

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

Report Release Date: March 4, 2010

**Review of the Near Death of Justin Rawls
of Oklahoma County, Oklahoma**

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

General Information

On January 27, 2010, the Office of Juvenile System Oversight (OJSO) received an inquiry regarding the near death of Justin Rawls, a seven-week-old infant who was taken in critical condition to a metropolitan hospital by ambulance. Three criminal felony charges of Child Abuse were filed on January 22, 2010, against Kord Rawls, the child's father. One charge of Enabling Child Abuse was filed on January 22, 2010, against Izsabeau Basaldua, the child's mother. 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 10A O.S., Section 1-6-105, B, D, and E (previously numbered as 10 O.S., Section 7005-1.9) below.

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: Justin Rawls

Age at time of incident: 7 weeks old

Alleged Perpetrators: Kord Rawls
Izsabeau Basaldua

Sibling: Child 2
Age at time of incident: Three years old

The Oklahoma Commission on Children and Youth (OCCY) became aware of this case on January 27, 2010, through the news media. On February 24, 2010, the OJSO received a request to prepare a public release report.

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:

[Title 10A, Section 1-6-105, B, of the Oklahoma Statutes, authorizes disclosure of information concerning the circumstances of the investigation of a child's near death within three years of the near death; therefore, the information provided below is within the three-year time period.]

First Report Alleging Abuse/Neglect Received by the OKDHS (October 17, 2009)

The OKDHS received the first report regarding Child 2 on October 17, 2009. The report documented that while law enforcement was serving an arrest warrant on a suspect at Child 2's home, allegedly marijuana was being smoked in the home. The report further documented that there were small children in the home, but that Child 2's parents were not arrested. The OKDHS documented being informed, "Kord Rawls was smoking marijuana but his wife was not." The OKDHS requested a police report.

The OKDHS screened-out the report. The OKDHS documented: "Not Child Abuse/Neglect" and "Due [to] the mother not using any substances and appeared to have the ability to protect and care for the children this is not abuse or neglect."

Second Report Alleging Abuse/Neglect Received by the OKDHS (January 20, 2010)

The OKDHS received a second report on January 20, 2010, regarding Child 2 and seven-week-old Justin. The family was living in a motel. The OKDHS report documented that on January 17, 2010, Justin's right eye was blackened and swollen shut and he had bruises behind his ears. The reporter stated that the children's father had said that he had squeezed Justin to get him to be quiet. Child 2 also had a black eye. The reporter stated that the children's father had said that he had hit Child 2 in the face. The reporter stated that the children's mother was told to take the children to an emergency room, but that the mother had declined to take the children to the hospital.

The OKDHS documented that the children's father displayed violent behavior and that there was domestic violence in the home. Four-year-old Child 2 could not talk, ate very little and usually ate only potato chips, and had been seen with many black eyes in the past. The child's parents said that the black eyes had occurred when the child had fallen or had run into a wall.

The OKDHS accepted the report as a Priority I investigation. The OKDHS documented interviewing the children's parents and twelve collateral witnesses and conducting visual observations of both children. The OKDHS documented that Justin had a skull fracture and approximately sixteen old and new fractures on his arms, legs, and ribs area. Child 2 was observed to have a small bruise on the left cheek, a bruise near the tailbone, and "a healing softball sized bruise on (the) right butt cheek".

The OKDHS overall finding was Substantiated-Court Intervention Recommended. The OKDHS recommended that the district attorney's office request a Heinous and Shocking finding as well as a request for immediate termination of parental rights as to both parents.

Third Report Alleging Abuse/Neglect Received by the OKDHS (January 28, 2010)

The OKDHS received a third report regarding Justin and Child 2 on January 28, 2010. The OKDHS documented that the children's father was arrested for physically abusing and leaving bruises on both children. The OKDHS also documented that the children's mother was arrested for enabling child abuse of the children.

The OKDHS screened-out this report as duplication.

Protective Custody (January 20, 2010)

A law enforcement report documented that Justin and Child 2 were placed in protective custody on January 20, 2010.

Charges Filed (January 22, 2010)

The district attorney's office filed three counts of criminal Child Abuse against Kord Rawls on January 22, 2010. A criminal charge of Enabling Child Abuse was filed against Izsabeau Basaldua on January 22, 2010.

Tribal Foster Home Placement (January 25, 2010)

Justin and Child 2 were placed in a tribal foster home, in accordance with the Indian Child Welfare Act.

Emergency Custody Hearings (January 22, 2010, and February 4, 2010)

The first emergency hearing regarding custody of Justin and Child 2 was held on January 22, 2010; the hearing was ruled a default hearing as both parents were incarcerated. The second emergency hearing regarding custody of Justin and Child 2 was held on February 4, 2010. OKDHS documentation indicated that the petition was handed out and that Indian Child Welfare representation was present at the hearing.

