDHS worker, but that Hiser had refused their request. Reportedly, Hiser also refused their request that she attend the civil court permanent custody hearing for the baby scheduled on May 4, 2006. According to a documented interview with the maternal relative’s spouse, Hiser had drunk beer every night while she stayed in their home. The maternal relative’s spouse further relayed a story in which Hiser broke into their home.

The interview with the maternal relatives’ attorney documented that an Order to Obtain Emergency Guardianship for the baby had been filed. The relatives interviewed did not note any concerns regarding the care that had been provided to the baby by the maternal relative and the maternal relative’s spouse.

The Summary/Recommendation section of the OKDHS Report to the District Attorney documented that the maternal relative and the maternal relative’s spouse were appointed as temporary legal guardians of the baby on April 13, 2006, and were scheduled to return to court on May 4, 2006. Reportedly, the maternal relative and spouse hoped to obtain legal guardianship of the baby. This section of the Report to the District Attorney documented that the worker attempted to contact Hiser by mail on several occasions with no response.

The finding of the OKDHS investigation was Failure to Cooperate by Hiser.

Referral 2 (September 6, 2008)

The Rogers County DHS office received a referral regarding Trinity’s death. Allegedly, Hiser had been drinking beer and had placed Trinity next to her on the floor at bedtime. Hiser allegedly rolled over on top of Trinity causing Trinity’s death.

The referral was assigned as a Priority I investigation to be initiated within 24 hours. The Rogers County DHS office initiated the investigation within approximately three hours of assignment. The Rogers County child welfare staff made contact with Hiser at the Claremore Police Department. Hiser reported that she had been living with one of

her siblings and had been kicked out of the sibling's home approximately one and one-half weeks ago. She and Trinity had been living with a friend since that time. Regarding Trinity's death, Hiser reported that she, Trinity, Hiser's friend, and the friend's child had traveled from Claremore to Tulsa to attend a party. Hiser started drinking beer between 5:00 p.m. and 6:00 p.m. At approximately 8:45 p.m., Hiser took Trinity to a babysitter. Hiser estimated that she drank 20 cans of beer during the evening. At approximately 1:30 a.m., Hiser returned to the babysitter's home and retrieved Trinity.

According to law enforcement documentation, Hiser and Trinity, along with Hiser's friend and the friend's child, returned to the friend's home in Claremore between 2:00 a.m. and 3:00 a.m. Hiser then placed Trinity beside her on a pallet on the floor. At approximately 7:45 a.m., Hiser's friend pushed Hiser off of Trinity and discovered that Trinity was not breathing.

Criminal Felony Charge Filed (September 17, 2008)

A criminal felony charge of Manslaughter, Second Degree, was filed on September 17, 2008, against Kristi Hiser. As of September 25, 2008, Hiser was awaiting trial in the Rogers County Jail with bond set at \$100,000. The preliminary hearing was scheduled for November 12, 2008; on that date, the preliminary hearing was rescheduled for February 18, 2009.