

NEWS

\$10 million lawsuit over Polk County toddler's death moves forward

**Whitney Woodworth**

Statesman Journal

Jan. 9, 2018, 4:11 p.m. PT

A \$10 million lawsuit alleging the Oregon Department of Human Services, City of Monmouth and City of Dallas failed to prevent the death of a 2-year-old boy is moving forward and could go to trial in 2018.

According to the wrongful death lawsuit, filed in 2016 by lawyers for the estate of Hayden James Henry, DHS officials failed to properly investigate reports of child abuse and neglect.

Police began investigating after the toddler was found dead in his bed on Oct. 19, 2014, by his stepfather, Richard Tyle.

According to a child protective services assessment, Hayden's death had gone unnoticed for 16 hours.

When police arrived, they found the apartment where Hayden lived with his mother and Tyle was "filthy and unkempt, with dog feces throughout the apartment and human feces on the wall next to the bed" where the child's body was found.

Tyle said Hayden and his sister were both sick with the flu. Even after Hayden vomited blood, Tyle did not seek medical attention for him, according to the lawsuit.

The state medical examiner found bruises and cuts all over the toddler's body and determined he died from sepsis, a life-threatening condition that triggers organ failure, tissue damage and even death when an infection is not treated.

Almost a year after the death, a Polk County grand jury indicted Tyle on first-degree manslaughter, second-degree manslaughter, criminally negligent homicide, criminal mistreatment and assault charges for his role in Hayden's death.

His mother, Jessica Anderson, was also charged with criminal mistreatment for allegedly neglecting and failing to provide adequate care for her son. Her charges were later dismissed following plea negotiations and her testimony against her now ex-husband.

Tyle pleaded guilty to second-degree manslaughter in 2016 and was sentenced to six years and three months in prison.

DHS launched a critical incident response team investigation following Hayden's death.

Under Oregon law, CIRT teams are assembled when a child dies in state care or if the child had been part of a protective services assessment in the year before he or she died.

Then-DHS Director Erinn Kelley-Siel called off the CIRT investigation after the toddler's death was determined to be "natural." Her successor, Director Clyde Saiki reconvened the investigation after the department learned more about the circumstances surrounding Hayden's death.

More on DHS:

- ▶ [44 children left in harm's way: Oregon's child welfare agency struggled to fix problems](#)
- ▶ [Review of Keizer boy's strangling death reveals 'potential systemic' problems](#)

From 2011 to 2014, DHS contacted Hayden's family five times and investigated abuse claims twice.

One 2012 claim alleged the newborn Hayden was underweight due to his mother's lack of care. The report was closed without further investigation. In the 13 days before his death, two more reports were made.

A caller recounted seeing bruises on Hayden's neck on Oct. 1, 2014. Police investigated the injury and a physician was unable to determine the cause of the bruise. One week later, DHS closed the report due to the lack of current injuries and the fact that Hayden did not tell investigators whether anybody hurt him.

According to the CIRT report, investigators failed to document whether they ran a background check on Tyle, who had a history of violence and criminal convictions, including strangulation and domestic violence assault.

Tyle's prior history included 26 allegations of abuse and neglect between 2003 and 2014, according to the lawsuit.

A second child abuse report involving Hayden came into the agency on Oct. 13, 2014. The caller told state workers the toddler was covered in bruises following a recent visit with his mother and stepfather.

Dallas and Monmouth police officers responded to the two incidents and reported their findings to child services. A DHS worker photographed Hayden's injuries and emailed them to Liberty House, a child abuse assessment center in Salem, and told personnel he suspected the abuse reports were due to a custody battle. Liberty House filed the matter as inactive.

However, the DHS report remained open for days. During that time, no protective actions or safety plans were implemented, according to the CIRT report.

A week later, Hayden was found dead.

During their CIRT investigation, DHS officials identified several systemic issues, including the fact that Hayden never visited a designated medical provider to investigate his injuries. Investigators also raised questions as to whether the screening of the reports was properly handled and whether child services had enough staff and training.

According to the lawsuit, DHS "negligently and unreasonably created a foreseeable risk of harm to Hayden," which caused his death. Attorneys for his estate contended that the agency failed to investigate reports of abuse and neglect and failed to consider Tyle's violent history.

They also stated that DHS failed to hire, retain and properly train CPS workers.

► **RELATED:** [After almost a decade, DHS adopts rules mandated by law](#)

The City of Monmouth and City of Dallas failed to adequately train police officers on how to promptly respond to child abuse complaints, according to the lawsuit.

Estate attorneys said the negligence of DHS and law enforcement violated Karly's Law, an Oregon law passed in 2007 that requires children involved in abuse investigations with suspicious injuries to receive a medical evaluation within 48 hours.

Because of this neglect, Hayden "suffered an ongoing pattern of physical and emotional abuse, abandonment, neglect and exposure to threat of harm," according to the lawsuit.

DHS attorneys argued that the department neither caused Hayden's abuse or his death. The agency followed established protocols during the abuse investigation.

"At no time prior to (Hayden's) death did DHS have knowledge or should have known that Defendant Tyle would abuse plaintiff or cause his death," DHS attorney Dirk Pierson wrote.

Despite the objections raised by DHS, the City of Monmouth and the City of Dallas attorneys, Marion County Judge Donald Abar ruled Monday the lawsuit could proceed.

The next court hearing is scheduled for 8:30 a.m. on Feb. 9 in Marion County Circuit Court.

For questions, comments and news tips, email reporter Whitney Woodworth at wmwoodwort@statesmanjournal.com, call 503-399-6884 or follow on Twitter @wmwoodworth

Read more:

[Oregon immigrant rights groups respond to Trump's order for 200,000 Salvadorans to leave U.S.](#)