

LOCAL

Eric Dean: The boy they couldn't save

Special report: On 15 occasions, day-care workers and others told Pope County authorities that they suspected Eric Dean was being hurt. But it was not enough. His death exposes the failure of a system charged with protecting the youngest Minnesotans.

By Brandon Stahl (<http://www.startribune.com/brandon-stahl/186499941/>) Star Tribune |

SEPTEMBER 1, 2014 — 2:38PM

Bruises covered 3-year-old Eric Dean's face. A scab formed above his lip. His ear bled from a red welt.

Before his stepmother, Amanda Peltier, left him at his new day care, she bent down to meet his blue eyes and told the boy to say he fell down.

Day-care provider Colleen Myslicki watched in disbelief. After studying the strange puncture wounds on Eric's face and ear, she realized they were bite marks. Later that day, she asked him what happened.

Eric's reply: "Mommy did it."

As required by state law, Myslicki reported to Pope County child protection that she believed Eric was being abused. She didn't know it then, but hers was the 12th report to alert social workers in the west-central Minnesota county to suspected maltreatment of the boy.

That scene and a string of others documented in court and social service records, testimony and interviews offer a rare view into the short and tragic life of Eric Dean and a child-protection system that was unable to save him.

Those records show that by the time Eric died at age 4 in February 2013, 15 reports had been filed on his behalf. The county's child-protection agency investigated only one, after the boy's arm was broken in 2011, and found no maltreatment. According to records, only one report was shared with police, despite state law directing that law enforcement should be notified of all suspected abuse reports.

An examination of Eric's county and court records reveals the failings of a system built to protect Minnesota's most vulnerable children: Caretakers such as Myslicki make reports to child protection and watch helplessly as the maltreatment continues. Reports often go uninvestigated and don't get referred to police. Social workers frequently encourage parents suspected of neglect or abuse to attend parenting classes.

In the most tragic of cases, those children die. Fifty-four Minnesota children have died of maltreatment since 2005, despite child-protection agencies getting reports that the kids were at risk or their parents and caretakers were dangerous, according to a Star Tribune analysis of state and county child protection records.

Pope County's review of the case, completed last month, concluded that the county should share more information with police and that state law should change to direct counties to consider previous reports when deciding whether to investigate an allegation. A child-protection worker testified that the county believed Eric was being abused, but in the face of the family's denials and a lack of witnesses, could never prove it. The county declined to discuss details of Eric's case but said it followed the law in how it responded to the multiple abuse reports.

"We responded to the information we received," said Nicole Names, the county's director of human services. "That's about all I can say about that."

Eric's former caregivers are angry at the way the county responded to their warnings. Myslicki, who would ultimately file four reports during the six months Eric was in her care, sobbed uncontrollably all night when she found out he was dead.

"It felt so hopeless," Myslicki said. "If the county had done more, I know he'd be alive today."

The home Amanda Peltier shared with Eric's father, David Dean, was supposed to be a refuge.



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JEFF WHEELER

Eric Dean's special education teacher, Mindy DeGeer, during an interview in her Glenwood home last month.

Eric had been living with his mother and her boyfriend. After reports had alleged Eric and his brother were being abused in that home, Eric's father moved the boys to their apartment in November 2010.

But when Eric started attending Kingdom Kids day care in Glenwood, a day-care worker noticed something amiss. Brandi Knight, who taught in the toddler room, examined the facial bruises and bite marks on the little boy. She asked how he got them, but at that time, in December 2010, he couldn't say. At 2 years old, Eric's speech was delayed at least a year.

Knight knew the injuries could have been from other kids. But over time, Knight noticed new injuries, once or twice a week.

She asked Peltier about the marks. Eric is clumsy, she would say. Or, he could be uncontrollable and violent and bang his head on the walls or on his bed when he sleeps. His brothers and cousins bite.

Knight had trouble believing Peltier's explanations. She came to know Eric as a quiet kid who craved attention and loved to be held and hugged. She never saw him bang his head on walls and rarely saw him misbehave.

Knight and other teachers began to note how Peltier treated Eric differently from her other children. She was forceful with Eric, would grab him and yell at him. She demanded that the teachers not show any affection to Eric, saying he didn't deserve it.

Once, after one teacher bought him new shoes to replace ones that were so worn they fell off his feet, Peltier was enraged.

"She said he can't have them until he's a good boy," the teacher, Karin Egdorf, recalled.

Both teachers said what they saw was not enough to report to child protection.

Even so, two reports were made to child protection in February 2011 that Eric was being maltreated. The county won't say what was alleged or who alleged it, only that the allegations didn't meet the criteria for a response.

Day-care director Brenda McDonald said the complaints could have come from other parents at the day care. They'd noticed Peltier's rough handling of Eric, and McDonald encouraged them to report what they witnessed to the county and gave them the number to call.

The teachers' concern about Eric grew as he continued to arrive at day care with bruises and bite marks. In July 2011, a hospital reported to the county that Eric's arm was broken in a way that often indicated violence. The county opened an investigation.

"We hoped they would find out who was doing this," Knight said.

The hospital case was assigned to Kelly Lurken-Tvrdik, a county child-protection worker. She had worked at the county for a year, after a decade of experience as an advocate at a St. Cloud battered women and children's shelter.

Lurken-Tvrdik interviewed Peltier in July 2011.

"The reason that we got the report in the first place is because of the way that it was broken," the social worker told Peltier, according to child-protection records filed in court. "It's like someone twisting the arm."

Peltier told Lurken-Tvrdik that she wasn't watching the kids as closely as she should have been, and was in the basement of her mother's home doing laundry when suddenly Eric came tumbling down the stairs, plopping down in front of her, according to a transcript of her interview with Lurken-Tvrdik.

"He does fall down a lot," she told the social worker.

The county sent the report and Peltier's story of what happened to Dr. Mark Hudson, a child abuse specialist at Children's Hospital in Minneapolis. But they didn't tell him about any of the six prior abuse reports, according to Hudson. Lacking other evidence of child abuse, Hudson concluded the break could have resulted from a fall down the stairs. He did express concern to the county about Eric's black eye, which Peltier's explanations could not account for, records show.



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DEPARTMENT OF CORRECTIONS

Amanda Peltier was convicted of murder and sentenced to life.

Lurken-Tvrđik determined that Eric wasn't maltreated and the county closed the case. (She did not respond to requests for comment for this story.)

State law says any investigation or family assessment conducted by a county agency needs to be shared with law enforcement. Child protection didn't tell police about Eric's broken arm. Only one of the 15 abuse reports was passed on to police.

"Is that concerning?" said Jim Minion, the police chief in Starbuck at the time. "You bet."

Eric began working with a special-education teacher, Mindy DeGeer, when he was 2. Her assignment: Teach Eric to talk.

He began in the lowest percentile for his age. She grew to enjoy her time with Eric. He was affectionate, had a bright, easy laugh and wanted to do whatever it took to please her. After weekly hourlong sessions reading and playing with toys, Eric started to speak.

By the time he was nearly 3, Eric could easily say "Mommy."

It was then, in October 2011, that Knight, the toddler room teacher, asked how he got the new injuries on his body.

"Mommy did it," Knight recalls Eric saying. "Mommy bite."

Another day-care teacher, Heather Hopper, ran to tell her boss, McDonald, that she needed to see Eric right away.

McDonald found burst skin with adult-sized upper and lower jaw marks on Eric's face, bruises from the bites, scratches all over his body, and fingernail imprints on his abdomen, as if somebody was holding him down.

In Minnesota, teachers and day-care providers must report suspected abuse or neglect to child protection. Failure to do so is a crime. "You need to report this," McDonald said to Hopper.

That day Hopper filled out a "suspected child abuse or neglect form" and sent it less than 2 miles away to the county's child-protection office.

The county never investigated. It screened out the report and a similar one made by someone else, saying the allegations didn't meet the criteria in state law to respond, according to county records.

Hopper filed another report two weeks later. This time, Eric had an egg-sized lump on his head with puncture wounds around it that formed into tiny red scabs.

The county declined to investigate that report as well.

Of the 15 abuse reports eventually filed on behalf of Eric, nine would be "screened out," meaning they were closed without investigation or assessment. That's consistent with practices statewide, where agencies did not follow up on 71 percent of suspected maltreatment reports, one of the highest rates in the country.

McDonald began to fear that Peltier was going to kill Eric. But she and the other teachers wanted to protect him by keeping him at Kingdom Kids.

"We were smart enough to know that once we started reporting, she would pull him," McDonald said.

That's what Peltier did.

DeGeer, the special-ed teacher, continued teaching Eric after he started at a new day care in Colleen Myslicki's home in Glenwood. DeGeer, too, had seen bite marks on Eric at Kingdom Kids, but assumed another child must have done it.

By January 2012, she saw the bite marks on the boy's face again at Myslicki's day care. This time, she knew something was seriously wrong.

Eric told her he bit himself. DeGeer reported it to the county.

That same day, Myslicki filed her first report, that she saw facial bruises and bite marks on Eric's cheek and ear, which was bleeding.

"Mom coached Eric into saying he hurt himself," she told the county.



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FEED LOADER

Eric's birth mother, Sommer Kemp, wept during an interview last month.



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JEFF WHEELER

A photograph of Eric Dean with his arm broken was an exhibit presented as evidence by the prosecution during the May 2014 trial of...

Rather than determine whether abuse happened, the county referred the family to a state program known as family assessment. Made state law nearly a decade ago, the program tries to teach adults to be better parents. The program is intended only for children in "low-risk" situations, but family assessment has become so prevalent in Minnesota that it's now used by counties in lieu of investigation more than 70 percent of the time.

And unlike investigation, in which child-protection workers determine whether abuse or neglect occurred, family assessment is voluntary.

The assessment was assigned to Lurken-Tvrđik. She went to the home and took photos of Eric, which showed bruises to his left ear, his forehead, his right cheek and under his right eye, and a scab above his lip. Unlike the last time she saw Eric, he wouldn't talk or look at her.

"He looked very sad," Lurken-Tvrđik later testified in court. "Yes, I definitely saw a change."

Dean and Peltier declined help from the county, which closed the case.

The next week, Eric came to day care with a bruised face and neck, a bleeding right ear and a fat lip. Myslicki alerted child protection once again, and the county screened out that report.

Myslicki began keeping a log of the boy's injuries. On Feb. 14: black and blue marks on his forehead. Feb. 22: swollen left cheek and a left black eye. The next day: bruises on his right cheek starting to turn black and blue. The day after that: more bruises on his forehead and nose.

The log was enough to get the county to open another family assessment case, Eric's third in his three years of life.

On March 13, 2012, Lurken-Tvrđik and another county child-protection worker, Amy Beckius, met again with Peltier at her Starbuck home. This time, Eric's father was there.

Though Peltier did most of the talking, she and Dean both told the child-protection workers that they never laid a hand on any of their children. Peltier told them what she told day-care providers: Eric's injuries were largely a result of his own doing. The bites, she said, came from other kids, including their 6-month-old son.

Eric's grandparents told the social workers they saw no signs of abuse. Eric's siblings also said their parents didn't physically punish them.

A week after Peltier and Dean met with child protection, Eric went for a checkup at Glenwood Medical Center. His nurse practitioner said there was no medical explanation for the boy's bruises.

The county identified Eric as high-risk for more maltreatment, then closed the case on April 5, 2012.

"It would appear," Beckius wrote, "that the family is willing to access what services are needed for Eric and they continue to deny any physical means of punishment to Eric..."

At day care, Myslicki said the signs of abuse stopped for a few months until one morning in August 2012. Peltier was furious with Eric when she came to pick him up, Myslicki said. The boy cowered as Myslicki held on to him. Peltier slapped Eric out of her hands, knocking him to the floor, and yelled at him to get his shoes on, according to Myslicki.

Myslicki made her final report to the county.

"If that's not maltreatment," Myslicki said, "I don't know what is."

The county screened out the report. Myslicki said child protection told her that if she had any further problems with Peltier and Eric, she should contact her day-care licenser.

Myslicki said the bruises, bleeding ears and bite marks started to reappear. Eric continued to tell her his stepmother was hurting him. But she stopped filing reports.

"What good would it have done?" she said.

In October 2012, two months after Myslicki's last report, Peltier pulled Eric out of the day care. She started caring for him and the five other children in the blended family in their Starbuck home. It was there that Eric would suffer the final abuse.



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JEFF WHEELER

Solar powered ornaments glowed at dusk above Eric Dean's grave in the St. Paul's Lutheran Cemetery outside Lowry, Minn., last month

On Feb. 26, 2013, Peltier slapped Eric across the face, bit him and threw him across a room, she later admitted to two Bureau of Criminal Apprehension (BCA) agents. Eric screamed and cried, then started to complain his stomach hurt.

Medical examiners would later say a perforation in his small intestine leaked fluid into the space around his organs. Enzymes that digest food were digesting his body.

He vomited throughout the day, continually asking for water, but was unable to hold down fluids or food.

The next day, Peltier spanked him after she said she saw him misbehave, according to the record of her BCA interview. Eric became listless and later that night had trouble breathing. Dean and Peltier put him on their bed. He went into shock and became delirious.

Peltier told the BCA that she went to smoke a cigarette. When she came back to the bedroom, Eric was choking on his own vomit. His father called 911.

Eric was taken to a Glenwood hospital, then airlifted to St. Cloud. He was pronounced dead early the next day.

A few days later, BCA investigators confronted Peltier with photos of the bite marks. Over the course of 2 1/2 hours, she admitted to what child protection had been warned about for years. Sometimes she got so mad at Eric that she'd grab him by the ears or yank him by the arm and throw him. She said she bit Eric so many times it became instinctive for her.

"I feel bad about everything," Peltier told the investigators. "I feel like I took his whole ... childhood away."

A jury deliberated for five hours in May 2014 before finding Peltier, 32, guilty of first-degree murder. She was sentenced to life in prison and will be eligible for parole in 30 years.

When word first spread through Starbuck and Glenwood about Eric's death, residents at first were told it was from the flu.

Eric's teachers and day-care providers knew right away what really happened.

Mindy DeGeer broke down in tears at her school when another teacher gave her the news.

"I just knew it in my heart," she said.

Myslicki knew, too. She will always think that she should have done more. "I should have continued reporting it, but I didn't think the county would do anything," she said.

After Peltier took Eric out of her day care, "I had a bad feeling he wasn't going to survive under that roof," she said. "I'll carry that with me for the rest of my life."

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