

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

Report Release Date: May 25, 2010

**Review of the Death of Aja D. Johnson
of Lincoln, McLain, Oklahoma and Comanche Counties, Oklahoma**

Dates and Outcome of Investigations and Actions Taken by the 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 kidnapping of Aja Johnson, a seven-year-old child. On January 26, 2010, in Comanche County, Oklahoma, Lester Hobbs was charged with felony kidnapping of Aja Johnson. The kidnapping later resulted in Aja's death. Requests for a public report were received by the OJSO on April 7, 2010.

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: Aja D. Johnson
Date of Birth: January 5, 2003

Alleged Perpetrator: Lester W. Hobbs

Sibling: Sibling 1
Age: Six years old at the time of Aja Johnson's birth; fourteen years old at the time of this writing

The Oklahoma Commission on Children and Youth did not become aware of this case until after Aja Johnson was kidnapped.

The OJSO reviewed the OKDHS and deprived court actions regarding Aja Johnson that occurred prior to her death. The OKDHS documented nine referrals regarding the child's family within the past three years.

Case History

Aja Johnson was in OKDHS custody at this time (2007) as a deprived child, under the court jurisdiction of Lincoln County.

OKDHS Individualized Service Plan Progress Report (March 22, 2007)

The recommendations by the OKDHS in Lincoln County in its report to the Lincoln County court were: Aja and her sibling continue in OKDHS custody and remain in their current foster home placement; all parties be ordered to participate in and successfully complete all recommended services on the individualized service plan (ISP).

District Court of Lincoln County Permanency Hearing (May 1, 2007)

The Lincoln County court issued an order that the custody of the children remain with the OKDHS.

OKDHS Change in Placement (May 24, 2007)

The OKDHS returned Aja and Sibling 1 to the Hobbs' home for trial reunification on May 24, 2007. The children had been in foster home placement since July 28, 2006.

OKDHS Services Documentation (May 24, 2007)

Comprehensive Home-Based Services (CHBS) were placed in the home for the first time on May 24, 2007.

OKDHS Case Contact Note (June 22, 2007)

The OKDHS in Lincoln County documented that during a worker visit, information was received that Lester Hobbs had spanked Aja. The OKDHS documented explaining to the parents that they could not spank the children.

Comprehensive Home-Based Services Progress Note (July 9, 2007)

The CHBS worker documented that the OKDHS permanency planning worker of Lincoln County stated she had talked with the parents a couple of weeks ago regarding their use of physical discipline. It was further documented by the CHBS worker that the OKDHS permanency planning worker wanted the parents to use the methods of discipline the parents had been taught in their parenting classes.

Comprehensive Home-Based Services Progress Note (July 10, 2007)

The CHBS worker documented that Aja's mother reported that Lester Hobbs had been throwing lit firecrackers into Aja and Sibling 1's room to wake them in the morning. When Lester Hobbs arrived home for lunch, the CHBS worker told him that he could not use firecrackers in the house as it was a fire hazard. Lester Hobbs did not respond. The worker further documented that when discussing physical discipline, Lester Hobbs stated that he used a flexible ruler to spank the children and that he would continue to use the ruler because he had raised thirteen children and had never left a mark, and that spanking was the only thing that worked. The OKDHS documented Lester Hobbs as saying that "if DHS doesn't like the way that he disciplines his children, they can take them back and raise the children themselves."

The CHBS worker documented that she contacted the OKDHS permanency planning worker of Lincoln County and reported the discipline situation and the use of firecrackers.

OKDHS Case Contact Note (July 11, 2007)

The OKDHS documented a discussion between Lester Hobbs and the OKDHS permanency planning worker of Lincoln County regarding the physical punishment of Aja. The documentation questioned if the child's behavior warranted such methods of discipline. It was documented that Lester Hobbs thought that the child's behaviors did warrant physical punishment. The OKDHS permanency planning worker of Lincoln County explained to Lester Hobbs that as a parent he had the right to spank Aja. The worker further explained to Lester Hobbs that when he started leaving bruises on Aja or Sibling 1, it would be a different situation. OKDHS documented that Lester Hobbs stated to the OKDHS worker that if the DHS did not feel that he was able to take care of his children then DHS could come and get the children. The OKDHS documented that Lester Hobbs later stated he did not mean what he had said and that he truly loved and cared for Aja and her sibling.

Comprehensive Home-Based Services Progress Note (July 17, 2007)

The CHBS worker documented asking the mother if there were any weapons in the house, such as knives or guns. The documentation indicated the mother denied there were any weapons in the home but that Aja had whispered to the worker that they did have guns in the closet.

Comprehensive Home-Based Services Progress Note (July 20, 2007)

The CHBS worker documented she was contacted by the OKDHS permanency planning worker of Lincoln County, who advised the CHBS worker that there was a crisis at the Hobbs family home and that OKDHS was on the way to the home to meet law enforcement to remove the mother and children from the home. The CHBS worker

met the OKDHS permanency worker at a neutral place, and the CHBS worker took the children to a safe place.

Comprehensive Home-Based Services Progress Note (July 24, 2007)

The CHBS worker documented that Aja's mother and children were back in the home with Lester Hobbs according to the OKDHS permanency planning worker of Lincoln County.

OKDHS Individualized Service Plan Progress Report (July 31, 2007)

The OKDHS recommended in its report to the Lincoln County court that Aja and Sibling 1 remain in OKDHS custody and that both children continue living in the home of the Hobbs' home.

District Court of Lincoln County Permanency Review (July 31, 2007)

The court approved the permanency planning goal of reunification with the parents, with the estimated time of completion as October 30, 2007. The court ordered that the children remain in OKDHS custody.

Comprehensive Home-Based Services Progress Note (August 2, 2007)

The CHBS worker documented asking the mother about there being weapons in the home. Aja's mother denied there were weapons in the home, stating that Lester Hobbs had given the guns that had been in the closet to a friend because Lester Hobbs was a felon and was not supposed to have a gun.

Comprehensive Home-Based Services Progress Note (August 27, 2007)

The CHBS worker documented a discussion with the parents regarding the effects on Aja and Sibling 1 when the parents, in the children's presence, used derogatory names when speaking of Aja's biological father and the therapist or when the parents spoke negatively about Aja's father and the therapist. Lester Hobbs replied that it was "his first amendment right to say what he wanted."

Comprehensive Home-Based Services Progress Note (September 6, 2007)

The CHBS worker documented that Aja told her that Lester Hobbs had used a knife to cut up all the new clothes her biological father had given her. It was also documented that Lester Hobbs had gotten into a fight with a neighbor and that Lester Hobbs had threatened to stab the neighbor.

When questioned about the bruises left on Aja at the end of June 2007, the CHBS worker documented that Lester Hobbs stated he had been angry at Aja and "probably hit her too hard because of it."

Also documented on this date was the information that Lester Hobbs had cut Aja's mattress and her sheets with a knife because he had gotten angry at her.

First Report Received by the OKDHS Alleging Abuse/Neglect (September 25, 2007), Lincoln County

A report received by the OKDHS regarding the family alleged that four-year-old Aja had bruising on her back that was two or three inches wide and four inches long and was described by the reporter as "pretty significant". The bruising was located in the center of the child's back, just above her buttocks. It was unknown if there were any other bruises on the child's body. It was reported that the child first said that her stepfather (Lester Hobbs) had whipped her causing the bruises. The child then changed her story to say the dog had jumped on her causing the bruises.

It was also reported that Aja had drawn a picture described by the reporter as a man with a "hairy groin". When the child was asked about the picture, she explained that the area was a "hairy butt". Reportedly, the child immediately became anxious and quickly began to erase the picture. The child reported that she had taken a lot of baths with her stepfather.

The previous day, Aja had gotten into trouble for trying to hit other children, and there was a witness to the stepfather whipping Aja with his hand. Aja was reported to have one hundred or so insect bites all over her body.

The OKDHS accepted the report as a Priority II investigation, with fifteen days to initiate contact with the alleged child victim. The OKDHS documented contact with Aja on September 26, 2007, at her day care and her sibling at school on that same date. Those persons interviewed during the investigation were both children, the children's mother, Aja's biological father, Aja's stepfather (Lester Hobbs), and six collateral witnesses.

The OKDHS documented that the worker had observed bruising on Aja's buttocks and back on her left side. The OKDHS further documented the bruises were in the healing stage, brown and yellow in color, and one bruise was in a V-shape. The OKDHS also documented the child appeared notably distressed while her bruises were being observed and photographed. The child stated to the worker that Lester Hobbs had told her not to let anyone see the bruises.

The OKDHS further documented Aja denied bathing with her stepfather. The OKDHS documented Sibling 1 reported that she did not have any injuries at that time. The OKDHS documented a finding of Confirmed-Court Intervention Requested. In the Summary/Recommendation section of the Report to the District Attorney, the OKDHS documented that the OKDHS permanency planning worker of Lincoln County had "personally warned this family against leaving any marks on the children, or the children could be removed again". The OKDHS further documented that the parents were

“resistant to change and to redirection, and insist on doing things ‘their way’ regardless of the effect to the children”. The OKDHS documented a request to the court for a re-dispositional hearing to address these issues in the parents’ individualized service plan.

Comprehensive Home-Based Services Progress Note (September 26, 2007)

The CHBS worker documented that the OKDHS permanency planning worker of Lincoln County reported that both parents had whipped Aja with a flexible ruler. The CHBS worker told the permanency planning worker she had specifically discussed with the parents that they were not to use a ruler to discipline the children.

OKDHS Change in Placement (September 26, 2007)

The OKDHS ended the trial reunification placement and returned Aja and Sibling 1 to foster care on September 26, 2007, due to the physical discipline of OKDHS custody children.

Comprehensive Home-Based Services Progress Note (October 22, 2007)

The CHBS worker documented that Lester Hobbs told the CHBS worker that he had hit the two children with a flexible ruler and a “flip-flop shoe”.

OKDHS Individualized Service Plan Progress Report (October 30, 2007)

The OKDHS in Lincoln County recommended in its report to the Lincoln County court that Aja and Sibling 1 continue in OKDHS custody. The OKDHS also recommended that Aja and Sibling 1 remain in their current foster home placement in Lincoln County and requested the court to have another review hearing in thirty days. Additionally, the OKDHS recommended that the parents initiate further parenting and marital counseling sessions to enable them to modify or correct the conditions that had led to the removal of the children from their home. The OKDHS also recommended that the parents pay child support.

District Court of Lincoln County Permanency Review Order (October 30, 2007)

On October 30, 2007, the court approved the permanency planning goal of reunification with the parents to be completed in ninety days, if the parents made marked progress toward reunification and complied with the terms of the treatment plan to correct the conditions that caused the children to be adjudicated deprived. The court review also documented that the parents had maintained a close and positive relationship with the children. The court ordered the custody of Aja and Sibling 1 to remain with the OKDHS.

OKDHS Individualized Service Plan Progress Report (December 18, 2007)

The OKDHS in Lincoln County recommended in its report to the Lincoln County court that Aja and Sibling 1 continue in OKDHS custody and in their same placement. The OKDHS also recommended that the parents complete services satisfactorily and be able to demonstrate their new skills effectively so reunification with their children could begin. In addition, OKDHS asked that the upcoming hearing be identified as a Permanency Review hearing.

District Court of Lincoln County Permanency Review Order (December 18, 2007)

The court documented a review of the OKDHS report as well as a letter from a counseling agency in its determination that reunification with the parents was to be completed in ninety days. The review order also documented that the parents had made marked progress toward reunification; had complied with the terms of the treatment plan; and had corrected the conditions that caused the children to be adjudicated deprived. The review order further documented the parents had maintained a close and positive relationship with the children and the children were likely to be returned home in the near future. The court ordered the custody of Aja and Sibling 1 to remain with the OKDHS.

District Court for Lincoln County Application for Nunc Pro Tunc Order (December 19, 2007)

The District Court of Lincoln County documented a Nunc Pro Tunc Order: [sic] “[C]orrecting all pleadings and orders to show that the Indian Child Welfare Act does apply to this case. The Court finds that the State’s Application for the Order Nunc Pro Tunc should be sustained.”

OKDHS Change in Placement (March 13, 2008)

The OKDHS placed the children back into the Hobbs’ home on March 13, 2008, for trial reunification.

OKDHS Individualized Service Plan Progress Report (March 25, 2008)

The OKDHS in Lincoln County recommended to the Lincoln County court that Aja and Sibling 1 remain in OKDHS custody; the two children return to the Hobbs home, as trial reunification had occurred; and that the court recognize the upcoming hearing as a Permanency and Placement Review Hearing.

OKDHS Ongoing Safety Assessment (May 8, 2008)

The OKDHS in Lincoln County documented that the children were conditionally safe based on its evaluation of the risk factors: risk to the children-moderate level; risk factors pertaining to the person(s) responsible for the children (PRFC)—moderate level;

threat of harm to the children—low level; and seriousness of environmental or family risk factors—low level. The OKDHS documented that Aja would need to be re-evaluated as she continued to make statements that she wanted to burn the house down or cut someone with a knife.

The OKDHS documented in the Comments section of the assessment that placing a CHBS services in the Hobbs home was pending due to there being a waiting list. The OKDHS permanency planning worker of Lincoln County indicated she and the therapist would monitor the home situation on a weekly basis until CHBS services could be put into place.

OKDHS Individualized Service Plan Progress Report (May 20, 2008)

The OKDHS in Lincoln County recommended in its report to the Lincoln County court that Aja and Sibling 1 remain in OKDHS custody, with placement in the Hobbs' home. The OKDHS also recommended that each parent complete his/her individualized service plan. The OKDHS requested that the upcoming hearing be recognized as a Permanency and Placement Review Hearing.

OKDHS Change in Placement (May 21, 2008)

On May 21, 2008, the OKDHS ended the trial reunification by returning Sibling 1 to foster care and admitting Aja to an inpatient psychiatric facility.

District Court of Lincoln County Permanency Review Order (May 30, 2008)

The District Court of Lincoln County approved the permanency plan of the children's reunification with the biological mother and Lester Hobbs, with custody remaining with the OKDHS.

OKDHS Services Documentation (June 10, 2008)

CHBS services were again initiated for the family. The intake interview was completed on June 10, 2008.

Comprehensive Home-Based Services Progress Note (June 10, 2008)

The CHBS worker documented that five-year-old Aja was admitted inpatient at a children's behavioral health hospital as a result of behavioral problems. The mother reported to the CHBS worker that Aja had violent tendencies toward herself and her family.

OKDHS Change in Placement (July 18, 2008)

Aja was discharged from the acute behavioral health hospital on July 18, 2008, and returned again to trial reunification with her mother and Lester Hobbs.

OKDHS Individualized Service Plan Progress Report (September 9, 2008)

The OKDHS in Lincoln County recommended in its report to the Lincoln County court that Aja and Sibling 1 remain in OKDHS custody and continue to reside in the home of their mother and Lester Hobbs.

District Court of Lincoln County Permanency Review Order (September 9, 2008)

The court approved the permanency plan of reunification for Aja and Sibling 1, while custody remained with the OKDHS.

OKDHS Case Contact Note (September 22, 2008)

The OKDHS documented that Lester Hobbs called to report that he had taken his wife to have dinner and that she had left the restaurant without him.

Comprehensive Home-Based Services Progress Note (September 23, 2008)

The CHBS worker documented that the mother reported that she and some relatives had smoked two hits off a marijuana cigarette.

Comprehensive Home-Based Services Progress Note (September 30, 2008)

The CHBS worker documented that the OKDHS permanency planning worker of Lincoln County was planning to ask the court on October 3, 2008, to close the child welfare case regarding the two children. It was also documented that the mother had called her attorney and the children's attorney to notify them that she had relapsed with drugs while she was in Oklahoma City.

OKDHS Individualized Service Plan Progress Report (October 3, 2008)

OKDHS recommended in its report to the Lincoln County court that Aja and Sibling 1 be released from the supervision of OKDHS custody and that both children continue to reside in the home of their mother and Lester Hobbs.

Transcript of Juvenile Court Hearing (October 3, 2008), Lincoln County

The Assistant District Attorney in Lincoln County reported to the court that the mother had completed her individualized service plan and that the time period regarding the Ryan Luke Law had expired. The Assistant District Attorney requested that the State of Oklahoma's motion to dismiss the case be granted.

The court documented that the OKDHS permanency planning worker of Lincoln County was present at the hearing and supported the State of Oklahoma's motion to dismiss the case.

The children's attorney objected to the dismissal of the case.

The court granted the State of Oklahoma's motion to dismiss the case over the objection of the children's attorney.

District Court of Lincoln County Order Dismissing or Closing Case (October 3, 2008)

The District Court of Lincoln County issued an order on October 3, 2008, to dismiss the case as requested by the State of Oklahoma. The Order documented that the parents had successfully completed the service plan and the children had resided in the home for six months or more and that OKDHS recommended the dismissal of the case.

OKDHS Ongoing Safety Assessment (December 8, 2008), Lincoln County

The OKDHS documented the children were safe, based on its evaluation of the risk factors: risk to the children-low level; risk factors pertaining to the PRFCs-low level; threat of harm to the children-low level; and seriousness of environmental or family risk factors-low level.

The OKDHS further documented that until a CHBS worker was assigned, the OKDHS worker/therapist would visit in the home weekly. Upon assignment, the CHBS worker would initiate an evaluation of safety or risk in the family and implement a plan to work through any identified issues.

Second Report Received by the OKDHS Alleging Abuse/Neglect (April 16, 2009), Lincoln County

On April 16, 2009, the OKDHS received a second report regarding the family. The reporter alleged that several children told the reporter that six-year-old Aja talked another child into pulling down his pants, and, at that time, Aja proceeded to play with his penis. The reporter stated that Aja had been caught several times following little boys into the bathroom. The reporter further stated that the parents were notified and that Lester Hobbs stated that the child needed "to be busted or else she wouldn't respect them." According to the reporter, Lester Hobbs went on to say that Aja "would not respect them unless they were males." The parents made excuses for the child's behavior, in particular that Aja had been in "DHS custody and that she was inpatient (treatment) for some time".

Reportedly, the parents would not take Aja to her counseling sessions. The reporter stated that the "father (Lester Hobbs) is a threat to the children and anyone who questions him."

The OKDHS accepted the report as a Priority II assessment, with six days to contact the alleged child victim. Documentation indicated that the children were contacted on

April 20, 2009. The OKDHS documented it had completed a safety assessment of the family.

In the safety assessment, the OKDHS documented that the children, ages six and thirteen, were at home alone when the worker arrived. The OKDHS documented that Aja, in fact, was not in counseling at that time. The parents explained that they had discontinued counseling for the children when the counselor told the then twelve-year-old sibling that she (sibling) was old enough to have a boyfriend. The parents denied that Aja had displayed any sexual acting out in the home and that Aja had been placed inpatient for threatening to burn the house down. The parents were documented as having made an appointment for Aja with a different counselor.

The OKDHS further documented in its assessment that the children had been in custody in the past. The OKDHS documented that the stepfather, Lester Hobbs, did not use drugs or alcohol. The parents denied any history of domestic violence.

The OKDHS documented in the General Parenting section of the safety assessment that the parents “appear to have the capacity emotionally and physically to care for the children.” The documentation further stated that Aja’s mother was “dependent emotionally on Mr. Hobbs . . .” but that the parents are “able to meet their own needs in a healthy way and cope with daily life stressors.” The assessment documented that the children were “safe” and, therefore, no voluntary safety plan was required.

OKDHS Ongoing Safety Assessment (June 2, 2009), Lincoln County

The OKDHS documented that the children were safe, as no safety threats had been identified.

Third Report Received by the OKDHS Alleging Abuse/Neglect (June 17, 2009), Lincoln County

On June 17, 2009, the OKDHS received a third report regarding the family. The reporter alleged that Aja had missed a full week of summer school. Reportedly, the sibling had reported stated that Aja was sick but was very vague regarding what was actually wrong with Aja. The reporter was concerned that the child could possibly be too bruised to go to school.

The OKDHS screened-out the report and documented that there was “no information indicating that abuse or neglect has occurred.”

Fourth Report Received by the OKDHS Alleging Abuse/Neglect (August 5, 2009), Lincoln County

On August 5, 2009, the OKDHS received a fourth report regarding the family. The report alleged that law enforcement completed a welfare check at the home, due to Aja’s mother having made two emergency calls from the home. The report documented

that the father (Lester Hobbs) had been “really angry” for about a month. The reporter stated the mother had tried to leave Lester Hobbs two times, but that Hobbs had hit her and was withholding all the car keys to prevent her from leaving.

The reporter stated that because Aja had stolen cookies out of the stepfather’s (Lester Hobbs) bedroom, he had made her scrub the floor with a toothbrush. The reporter alleged that the two children were afraid of Lester Hobbs and that these children were not safe with Lester Hobbs. The OKDHS documented they had received additional information on August 6, 2009. The additional documentation stated that the children had made statements that the father (Lester Hobbs) “threatened to kill them with a hammer.”

The OKDHS accepted the report as a Priority II investigation, with three days to initiate contact with the alleged child victims. The children were contacted on August 6, 2009. Those persons interviewed during the investigation included the children, biological mother, Lester Hobbs, and Aja’s biological father. No collateral witnesses were interviewed.

The OKDHS documented observing bruises on the back of Aja’s upper leg below her buttock area. Aja confirmed to the worker that the bruises were caused by Lester Hobbs. The OKDHS further documented that “Aja reports to be afraid of her daddy (Lester Hobbs)” and disclosed to the worker that she had seen Lester Hobbs hurt her mom by hitting her mother in the head.

The OKDHS further documented that the mother confirmed that Lester Hobbs had forced the children to scrub the floor with toothbrushes because Aja had stolen cookies and Sibling 1 had not stopped her from stealing the cookies. The OKDHS documented that while the children were scrubbing the floor with the toothbrushes, Lester Hobbs had said that “he ought to kill them by hitting them in the head with hammers”. The mother stated the children told her about this, as she was gone to the store at the time to get cigarettes for Lester Hobbs.

It was also documented by OKDHS that the mother stated she was afraid of Lester Hobbs and wanted to leave the house. The mother was unable to find beds in any of the women’s shelters available in her area, but she was able to stay with a friend until space became available. The OKDHS also documented that law enforcement personnel had told the mother that “she couldn’t go back to Mr. Hobbs because she would be putting her children’s lives at risk” and that if she did return, her children “would be taken away from her and placed in OKDHS custody and that she would be charged with child endangerment”. The OKDHS documented that the mother “has the capacity to care for and protect her children”.

The OKDHS documented that Lester Hobbs had called the OKDHS from Kansas on August 17, 2009, to report that he was working out of state and did not know when he would return. He stated that he did not understand what was going on as on August 6,

2009, when law enforcement removed Aja from him and his wife's care. Lester Hobbs denied having "laid a hand" on the mother.

Lester Hobbs again contacted OKDHS on August 31, 2009, at which time it was documented that he did admit to having made the children scrub the floor with toothbrushes one time for stealing and lying to him "all the time". Lester Hobbs was further documented as telling OKDHS that he did not know why the mother had left him, because the day she left, he said they were going to the attorney for him to adopt Aja. Lester Hobbs was documented as denying that he had ever hit, threatened, or held the children's mother against her will.

In the Summary Recommendation section of the Report to the District Attorney, the OKDHS documented an overall finding of Services Recommended. Recommendations made to the family by the OKDHS included: "Mr. and Mrs. Hobbs not expose the children to any domestic violence and Mrs. Hobbs continue to protect her children from any abuse or neglect."

Fifth Report Received by the OKDHS Alleging Abuse/Neglect (September 10, 2009), McClain County

On September 10, 2009, the OKDHS received a fifth report regarding the family. The reporter alleged that the mother would not respond to anyone regarding Aja. Reportedly, Aja had serious behavior problems and her mother would not respond. The OKDHS documented the children were reported to be abandoned since the mother could not be found. The mother was allegedly found in a local hospital being treated for a health condition.

The reporter stated that the caretaker who has been taking care of the children would gladly take the children and raise them, but that the mother was documented as responding that she would not relinquish her parental rights to the caretaker because she "needs the checks." The reporter alleged that the children had been abused in "every way" and that Aja had been placed twice in a children's mental health hospital.

The OKDHS screened-out the referral and documented: "Not child abuse and neglect. Mother did not abandon she is in hospital and someone is taking care of the children. "

OKDHS Ongoing Safety Assessment (September 30, 2009), Lincoln County

The OKDHS documented that the children were conditionally safe based on its evaluation of the risk factors: risk to the children-moderate level; risk factors pertaining to the PRFCs-moderate level; threat of harm to the children-low level; and seriousness of environmental or family risk factors-moderate level.

Regarding the Conditional Safety section of the safety assessment, the OKDHS documented that the “[m]other had left with the children due to the domestic violence in the home and went to a safe place”.

Sixth Report Received by the OKDHS Alleging Abuse/Neglect (October 29, 2009), McClain County

On October 29, 2009, the OKDHS received a sixth report regarding the family. The reporter alleged that a six-year-old severely abused child had been abandoned by her mother and left with a neighbor and friend of the mother. The mother refused to turn over guardianship to the woman who was willing to care for the children because the mother had stated that “she needs the checks”.

The reporter was documented as stating that the mother returned the children to the home of the stepfather, Lester Hobbs. The reporter stated that Lester Hobbs had “beat them to a pulp” in the past.

The OKDHS documented that the children had not been attending school for a month. The reporter stated that according to Sibling 1, the children’s mother and stepfather would eat in front of the children and that the children only ate beans and ham. The OKDHS documented that the reporter stated that the OKDHS had been involved with the family before and that the children had been removed from the parents’ care several times. The OKDHS documented that the reporter also stated that the mother was drinking (alcohol) and using drugs.

The reporter feared that the children were being sexually abused because Sibling 1 had said that Lester told her to watch her weight because he “likes his women thin.”

The OKDHS screened-out the report and documented, “[N]o allegations of abuse or neglect.”

Seventh Report Received by the OKDHS Alleging Abuse/Neglect (November 2, 2009), Oklahoma County (primary assignment) and Lincoln County (secondary assignment)

On November 2, 2009, the OKDHS received a seventh report regarding the family. The report alleged that the mother and Lester Hobbs had gotten back together and that the children had been with them for two weeks. The reporter stated that after two weeks, the children were sent to live with a friend. The OKDHS documented the reporter alleging that the mother was arrested in Oklahoma County for unpaid parking tickets and drugs. The OKDHS documented that the reporter stated that before the mother was arrested, she took Aja to live with the child’s biological father. The reporter was also documented by OKDHS as stating that Aja had not been in school for a month and a half.

The OKDHS accepted the report as a Priority 1 investigation. Those persons interviewed during this investigation included the two children, the biological parents, two stepparents (each married to one of the biological parents), and two collateral witnesses.

The OKDHS documented an overall finding of Unsubstantiated-Services Recommended. The OKDHS documented in the Summary Recommendation section of the Report to the District Attorney that a court-involved child welfare case regarding the family had been dismissed in Lincoln County in 2008.

The OKDHS documented that Aja had reported that she had been living at a friend's home in another town, but when she was suspended from school for her behavior, her mother had taken her to live with her biological father.

The OKDHS documented that Aja's mother stated that her husband, Lester Hobbs, believed in the wedding vow "until death do us part" and that he was serious when he said it. The biological father signed a safety plan to keep Aja away from Lester Hobbs and not to allow Aja to leave the biological father's home with her mother. The biological father also applied for and was granted a temporary custody order in Oklahoma County civil court.

The OKDHS documented that Aja had stated she preferred living with her biological father if she had a choice. The child was also documented as stating that Cowboy (Lester Hobbs) cut up the bike and the clothes purchased for her by her biological father and that Lester Hobbs made her carry the ripped clothes around. Aja disclosed that when she was spanked by Lester Hobbs that he left bruises. The OKDHS documented the child had stated that "Cowboy (Lester Hobbs) would grab her by her hair and make her clean the floor with a toothbrush . . ." and "Cowboy drinks a lot".

The OKDHS documented Sibling 1 as stating that she had been living with a family friend since late July or August before school started. The child was documented as reporting that Lester Hobbs was her biological father but that she called him Lester. The child reported that Aja was at her biological father's home. Sibling 1 was documented by OKDHS as having reported that she and Aja were made to mop the floor with toothbrushes with one hand behind their backs and that Lester Hobbs made them both stand on their knees for long periods of time.

The OKDHS also documented that she reported that her "father had all of them dye their hair black, because he likes black hair". The OKDHS documented having asked the child if there were any other ways the children were punished. The child responded that Lester Hobbs yelled, grabbed them by their hair, whipped them with a paddle, and rammed Aja's head into a wall.

Sibling 1 was documented by OKDHS as stating that she and Aja were afraid to talk with law enforcement about how Lester Hobbs was treating them because she and Aja

were afraid Lester Hobbs would hear them. The child stated they were too close to the house when law enforcement had asked the children questions.

OKDHS Ongoing Safety Assessment (November 2, 2009), Oklahoma County

The OKDHS documented that this safety assessment was approved by the supervisor on February 10, 2010. In the Comments/Conclusions section regarding child safety, the OKDHS documented, "Both children are placed outside the reach of Mr. Hobbs' abusive manner." The OKDHS went on to document that Aja's biological father had obtained legal custody of Aja and that he had agreed to keep Aja away from Lester Hobbs and not to allow Aja's mother to take her from his home.

The OKDHS also documented that Sibling 1 had been placed with a family friend who was obtaining guardianship of the child and was willing to care for and protect the child.

In the Conclusions section of the safety assessment regarding the enhanced or diminished Person Responsible For the Child (PRFC) protective capacities, the OKDHS documented that Lester Hobbs was a danger to the children's mother. The assessment concluded that the biological father of Aja appeared to have all the resources, drive, and skills to protect Aja.

OKDHS Voluntary Safety Plan (November 3, 2009), Oklahoma County

The OKDHS documented in the voluntary safety plan that the mother had agreed not to allow Lester Hobbs around Aja due to his abuse of the child in August 2009. The OKDHS documented that the mother knew she was exposing the child to threat of harm when she chose for her and Aja to live with Lester Hobbs. The OKDHS further documented that the mother ignored her prior agreement with the OKDHS Voluntary Safety Plan to protect Aja from this threat.

The OKDHS documented that Aja was presently placed with her biological father and that Lester Hobbs "does not have access to Aja." It was also documented that the biological father was to seek emergency custody of Aja to prevent the mother from removing Aja from his home and possibly exposing her to Lester Hobbs. The OKDHS further documented in the safety plan that the biological father agreed not to allow the mother to take the child from his home.

The OKDHS documented that it was agreed with the biological father that he would contact the OKDHS worker weekly to report progress in obtaining legal custody of Aja.

OKDHS Voluntary Family Service Agreement (November 3, 1009), Oklahoma County

The OKDHS documented in the voluntary family service agreement with Aja's biological father a list of services to be provided: education for the child; medical/mental health for the child; and public services.

OKDHS Voluntary Family Service Agreement (November 5, 2009), Oklahoma County

The OKDHS documented in the voluntary family service agreement with the biological mother a list of services to be provided which addressed domestic violence, individual/family counseling, legal system, and parent education.

Civil Court Emergency Temporary Order (November 6, 2009), Oklahoma County

The District Court of Oklahoma County authorized the Emergency Temporary Order on November 6, 2009, granting the biological father of Aja physical custody of the child.

Eighth Report Received by the OKDHS Alleging Abuse/Neglect (January 25, 2010), Oklahoma County

On January 25, 2010, the OKDHS received an eighth report regarding the Hobbs family. The report documented that Lester Hobbs had become a murder suspect in the death of his wife in Comanche County. The reporter further stated Lester Hobbs had "since fled" with Aja Johnson and their location was unknown.

The OKDHS accepted the report as a Priority I investigation. [This investigation is still open according to OKDHS records.]

Ninth Report Received by the OKDHS Alleging Abuse/Neglect (January 25, 2010), Oklahoma County

On January 25, 2010, the OKDHS received a ninth report regarding the family. The OKDHS documented that the on-call worker in Comanche County was called to Geronimo, Oklahoma, where a mother had been killed and her spouse was at large with the mother's seven-year-old child.

The OKDHS screened-out the report as a duplicate report having already been received.

Letters of Guardianship (filed February 8, 2010), McClain County Civil Court

In the District Court of McClain County, the Letters of Guardianship were filed which granted Sibling 1's custody to the family friend who had been caring for the child on a regular basis prior to the mother's death.