

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

Report Release Date: July 28, 2011

**Review of the Death of Christian A. Norris
of Washington County, Oklahoma**

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

General Information

The Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the death of three-year-old Christian A. Norris. A 911 call was received that reported Christian A. Norris was in route to a local hospital unresponsive. The child suffered severe trauma. He later died of alleged physical abuse by the mother's boyfriend Joshua Benton. A Criminal Felony First Degree Murder charge was filed in Washington County District Court on December 9, 2010, against the mother's boyfriend.

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: Christian A. Norris
Date of Birth: June 18, 2007
Date of Death: December 7, 2010

Alleged Perpetrator: Joshua Robert Benton, biological mother's boyfriend

Sibling 1 six-year-old
Sibling 2 four-year-old
Sibling 3 Newborn child

The Oklahoma Commission on Children and Youth (OCCY) did not become aware of this case until after the death of Christian A. Norris.

The OCCY reviewed the OKDHS records regarding Christian Norris that occurred prior to his death. The OKDHS documented two reports which alleged abuse/neglect of Christian within the past three years. The OKDHS documented two reports which alleged abuse/neglect after Christian's death.

Case History

First Report to the OKDHS Alleging Abuse/Neglect (December 7, 2010)

The first report was received on December 7, 2010, at 3:05 p.m. Reportedly, the OKDHS was advised that three-year-old Christian Norris was in route to a local hospital and was not responsive.

The OKDHS screened out the report as a duplicate report.

Second Report to the OKDHS Alleging Abuse/Neglect (December 7, 2010)

The second report was received by OKDHS on December 7, 2010, at 3:30 p.m. Reportedly, Christian had been ill and vomited the previous night. The report documented he was finally able to keep juice down in his stomach. Christian and his mother took a nap in the mother's bed. The mother's boyfriend who was a jailer for the sheriff's office came home and went to sleep on the couch in the living room. Reportedly, the mother's boyfriend Joshua woke up and checked on the mother and Christian. Joshua observed a small trail of blood from Christian's mouth. Joshua turned Christian over and vomit came out of his mouth. It was documented at that time it was believed that Christian asphyxiated on his own vomit.

The OKDHS accepted this report as a Priority I investigation. The OKDHS made timely contact with the victim, siblings, mother, and biological father. The OKDHS documented that while the mother was at the store Christian Norris and Sibling 2 were left in the care of her live-in boyfriend Joshua Benton.

The OKDHS made a finding of Substantiated - Services Recommended on allegations of Physical Abuse against Joshua Benton. The OKDHS made a finding of Unsubstantiated as to Neglect as Christian's mother for Failure to Protect. The OKDHS documented that a Safety Plan was created for Christian's two remaining siblings to reside with a relative as a result of the death of Christian. The OKDHS documented Christian's mother was agreeable and able to protect the children from the alleged perpetrator. The mother later moved in with her children and the relative. The OKDHS recommended that the family receive counseling to address grief and loss issues.

Child Death (December 7, 2010)

Christian Norris died on December 7, 2010, from injuries he suffered.

Felony Charges Filed (December 9, 2010)

Joshua Robert Benton was charged on December 9, 2010, in Washington County District Court with Criminal Felony Murder in the First Degree related to the death of Christian A. Norris.

Third Report to the OKDHS Alleging Abuse/Neglect (April 20, 2011)

On April 20, 2011, the OKDHS received the third report at 8:35 a.m. Reportedly, OKDHS was notified that the biological mother gave birth to a healthy baby on April 18, 2011. Reportedly, the baby weighed over eight pounds. The baby was born at home through a mid-wife and had been scheduled for a well-baby check. The mother's child, Christian Norris, died December 7, 2010, and the mother's live-in boyfriend, Joshua Benton, had been arrested and charged with Felony First Degree Murder and was awaiting trial. Joshua Benton was the alleged father of the newborn baby. The Medical Examiner report remained pending on Christian's death. Christian's back was reportedly broken. The mother had since sought counseling services for Christian's two siblings.

The OKDHS accepted this report as a Priority I investigation. The OKDHS made timely contact with the victim, siblings, mother, and biological father. The biological father refused to speak with OKDHS. The OKDHS made a finding of Unsubstantiated-Services Recommended. The OKDHS determined that Christian's mother was very appropriate with the newborn baby and was providing adequate care. The OKDHS verified that she continued to follow the Safety Plan and she and the children continued to live with the relative. The OKDHS also verified that the family continued to attend Counseling.

Report of Autopsy (May 26, 2011)

On May 26, 2011, the State Medical Examiner's office made a finding of Probable Cause of Death as Complications of Lumbar Spine Fracture due to Blunt Force Trauma. The manner of death was classified as Homicide. The report by the Medical Examiner's office in part stated:

This 3 year old boy (DOB: June 18, 2007) was found unresponsive in bed by his mother. He was transported to [a metropolitan hospital] where he was pronounced dead following resuscitation efforts on December 7, 2010 at 1507 hours. He had reportedly been sick on and off with flu-like systems for the past week. He reportedly had fevers and vomiting and was unable to hold anything down.

Medical Examiner Opinion

Death of this child was due to complications of a lumbar spine fracture. Subsequent to this examination, it was revealed that a boyfriend had confessed to hyperextending the child's back while in the bathtub the day before the death. This is consistent with the injury seen at autopsy. The manner of death is classified as homicide.

Fourth Report to the OKDHS Alleging Abuse/Neglect (May 31, 2011)

On May 31, 2011, the OKDHS received the fourth report at 7:11 p.m. Reportedly, OKDHS was notified that Christian's mother brought a four-year-old child; (sibling II) into the emergency room and the child was extremely malnourished. This was the fifth time

the child had been in the emergency room this year. The child weighed 24.5 pounds and was 43 inches tall. The child's blood sugar was 41 and the child was placed on an IV. Reportedly, the child had not eaten in two days and had been vomiting intermittently for approximately two months. The child also had a high white blood cell count.

The OKDHS accepted the report as a Priority I report. The OKDHS made timely contact with the victim, siblings, mother, and an attempted contact with the biological father who refused to be interviewed. The OKDHS consulted with many doctors and determined the child was being cared for appropriately and had an infection that had been causing the illness. The OKDHS documented the child's weight was 35 pounds. The OKDHS made a finding of Ruled Out.