



IN THE DISTRICT COURT
IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

BLISS BAKER
SPECIAL ADMINISTRATOR FOR THE ESTATE
OF EM & GLEN STARR,

PLAINTIFF,

VS.

STATE OF OKLAHOMA, ex rel
DEPARTMENT OF HUMAN SERVICES,
ROBERT BRITAN BEOCKMAN, SARA
McINTOSH

DEFENDANTS.

CJ 2008 00136

GLENN M. McALLISTER

DISTRICT COURT
FILED

JAN - 7 2008

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

PETITION

Comes now Bliss Baker, the duly appointed Special Administrator for the minor child identified as EM and Plaintiff and hereby Petitions this Court for the entry of judgments against the State of Oklahoma, ex rel Department of Human Services, Robert Beockman, and Sara McIntosh as hereinafter set forth on behalf of EM and Plaintiff. In support of this Petition the Plaintiffs alleges and states:

Jurisdiction and Venue

1. The Plaintiff Bliss Baker is the duly appointed Special Administrator of EM, minor child, pursuant to an order of the District Court for Tulsa County, State of Oklahoma. The Plaintiff Glenn Starr is the Natural Father of EM.

2. The Department of Human Services is department of the State of Oklahoma created by the legislature of Oklahoma to fulfill the mandates set forth by Oklahoma law.

3. That all of the acts complained of herein which are the basis of the claims set forth herein occurred within Tulsa County, State of Oklahoma. General Allegations Pertaining to Each Cause of Action.

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4. EM and Glenn Starr are residents of Oklahoma.
5. Jon Doe #1 and John Doe #2 were employees of the State of Oklahoma, Department of Human Services.
6. That prior to the placement of EM with the Muskogee Nation Tribe, The State of Oklahoma Department of Human Service, by and through its employees John Doe #1 and John Doe #2 conducted or should have conducted a proper investigation of the Mother Sara McIntosh and Robert Beockman, as persons responsible for the care of the child.
7. That prior to the placement of EM, The State of Oklahoma Department of Human Service, by and through its employees John Doe #1 and John Doe #2 knew or should have known of the danger of placing the child with the mother a known drug addict and husband Robert Beokman a felon convicted for a his role in a murder-for-hire crime.
8. That the Oklahoma Child Abuse Reporting and Prevention Act (Title 10 O.S. Section 7101, et seq) was created to prevent the abuse of children and to create a system for removal and placement of children who have been abused.
9. The Oklahoma Department of Human Services is responsible for discharging the duties set forth within the Oklahoma Child Abuse Reporting and Prevention Act.
10. The Oklahoma Child Abuse Reporting and Prevention Act created a system or process by which each referral or report of child abuse was to be evaluated, which includes the following steps:
 - a. A thorough intake process (information gathering process);
 - b. A thorough evaluation of the abuse allegations conducted by an investigation or assessment; and
 - c. Removal of an abused child from his home when warranted by facts measured by the standards set forth in the Child Abuse Prevention Act and by DHS policy.
11. The Oklahoma Department of Human Services, Child Welfare Division, has a duty to exercise great care in discharging its duties set forth in the Oklahoma Child Abuse Reporting and Prevention Act.

BRIEF STATEMENT OF FACTS

12. EM was born with a high level of a variety of illegal drugs in his blood due to his mothers continual and un-abated drug use, and on March 8th 2006, the District Court of Tulsa County gave emergency custody of EM to DHS.
13. John Doe 1 and DHS closed its investigation March 14th, 2006 and recommended that EM remain in DHS custody and out of the home of Sara McIntosh due to the long history of substance abuse of the mother, despite no inquiry into the living conditions of the mother and her new husband convicted felon Robert Beokman.
14. EM remained in DHS custody for approximately two months, until May 30th when DHS negligently allowed the child to be placed with persons having no verifiable fixed address.
15. That while still in the legal custody of DHS, Sara McIntosh and Robert Beokman were allowed to move the child EM out of state to California, a fact DHS knew or should have known about.
16. The when EM was killed DHS did not know the address or whereabouts of the child and that the persons they had facilitated placement were living in hotel located at 11025 E. 735 St. Cushing, OK.
17. On May 25th 2006 DHS created an individualized Service Plan for Sara McIntosh, wherein she admitted to using illegal drugs 3 days prior to giving birth and “being in denial about this pregnancy.”

CLAIMS AGAINST ROBERT BEOKMAN/ BATTERY & WRONGFUL DEATH

18. That on or about January 4th 2007, Robert Beokman did intentionally strike and aggressively handle the minor child EM.

19. As a result of Defendant's conduct, Plaintiff EM suffered severe mental and physical pain and injury to Plaintiff's body for which Plaintiff suffered significant pain, and vomiting. Plaintiff has also suffered temporary and permanent physical in the few hours of life until death.

21. That Robert Beokman acts of striking the baby EM proximately caused the wrongful death of EM.

22. Accordingly, Plaintiff EM demands judgment against Defendant for actual and punitive and exemplary damages in excess of Ten Thousand Dollars (\$10,000), interest, and costs.

**CLAIMS AGAINST ROBERT BEOKMAN/GRIEF & LOSS OF
COMPANIONSHIP**

23. Plaintiffs herein incorporate by reference all allegations contained in paragraphs 1-22 hereof.

23. That due to the joint and several acts of the Defendants, Plaintiff Glenn Starr has suffered severed emotional distress.

24. That due to the joint and several acts of the Defendants, Plaintiff Glenn Starr has suffered loss of companionship.

25. Accordingly, Plaintiff Glenn Starr demands judgment against Defendant for actual and punitive and exemplary damages in excess of Ten Thousand Dollars (\$10,000), interest, and costs, and all other relief deemed just and equitable.

CLAIMS AGAINST SARA MCINTOSH/NEGLIGENCE

26. Plaintiffs herein incorporate by reference all allegations contained in paragraphs 1-25 hereof.

27. That on or about January 4th, 2007 Sara McIntosh owed a duty of care to the child known as EM. The child having been temporarily in the custody of Sara McIntosh.

28. That Sara McIntosh breached the duty of care owed to the child known as EM.

29. That due to the breach of Sara McIntosh damages to EM were suffered.

30. Sara McIntosh's gross negligence were the proximate and legally cause of fatal injury to the child known as EM, causing severe mental and physical pain and injury to Plaintiff's body for which Plaintiff suffered significant pain, and vomiting. Plaintiff had also suffered temporary and permanent physical injury in the few hours of life remaining until death.

**CLAIMS AGAINST SARA MCINTOSH/VIOLATION OF STATUTE
NEGLIGENCE PER SE**

31. Plaintiffs herein incorporate by reference all allegations contained in paragraphs 1-30 hereof.

32. That on the late night of January 4th, 2007 Sara McIntosh did abandon, neglect and intentionally or recklessly endanger and place the child known as EM in grave danger when she left the child under the supervision of Robrt Beokman.

32. That Sara McIntosh recklessly or intentionally violated several statutes designed to protect the welfare and well being of minor children.

33. That as a result of this violation of statutory duty, EM suffered and was caused damage, more specifically causing severe mental and physical pain and suffering.

Plaintiff also suffered temporary and permanent physical injury in the few hours of life remaining until death.

CLAIMS AGAINST DHS

34. Plaintiffs herein incorporate by reference all allegations contained in paragraphs 1-33 hereof.
35. The State of Oklahoma, ex rel Department of Human Services, Child Welfare Division and employees, had a duty to use reasonable care in the execution of its duties pertaining to the placement of EM with known abusers Mother Sara McIntosh and Robert Beockman, as persons responsible for the care of the child.
36. The State of Oklahoma, ex rel Department of Human Services, Child Welfare Division and employees failed to use reasonable care in their execution of duties pertaining to the placement of EM with known abusers Mother Sara McIntosh and her husband Robert Beockman, as persons responsible for the care of the child.
37. The State of Oklahoma, ex rel Department of Human Services, Child Welfare Division and employees had a duty to EM and Plaintiff to use reasonable care in the execution of its duty to investigate allegations of child abuse and to remove EM from the care, custody, and control of the Natural Mother Sara McIntosh and her husband Robert Beockman.
38. The State of Oklahoma, ex rel Department of Human Services, Child Welfare Division and employees failed to use reasonable care in the execution of its duty when filling a ISP plan in a case that had been transferred, requiring Sara McIntosh to demonstrate a modicum care in order to receive custody of EM, when they had no intent to follow through or see to the best interest of the child.
39. That the State of Oklahoma ex rel Department of Human Services, Child Welfare Division is legally liable for the negligent acts and omissions of its employees.
40. That by reason of the negligent acts and omissions of the Department of Human Services, Plaintiffs have suffered injuries.

41. On the 7th day of March 2006, an additional report of referral was made to Oklahoma Department of Human Services, Child Welfare Division regarding alleged abuse upon EM by the child's mother, a person responsible for the care of the child.

42. That as a direct and approximate cause of the failure of the Department of Human Services, Child Welfare Division to perform its duties EM. Thereafter, suffered injuries, including but not limited to death, physical and psychological trauma, inflicted by the child's mother and/or new stepfather Robert Beockman.

43. That by reason of the injuries inflicted upon the child the Plaintiffs claims a sum of money in excess of \$10,000.00 on behalf of the child to reasonable compensate the child for the injuries.

Second Cause of Action EM v JOHN DOE #1

44. Plaintiffs herein incorporate by reference all allegations contained in paragraphs 1-43 hereof.

45. On the 7th day of March 2006, a report of referral was made to Oklahoma Department of Human Services, Child Welfare Division regarding alleged abuse upon EM by the child's mother and/or Robert Beockman, a person responsible for the care of the child.

46. That as a direct and approximate cause of the failure of the Department of Human Services, Child Welfare Division to perform its duties set forth in paragraph six (6) B.S. thereafter suffered injuries, including but not limited to physical and psychological trauma, inflicted by the child's mother and/or Robert Beockman.

47. That by reason of the injuries inflicted upon the child the Plaintiffs claims a sum of money in excess of \$10,000.00 on behalf of the child to reasonable compensate the child for the injuries.

CLAIMS AGAINST DHS/Gross Negligence and Violation of Statute

48. Plaintiffs herein incorporate by reference all allegations contained in paragraphs 1-47 hereof.

49. On the 25th day of May 2006, a Individualized Service Plan (hereafter ISP) was made by the Oklahoma Department of Human Services, Child Welfare Division regarding alleged abuse upon EM by the child's mother, a person responsible for the care of the child which was negligent and nugatory in effect as it was entered "after" the May 15th Order of Transfer to the Muskogee Creek Nation.

49. DHS negligently and purposefully abandon the duty of guarding the welfare and care of EM and simply conducted the ISP simply to have the appearance of the case being "status quo."

49. Oklahoma Department of Human Services, Child Welfare Division, negligently failed to discharge its duties set forth relating to the enforcement or monitoring of the ISP.

50. That as a direct and approximate cause of the failure of the Department of Human Services, Child Welfare Division to perform its duties set forth in paragraph six (6) L.K. thereafter suffered injuries, including but not limited to physical and psychological trauma, inflicted by the child's mother and/or Donovan Jumper.

51. That by reason of the injuries inflicted upon the child the guardian claims a sum of money in excess of \$10,000.00 on behalf of the child to reasonable compensate the child for the injuries.

ALTERNATIVE CLAIMS AGAINST OKLAHOMA DEPARTMENT OF HUMAN SERVICES

General Allegations Pertaining to Each Cause of Action

52. Oklahoma Department of Human Services established a ISP Order service plan with the mother of EM.

93. The purpose of individualized service plan was to correct the conditions occurring in the children's home involving improper and/or inadequate parental care and supervision.

94. The Oklahoma Department of Human Services by and through its employees negligently failed to monitor or supervise the children's mother's progress relating to the specific purpose of the individualized family service plan.

95. The Oklahoma Department of Human Services by and through its employees negligently failed to monitor or supervise the services relating to the specific purpose of the voluntary family service plan.

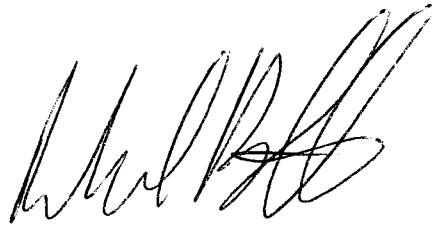
96. That as a direct and proximate result of the failure of the Oklahoma Department of Human Services to monitor or supervise the children's mother's progress and its failure to monitor and supervise the services provided by others and EM sustained a series of separate and distinct injuries, including but not limited to physical and psychological trauma, inflicted by the children's mother and/or Robert Beokman.

97. That by reason of the injuries sustained by EM the Plaintiffs claims a sum of money in excess of \$10,000.00 on behalf of the child to reasonably compensate the child for the injuries.

Wherefore, Bliss Baker duly appointed Special Administrator of EM prays that this Court enter;

1. separate judgments against the State of Oklahoma, ex rel Department of Human Services, Robert Beokman, Sara McIntosh, and John Doe 1 & 2, for each cause of action for a sum of money in excess of \$10,000.00 for the benefit of each child to compensate each child for the damages he sustained relating to the injuries inflicted upon each child by its mother

- and/or Robert Beokman which was negligently caused by the failure
Oklahoma Department of Human to remove the children from the home;
2. for separate judgments against each dependant for the Plaintiff's cost and attorney fees; and for,
 3. compensate Mr. Glenn Starr for his injuries, and
 4. such other relief as the Court deems fair, equitable, and just.



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