

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

Report Release Date: October 9, 2007

**Review of the Near Death of Ariyanna Wade
of Cleveland County, Oklahoma**

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

General Information

On September 27, 2007, the Office of Juvenile System Oversight (OJSO) received a request for a public report regarding the near death of the child, Ariyanna Wade. The near death incident occurred on August 19, 2007. On September 27, 2007, one count of injury of minor child (child abuse) was filed against Chase A. Mueller, the mother's boyfriend. A warrant for arrest was issued the same day. The following is a summary of the actions taken by the Department of Human Services (DHS); 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, D and E (below).

Authorization

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

D. 1. At any time subsequent to seven (7) days, but no more than thirty (30) days, of 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 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 [DHS] 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 [DHS] 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: Ariyanna Wade
Age at time of incident: Three months old

Mother:
Mother's Boyfriend: Chase A. Mueller
Half Sibling: Age at time of incident: Three years old

The Oklahoma Commission on Children and Youth did not become aware of this case until after the child's near death incident.

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

The OJSO reviewed the DHS child welfare case history on the family prior to and including the child's near death incident. The DHS documentation included seven referrals regarding the family. The DHS documentation also included a juvenile court case record on Ariyanna and her sibling.

February 23, 2005
First Referral to DHS

The DHS received a referral regarding the mother and the sibling prior to Ariyanna's birth. The DHS allegations included:

- The mother was using marijuana and crystal methamphetamine in her home while the sibling was present in the home.
- The mother was selling marijuana and crystal methamphetamine from her home.
- The mother's boyfriend [putative father to Ariyanna] was also using and selling to the mother.

The referral was assigned as a Priority II investigation to be initiated within seven days.

February 25, 2005
DHS Initiation of the First Referral and Sibling Removal

The DHS coordinated with a local law enforcement agency and initiated the investigation within two days of assignment of the investigation. The DHS and law enforcement made contact with the mother at her home. According to the DHS Report to the District Attorney, the mother consented to a search at the request of the local law enforcement agency. The officers "found approximately one pound of marijuana, two small baggies of crystal methamphetamine, approximately four marijuana and methamphetamine pipes and other drug paraphernalia (scales and baggies) consistent with selling drugs. The majority, if not all, of the items removed from the home were found in the locations easily accessible by the 15-month old [sibling]. Further, two of the pipes and a marijuana stem were found in the [sibling's] bedroom." The same day, a Temporary Emergency Custody Order was issued on behalf of the sibling and the child was placed in the custody of the Department of Human Services.

March 1, 2005
Emergency Show Cause Hearing

A Show Cause hearing was held on behalf of the sibling and the child remained in the custody of the DHS.

March 3, 2005
Charges Filed Against Mother

The DHS Report to the District Attorney documented charges were filed against the mother. The charges included:

- Count 1: "Possession of marijuana with intent within 2000 feet of a park"
- Count 2: "No tax stamp"
- Count 3: "Possession of CDS"
- Count 4: "Maintaining Dwelling"
- Count 5: "Possession of Paraphernalia"

March 4, 2005

Warrant Issued Against Mother, DHS Closed Investigation, and District Attorney's Office Filed a Deprived Petition

A warrant was issued for the mother of the sibling regarding the above charges.

The DHS completed the investigation for the first referral and made a finding of Confirmed-Court Intervention Requested and the DHS requested that a deprived petition be filed on behalf of the sibling, and closed the investigation. The Cleveland County District Attorney's office filed a deprived petition on behalf of the sibling and requested the sibling remain in DHS custody.

April 6, 2005

Juvenile Court Adjudication Hearing

The adjudication hearing was held on behalf of the sibling. The DHS recommended that the sibling remain in DHS custody. The mother stipulated (agreed) to the allegations in the deprived petition and the sibling was ordered to remain in DHS custody and the court adjudicated the sibling deprived. A Court Appointed Special Advocate (CASA) was appointed to the case. A dispositional hearing was set for May 4, 2005, to adopt a court-ordered Individual Service Plan (ISP).

May 4, 2005

Dispositional Hearing and ISP

A court-ordered ISP was adopted for the mother to complete and a review hearing was set for August 10, 2005.

May 19, 2005

Second Referral to DHS

The DHS received a referral regarding the sibling. The allegations consisted of the child was picked up from the foster home by DHS for visitation with the mother, the DHS observed a "dark blue bruise on the eye brow and eye lid." According to the DHS documentation, the foster mother reported that the sibling "liked to run in [a] circle around the coffee table and the night before [the sibling] had fallen while running around the coffee table and hit the table."

The DHS closed the referral with the following reason: "Not Child Abuse/Neglect...P.P [permanency planning] worker [worker's name] observed the injury and spoke with the foster parent. Injury is consistent with explanation."

August 10, 2005
Juvenile Court Review

The juvenile court review hearing was held on behalf of the mother and sibling. According to the DHS records, the DHS recommended the child remain in the DHS custody and the mother to complete the court ordered ISP. It was also reported by DHS the mother was using drugs and suicidal. The child was ordered to remain in DHS custody in out-of-home placement by the court. The next review hearing was set for November 16, 2005.

October 27, 2005
DHS Requested Termination of Mother's Parental Rights

According to the DHS case file records, the DHS submitted a request for termination of the mother's parental rights to the Cleveland County District Attorney's office.

November 1, 2005
Motion to Terminate Father's Parental Rights

According to the DHS case records, the Cleveland County District Attorney's office filed a motion to terminate the rights of the father of the sibling.

November 16, 2005
Juvenile Court Review

According to the DHS case records, a review hearing was held. The DHS recommended termination of parental rights on both the mother and father of the sibling and for the sibling to remain in DHS custody in an out-of-home placement. The court ordered the child to remain in DHS custody and another hearing was set for December 14, 2005, for the father and a review for the mother was set for April 19, 2006.

November 16, 2005
Second Felony Charges Filed on Mother

Felony charges were filed on the mother of the sibling. The charges included:

- Count 1: "Possession of CD"
- Count 2: "Possession of Paraphernalia"

November 17, 2005
Second Arrest Warrant Issued for Mother

An arrest warrant was issued for the sibling's mother for the above listed charges.

December 14, 2005
Juvenile Court Review

According to the DHS case records, a non-jury trial for the termination of the father's parental rights was set for February 1, 2006.

February 1, 2006
Termination of Father's Parental Rights

According to the DHS case records, a non-jury trial was held for the termination of the father's parental rights to the sibling. The father's parental rights were terminated.

February 16, 2006
Case Contact Note

The DHS documentation included, "Termination of parental rights has been requested [to the District Attorney's office on behalf of the mother]." It is also documented the case worker was concerned about the mother's association with known criminals. Although the DHS KIDS system documented the request for termination of parental rights, there was no documentation in the case file of a written request to the Cleveland County District Attorney's office.

March 22, 2006
Felony Charges Filed on Chase A. Mueller

According to OSCN, felony charges were filed on Chase A. Mueller on March 22, 2006. The charges included:

- Count 1: "Possession of CD within 1000 feet of park"
- Count 2: "Possession of Paraphernalia"

April 19, 2006
Juvenile Court Review

According to the DHS case records, a review hearing was held on behalf of the mother and the sibling. The DHS recommended to the court for the sibling to "remain in DHS custody and in the current placement. The Department also recommends that this be considered a permanency hearing with the goal of reunification. The Department requests permission to begin unsupervised

visitation between [mother and sibling] when DHS deems it appropriate.” The court minutes did not include any additional comments regarding the situation other than the child remained in DHS custody. The next review hearing was set for August 9, 2006.

August 9, 2006
Juvenile Court Review

According to the DHS case records, a review hearing was held on behalf of the mother and the sibling. The DHS recommended to the court for the sibling to remain in DHS custody and in the current placement. The Department also recommended that a petition for termination of parental rights be filed as to the mother due to her recent positive drug test. A three-month review was also requested. The court ordered the child to remain in DHS custody and in the current placement. In addition, “Based on [court testimony], state will not move to terminate parental rights at this time.” The next hearing was set for November 29, 2006.

October 20, 2006
Referral to Comprehensive Home Based Services (CHBS)

The DHS made a referral for CHBS for the mother to receive these services in the home once reunification was complete.

November 17, 2006
CHBS Opened Case on Mother

CHBS documentation showed the referral on the mother was received and a case was opened.

November 29, 2006
Juvenile Court Review

According to the DHS case records, a review hearing was held on behalf of the mother and the sibling. The DHS recommended to the court for the sibling to remain in DHS custody and in current placement. In addition, the report to the court included, “The child has been out of home for approximately 20 months. The Department requests permission to begin unsupervised visits with mother and permission to return the child to the mother’s home when the Department deems it appropriate.” The DHS also informed the court that the mother was pregnant. The court ordered the child to remain in DHS custody in the current placement and “DHS may expand visitation and may place [the] child in the home when and if DHS deems it appropriate.” The next review hearing was set for March 7, 2007.

January 29, 2007
Felony Charges Filed on Ariyanna's Putative Father

According to OSCN, felony charges were filed on Ariyanna's putative father on January 29, 2007. The charges included:

- Count 1: "Unlawful possession of CDS with intent"
- Count 2: "Unlawful possession of CD"
- Count 3: "Possession of Paraphernalia"

January 30, 2007
Case Contact Notes

The DHS documentation in the case contacts included the worker received a call that the mother's boyfriend [Ariyanna's putative father] had hit the mother in the past and was a drug dealer. No other documentation could be found in the DHS case file or KIDS system regarding this issue nor was a new referral entered into the KIDS system.

March 7, 2007
Juvenile Court Review

According to the DHS case records, a review hearing was held on behalf of the mother and the sibling. The DHS recommended to the court permission to place the child back in the home of the mother and begin a trial reunification monitoring period. The child had been out of the home for approximately 23 months. The court ordered, "DHS given permission at DHS discretion to place the child in trial reunification with natural mother." A review was set for June 6, 2007.

March 14, 2007
Case Contact Notes and Sibling Reunification with Mother

The DHS documentation in the case contacts included the sibling was placed back with her mother on this date.

March 15, 2007
Felony Charges Filed on Ariyanna's Putative Father

According to OSCN, felony charges were filed on Ariyanna's putative father on March 15, 2007, for an offense on June 22, 2006. The charges included:

- Count 1: "Unlawful trafficking in illegal drugs"
- Count 2: "Unlawful possession of marijuana with intent to distribute"
- Count 3: "Failure to display tax stamp on controlled dangerous substance"

- Count 4: “Unlawful maintaining dwelling house/vehicle used to keep or sell a controlled dangerous substance”
- Count 5: “Unlawful possession of paraphernalia”

An arrest warrant was issued for Ariyanna’s putative father.

March 22, 2007
CHBS Home Visit

The CHBS initiated the pending case and made a home visit with DHS.

March 28, 2007
Case Contact Note

The DHS documentation in the case contacts included the worker received a call concerning the behavior of the sibling at home with the mother. It was reported that the sibling was acting out sexually at the home of the mother. The worker advised he would check into the matter. No further DHS documentation regarding this issue could be found in the DHS case file nor was a new referral entered into the KIDS system.

May 20, 2007
CHBS Critical Incident Report to DHS

According to the CHBS Critical Incident Report, the CHBS worker was informed by the DHS worker that the mother gave birth to Ariyanna Wade.

May 24, 2007
Third Referral to DHS

The DHS received a referral regarding Ariyanna, the sibling, and the mother. The allegations included the mother gave birth to Ariyanna on May 20, 2007, and the mother had an open child welfare case. The sibling “was removed from [mother’s name] due to drug use. [Mother’s name] has been involved with drug court and has successfully worked her ISP. [Sibling’s name] is currently in trial reunification with [mother’s name].” The referral was assigned as a Priority I investigation.

The referral was initiated within the required time frame. The DHS investigator documented an interview with the DHS permanency planning worker on May 24, 2007. The permanency planning worker stated, “[The mother] has almost completed her ISP. Her older child, [child’s name], has been in trial reunification since March.” The permanency planning worker further stated, “The only concern for the baby is that she was born into an open case.”

June 5, 2007
CHBS Critical Incident Report to DHS

According to the CHBS Critical Incident Report, Ariyanna had a healing fractured collar bone. This information was forwarded to the DHS caseworker. There was no further documentation by DHS regarding the fractured collarbone in the DHS case file nor was a new referral entered into the KIDS system.

June 6, 2007
Juvenile Court Review

According to the DHS case records, a review hearing was held on behalf of the mother, Ariyanna, and the sibling. The DHS recommended to the court, permission to maintain the child in the home of her mother and continue the trial reunification monitoring period. The child had been out of home for approximately 23 months. The DHS asked to be given supervision of Ariyanna. The court ordered, "Child was placed in trial reunification with the natural mother. Natural mother had another child, Ariyanna Wade, on May 20, 2007. Court grants DHS supervision of Ariyanna Wade." The next review hearing was set for September 19, 2007.

July 3, 2007
Fourth Referral to DHS

The DHS received a referral regarding the mother, sibling, and Ariyanna's putative father. The allegations included:

- Ariyanna's putative father has been babysitting Ariyanna and the sibling.
- Ariyanna's putative father has several drug charges.
- Ariyanna's putative father was babysitting both children on one occasion, and put the sibling in time out for eight hours.

The DHS documented in referral four that the information was not going to be investigated but would be sent to the permanency planning worker. Later documentation reflected that the investigative worker assigned to the third referral was informed of the new allegations.

July 24, 2007
Fourth Referral to DHS Closed

The DHS closed the investigation for referral four on July 24, 2007. The findings included Services Recommended.

August 19, 2007 at 6:50 pm
Fifth Referral to DHS

The DHS received a referral regarding the mother, sibling, Ariyanna, and the mother's new boyfriend Chase Mueller. The allegations included:

- The mother left Ariyanna with her boyfriend and he stated Ariyanna rolled off the couch. Ariyanna was transported to a hospital and found to have a skull fracture.

August 19, 2007 at 8:19 pm
Sixth Referral to DHS

The DHS received another referral regarding the mother, sibling, Ariyanna, and the mother's new boyfriend Chase Mueller. The allegations included:

- Ariyanna has a very large skull fracture and it is reported the mother's boyfriend was watching Ariyanna when she fell off the couch.
- Ariyanna was reported to have a displaced skull fracture with intracranial hemorrhage. Ariyanna was conscious and then went unconscious and had to be resuscitated.

The sixth referral was assigned as a Priority I investigation. Both DHS and law enforcement initiated a joint investigation.

Ariyanna was placed in police protective custody by the law enforcement agency of jurisdiction.

The DHS prepared an affidavit for an Order of Emergency Custody to place Ariyanna Wade in DHS custody. In addition, the DHS removed the sibling from the home and placed the sibling back in the foster home.

August 20, 2007
Temporary Emergency Custody of Ariyanna Wade

Ariyanna Wade was placed in DHS custody. A show cause hearing was set for August 21, 2007.

August 20, 2007
Chase Mueller Signed an OSBI Background Check Request for DHS

The DHS received Chase Mueller's signed background check request and faxed it the same day for results.

August 21, 2007
Seventh Referral to DHS and Show Cause Hearing

The DHS received another referral regarding the mother, sibling, Ariyanna, and the mother's new boyfriend. The allegations included:

- Ariyanna sustained a skull fracture and the alleged reason was the baby rolled off the couch when the boyfriend was watching the baby.
- It was also reported that the mother fell down the steps with the baby and dropped the baby on her head a few days prior to the incident. The boyfriend then talked the mother out of taking the baby to the doctor.

The seventh referral was added to the open investigation (sixth referral).

A show cause hearing was held. It was ordered for Ariyanna and the sibling to remain in DHS custody.

September 4, 2007
Deprived Petition Filed for Ariyanna Wade

The Cleveland County District Attorney's office filed a petition on behalf of Ariyanna Wade. Both Ariyanna Wade and her sibling remained in DHS custody and in out-of-home placements.

September 18, 2007
Criminal Felony Child Abuse Charge Requested on Chase Mueller

According to the police report, law enforcement requested the Cleveland County District Attorney's office file one count of felony child abuse against Chase Mueller.

September 27, 2007
Criminal Felony Child Abuse Charge Filed on Chase Mueller

The Cleveland County District Attorney's office filed one count of injury of minor child (child abuse) against Chase Mueller.

September 27, 2007
Arrest Warrant Issued on Chase Mueller

An arrest warrant was issued for Chase Mueller on a child abuse charge against Ariyanna Wade.

October 1, 2007

Chase A. Mueller Incarcerated

Chase A. Mueller surrendered himself and was incarcerated. The bail was set in the amount of \$50,000.

October 5, 2007

Referral Six Tentative Investigative Findings

Referral six is still pending with an on-going investigation with law enforcement. According to the Report to the District Attorney, the tentative findings include:

- “ABUSE - NEAR DEATH, SUBSTANCE ABUSE and THREAT OF HARM as to Chase Mueller are CONFIRMED”
- “FAILURE TO PROTECT as to the mother are CONFIRMED”
- “FAILURE TO PROTECT as to [sibling’s putative father] is NOT CONFIRMED”