

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

Report Release Date: February 2, 2012

**Review of the Near-Death of Olivia McDonald
of Wagoner and Tulsa County, Oklahoma**

General Information

On September 22, 2011, the Office of Juvenile System Oversight (OJSO) was alerted to the near-death of Olivia McDonald. A report was made that one-year-old Olivia McDonald and her two-year-old sibling were placed into protective custody on July 14, 2011, following a near-drowning incident. A Criminal Felony Child Neglect charge was filed in Tulsa County District Court on August 15, 2011, against the biological mother Allie Frazier.

The following is a summary of the actions taken by the Oklahoma Department of Human Services (OKDHS); the dates and outcome of investigations and actions taken by the OKDHS; the actions taken by the district attorney; the dates and summary of judicial proceedings; and the rulings of the court, as authorized by 10A O.S. Section 1-6-105 (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.

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: Olivia Grace McDonald

Date of Birth: July 6, 2010

Date of Near-Death: July 14, 2011

Alleged Perpetrator: Allie L. Frazier, biological mother

Sibling 1: two-year-old

The Oklahoma Commission on Children and Youth (OCCY) did not become aware of this case until after the near-death of Olivia McDonald.

Case History

First Report to the OKDHS Alleging Abuse/Neglect (July 16, 2010)

The first report was received on July 16, 2010, in Wagoner County. Reportedly, Allie Frazier gave birth to a baby girl, Olivia McDonald on July 6, 2010. Olivia McDonald tested positive for Methadone.

The OKDHS accepted the report as a Priority II Assessment to be initiated within five days. The OKDHS made contact with the family on July 20, 2010. The family and collaterals all denied drug use. The parents were currently living with relatives. Reportedly, neither parent was working at that time. The OKDHS documented all the children were safe and closed the case.

Second Report to the OKDHS Alleging Abuse/Neglect (December 19, 2010)

The second report was received by Wagoner County OKDHS on December 19, 2010. Reportedly, the mother left six-month-old Olivia McDonald and her one-and-a-half-year-old sibling in the car for approximately fifteen minutes while she was inside a local business. The mother then went outside and brought the children back into the business. The one-and-a-half-year-old was observed to have a black eye that was swollen shut. The child also had four to five bruises on the child's forehead. The police were notified.

The OKDHS accepted this report as a Priority II investigation to be initiated within two days. On December 20, 2010, the OKDHS went to the home and the occupant of the residence stated Ms. Frazier and the children no longer lived in the home. Reportedly, he did not know of another address for the family. The worker contacted a friend and the family's OKDHS family support worker who both were unable to give another address for the family. The OKDHS closed the case and made a finding of Unable to Locate on December 22, 2010.

Third Report to the OKDHS Alleging Abuse/Neglect (July 14, 2011)

On July 14, 2011, Tulsa County OKDHS received the third report. Reportedly, OKDHS was notified that Olivia McDonald and her sibling were taken into Protective Police Custody following a near-drowning incident. The mother, Allie Frazier, was allegedly high on Methamphetamine.

The OKDHS made timely contact on July 14, 2011. The OKDHS made a finding of Substantiated Court Intervention on Lack of Supervision and Near-Death on the biological mother Allie Frazier. The OKDHS made a finding of Substantiated Court Intervention on Failure to Protect against the alleged father, biological mother, and paternal grandmother. The mother admitted to drug use two days prior. She stated she was cooling the children off in the tub due to the air conditioner going out and went to get a diaper and clothes for the children. Reportedly, when she came back, Olivia was under water. She attempted CPR and called 911. The alleged father was in jail. The baby was hospitalized in a metro hospital. The two-year-old was placed into OKDHS custody and put into Kinship Foster Care.

Show Cause Hearing (July 19, 2011), Tulsa County

The court made a finding that the Indian Child Welfare Act (ICWA) applied to the case. The show cause hearing was continued until July 26, 2011.

Show Cause Hearing (July 26, 2011), Tulsa County

The Assistant District Attorney filed a deprived petition on behalf of the children. The Adjudication hearing was set for August 15, 2011.

Adjudication Hearing (August 15, 2011), Tulsa County

The court continued the Adjudication hearing until October 10, 2011. The alleged father was ordered to complete paternity testing.

Felony Charges Filed (August 15, 2011), Tulsa County

Allie Frazier was charged on August 15, 2011, in Tulsa County District Court with Criminal Felony Child Neglect related to the near-death of Olivia McDonald.

Paternity Testing ordered (September 9, 2011), Tulsa County

The court ordered genetic testing of the alleged biological father.

Kinship Placement (October 15, 2011)

Olivia McDonald was discharged from a metro hospital on October 15, 2011. She was placed in a kinship foster home where an in-home nurse was provided for her care.

Adjudicatory Hearing (November 14, 2011), Tulsa County

The mother was present from David L. Moss with her attorney. Her attorney requested a non-jury trial for Adjudication. The court recognized the mother back for non-jury trial on January 10, 2012. The father was present from David L. Moss. The paternity test proved him to be the natural father of Olivia McDonald. He stipulated to the deprived petition. He was recognized back for dispositional hearing on December 19, 2011. A representative from Cherokee Nation was also present for the hearing.

Dispositional Hearing (December 19, 2011) Tulsa County

A dispositional hearing was held on December 19, 2011, and the Individual Service Plan (ISP) for the parents was adopted. Olivia and her sibling remained in OKDHS custody.