



MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE

COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS

DATE OF REPORT
8/21/2023

DVN
000199119

FACILITY NAME

FAMILY SELF-HELP CENTER, INC.

FACILITY ADDRESS

1809 S CONNOR AVE

CITY

JOPLIN

ZIP CODE

64804-1837

PHONE NUMBER

(417) 782-1772

COUNTY

JASPER

ASSIGNED SPECIALIST

RADNEY, HEATHER E

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.182(1)(C)6.

Firm, positive statements or redirection of behavior shall be used with infants and toddlers.

5 CSR 25-500.182(1)(C)8.

No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity.

5 CSR 25-500.092(1)(B)2.H.

Blankets or other soft or loose bedding shall not be hung on the sides of cribs or put under the fitted sheet. Only sleep clothing that is designed to keep an infant warm without the possible hazard of covering the head or face may be used during sleep or nap time.

5 CSR 25-500.192(5)(A)

In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions.

5 CSR 25-500.102(1)(E)

Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests, and problems of children in care.

5 CSR 25-500.102(1)(F)

Caregivers shall be capable of handling emergencies promptly and intelligently.

5 CSR 25-500.102(2)(A)6.

The center owner(s), or the board president or chairperson, shall notify the department immediately when there is a change of directors and shall have a qualifying criminal background check on file as required by 5 CSR 25-600.020 General Requirements.

CONCLUSION SUMMARY

Compliance Inspector (CI) Heather Radney conducted an investigation of the allegation that Caregiver Terah Pooler had a fussy 10 or 11-month-old child on her knees. When she picked him up roughly, his head flopped as it was unsupported. Ms. Pooler then "ripped" his sleeper off (roughly) and "threw him over" and again the child's head flopped badly. The allegation is substantiated based on the following information:

5 CSR 25-500.102(1)(E) which states "Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests, and problems of children in care."

5 CSR 25-500.182(1)(C)8. which state "No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity."

5 CSR 25-500.182(1)(C)6. which states "Firm, positive statements or redirection of behavior shall be used with infants and toddlers."

On August 25, 2023, CI Radney observed video of the incident. The video begins at 13:24:24 and Caregiver Terah Pooler walks over to Child A's crib and roughly and quickly picks him up along with a blanket that she tosses over the top of his head and she cradles him in her arms. 13:25:05 Terah walks to a rocking chair and sits down and pats Child A's bottom and rocks Child A with

his head still covered with the blanket. Terah continues to rock and pat Child A's back while adjusting and readjusting Child A in her lap roughly, as if she is trying to immobilize him by making his arms and head unable to be moved. 13:25:58 Terah pulls out her cell phone and continues to rock Child A as Child A appears to struggle to free himself. 13:26:27 Child A wiggles his arm out and uncovers his head. Terah readjusts Child A, appears to put a pacifier in his mouth, pin his arms down and cover his head back up and rock Child A. 13:27:15 Terah continues to adjust and readjust Child A on her lap, pinning his arms down using a blanket and her body and covers Child A's head up with the blanket and rocks Child A. 13:27:23 Terah begins patting Child A's bottom in an aggressive or hard manner. Child A can be seen moving his legs. 13:28:39 Terah continues rocking Child A and covers Child A's face with the blanket and continues to adjust Child A on her lap and roughly pat his bottom. 13:30:30 Terah tucks the blanket in tightly around Child A and into the space between Child A and her body and covers Child A's face with the blanket. 13:30:41 Child A continues to move his legs and Terah sits up and sits Child A up in her lap rapidly. Terah flips the blanket away from Child A's face and out from around his body and throws it over the left arm of the rocking chair. 13:30:44 Terah flung Child A's body backward onto her legs and Child A's head was unsupported and leaning over the edge of her knees while Terah quickly and roughly unzips the sleep sack that Child A is wearing. 13:30:50 Terah yanks Child A up using his right hand/wrist in her right hand and slings him over onto his side while forcefully removing the sleep sack. 13:30:52 Terah stands up quickly, swinging Child A around and walks to the jumper seat. 13:30:56 Terah attempts to put Child A in the jumper seat but struggles to get both legs through the jumper seat. 13:31:02 Terah stands up and Child A throws his head back and appears to be crying. 13:31:03 Terah appears to be looking for something, tossing around Child A's sleep sack and blanket. 13:31:09 Terah roughly adjusts Child A in the jumper seat. 13:31:16 Terah walks away from Child A, still looking for something, and picks up and throws down Child A's sleep sack in the rocking chair. Child A appears to be crying, moving his head forward and backward in the jumper seat. 13:31:23 Terah walks back to Child A, leans over and appears to move Child A's head in order to put a pacifier in Child A's mouth. Child A's arms appear rigid and Child A's head is leaned back. 13:31:36 Terah tucks Child A's blanket around his body in the jumper seat, picks up something on the ground and walks away from Child A. 13:31:42 Child A lays his head down on the blanket that is laying over the jumper seat. During the duration of the video, Caregiver Sarah Myers was visible in the video and observed the interactions between Terah and Child A. Caregiver Sarah Myers can be seen in the video on her cell phone while she rocks another child.

CI Radney received and reviewed additional videos taken by Caregiver Sarah Myers. The videos do not have time stamps, so the time cannot be determined. The first video is 15 seconds long and the second video is eighteen seconds long. Both videos show the same incident with Caregiver Terah Pooler and Child A, but from a different angle. Caregiver Sarah Myers was in the classroom, sitting in the other rocking chair across from Terah and Child A while recording Terah's interactions with Child A on her cell phone. The videos provided by Sarah Myers has audio. In Video 1, Terah is seen holding Child A on her lap while she sits in the rocking chair as she is taking off his sleep sack, Terah is observed to say to Child A "There is no reason for this. You're going to get up and you're going to sit in a bouncy chair." In Video 1, Child A can be heard screaming, crying and grunting. In Video 2, Terah is seen attempting to put Child A in a jumping seat. Terah is observed to say to Child A "No you don't get to (unintelligible) screaming at the top of your lungs, you can sit in there." In Video 2, Child A can be heard screaming and crying. Caregiver Sarah Myers reported Child A was startled by Terah's yelling and would inhale and gasp, but then just continued screaming and crying.

Caregiver Terah Pooler was not knowledgeable of the needs of Child A nor was she sensitive to the capabilities, interests, problems of children in care when she reported to CI Radney that she was frustrated that Child A woke up and started crying, which would be considered a problem in child care and a normal behavior of an infant. Caregiver Terah Pooler was speaking harshly to Child A during the incident, as observed by CI Radney on video, saying "There is no reason for this. You're going to get up and you're going to sit in a bouncy chair" and "No you don't get to (unintelligible) screaming at the top of your lungs, you can sit in there." Child A is observed to be screaming, crying and grunting during the incident. CI Radney observed Terah's behaviors, tone of voice and words spoken to Child A and observed they were not firm, positive statements or redirection of the behavior that Child A was exhibiting. Terah's interaction with Child A during this time would have also been frightening, as an 11-month-old being swung around aggressively and without proper support of his body and having his arms held down in a tight swaddle manner and his head covered while being rocked by a caregiver who admittedly was the most frustrated she had been.

5 CSR 25-500.092(1)(B)2.H. which states "Blankets or other soft or loose bedding shall not be hung on the sides of cribs or put under the fitted sheet. Only sleep clothing that is designed to keep an infant warm without the possible hazard of covering the head or face may be used during sleep or nap time."

CI Radney observed a video recording of the incident that occurred and observed a blanket in the crib with Child A. CI Radney also observed Caregiver Terah Pooler to put the blanket over Child A's face eight times while rocking him.

5 CSR 25-500.192(5)(A) which states "In case of accident or injury to a child, the provider shall notify the parent(s) immediately. If the child requires emergency medical care, the provider shall follow the parent's(s') written instructions."

On October 26, 2023, CI Radney conducted a telephone interview with Parent A. She reported that she was not notified about

the incident that occurred on August 18, 2023 by any staff member from Family Self-Help Center, Inc. She received a call from another agency regarding the incident on Saturday, August 19, 2023 at 11:21 a.m. Sherri Brinkoetter called Parent A on Monday, August 21, 2023, and Sherri told her that she is probably already aware of the incident that occurred but wanted Parent A to know the staff member had been fired.

5 CSR 25-500.102(1)(F) which states "Caregivers shall be capable of handling emergencies promptly and intelligently."

Caregiver Sarah Myers did not handle this emergency promptly and intelligently when she was present in the classroom with Terah Pooler and Child A and observed the entire incident from beginning to end. Sarah did not intervene or attempt to stop Terah from interacting with Child A in an unsafe manner. CI Radney observed Sarah to sit in a rocking chair, rocking another child, facing Terah and Child A and continue to rock the child and take video of the incident rather than calling for assistance or intervening. Additionally, Sarah did not notify anyone of the incident and the video she recorded until the following day, when she texted Caregiver Sherri Brinkoetter about her concerns regarding the incident.

5 CSR 25-500.102(2)(A)6. which states "The center owner(s), or the board president or chairperson, shall notify the department immediately when there is a change of directors and shall have a qualifying criminal background check on file as required by 5 CSR 25-600.020 General Requirements."

CI Radney attempted to email the director on file, Suzanne Simek, requesting documentation relevant to the investigation. When no return email was received, CI Radney called the facility. On October 26, 2023, CI Radney spoke to Sherri Brinkoetter who reported that Suzanne was no longer the director and had not been for about three months. The Office of Childhood was not notified immediately when there was a change of directors. Susan Hickam confirmed during a phone interview on October 26, 2023, that Suzanne had not been the director of the facility since mid to end August and she does not know what information if any the Office of Childhood received regarding the change of director. Susan stated they have a new director and they are working on getting her director certification and approval paperwork turned in.

CORRECTIVE MEASURES

| CORRECTIVE MEASURE | COMPLETED (Y/N) | COMPLETED DATE |
|---|-----------------|----------------|
| The facility shall notify all staff members of the violations which were substantiated, and specify the actions to be taken by all staff in order to comply with all licensing violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood. | Yes | 12/15/2023 |
| CORRECTIVE MEASURE | COMPLETED (Y/N) | COMPLETED DATE |
| The facility shall be put on close supervision. | Yes | 5/9/2024 |

| DISPOSITION | DISPOSITION DATE |
|---------------|------------------|
| SUBSTANTIATED | 11/2/2023 |

APPROVING SUPERVISOR
FOX, ROMENA