

Office of Juvenile System Oversight

REVIEW OF THE NEAR DEATH OF K.M. PITTSBURG COUNTY, OKLAHOMA

Report Release Date: May 2, 2024

OVERVIEW

The Office of Juvenile System Oversight (OJSO) received a request to conduct a case review concerning the near-death of ten-year-old K.M.

On May 19, 2020, the Pittsburg County District Attorney filed against the biological father, William “Billy” Menees, a felony charge of Child Abuse by Torture, Conspiracy to Commit Child Abuse and Child Neglect, Kidnapping, three counts of Enabling Child Abuse, and five counts of Child Abuse.

On May 19, 2020, the Pittsburg County District Attorney filed against the stepmother, Ashley Schardein, a felony charge of Child Abuse by Torture, Conspiracy to Commit Child Abuse and Child Neglect, Kidnapping, three counts of Enabling Child Abuse, and five counts of Child Abuse.

On May 7, 2021, the charges for Mr. Menees and Ms. Schardein were dismissed, citing a lack of jurisdiction due to the alleged crimes being committed against a Native American. A federal charge was filed by the United States Attorney on May 4, 2021, against Mr. Menees and Ms. Schardein.

IDENTIFIERS

Child's Name:	Age at Time of Incident:	Date of Near-Death Incident:
K.M.	Ten Years Old	May 10, 2020

Person Responsible for Child (PRFC):	Additional Identifiers:
William Menees Ashley Schardein	Sibling One: Twelve Months Old Sibling Two: Three Years Old

ACTIONS

The release of the following summary of the actions taken by Oklahoma Department of Human Services (OKDHS) and the proceedings in the district court is authorized by Title 10A O.S. § 1-6-105H.

The OJSO did not become aware of this case until after the near death of K.M.

NEAR-DEATH INCIDENT

On May 9, 2020, the OKDHS office in Pittsburg County received the near-death report regarding K.M. The OKDHS documented that law enforcement was called to the home for possible child abuse and notified the OKDHS worker on call that they found a small ten-year-old child, K.M., who appeared to have multiple bruises and lacerations all over their body. It was further documented that K.M. also appeared to be malnourished, and K.M. asked law enforcement to get them away from the home so they could tell them what had happened there. K.M.

stated if they were given anything to eat, it would only be spinach and oatmeal and that they had been tied up and locked in a room.

- The OKDHS accepted this report as a Priority II Investigation.

INVESTIGATION

The persons interviewed during the investigation included the biological father, William Menees; the stepmother, Ashley Schardein; and various third parties.

On May 9, 2020, the OKDHS documented they observed K.M. to have a shaved head and multiple bruises. Some of the bruises appeared newer as the colors were different. K.M. was observed to be “extremely thin. [K.M.]’s skin sagged on [K.M.]’s body as if [K.M.] had recently lost a lot of weight.” K.M.’s skin was an “ashy color,” and K.M.’s “eyes had no light or shine in them.”

The OKDHS documented that Siblings One and Two were well nourished, with no marks or bruises, and were wearing nice clothes.

On May 9, 2020, K.M. was forensically interviewed. K.M. stated Mr. Menees and Ms. Schardein tied their hands behind their back, denied them food, and locked them in a bedroom. K.M. stated that earlier on this day (May 9, 2020), Ms. Schardein had “busted [K.M.’s] head on the wall and busted [K.M.’s] lip.” They stated Ms. Schardein grabbed them by the throat and dug her nails into their throat. K.M. stated they were scared to go home.

OKDHS further documented that on another occasion, K.M. stated Ms. Schardein grabbed them by the head and slammed them onto the floor more than one time, making their body hurt. K.M. stated it hurt so bad that they peed on themselves. Then Ms. Schardein told K.M. to get away from her before she hurt them more.

It was further documented that K.M. disclosed multiple incidents of being physically abused by Ms. Schardein and Mr. Menees. They disclosed not being given food or water. K.M. stated that Mr. Menees told them that they could go seven days without food before they died. K.M. disclosed Ms. Schardein and Mr. Menees withheld food and made them sleep on the concrete floor with no pillow or blanket. K.M. disclosed they were locked in a room for at least a month. They stated Mr. Menees and Ms. Schardein shaved their head because they had too many accidents on the carpet while they were locked in the room and unable to use the bathroom.

On May 10, 2020, K.M. was examined by a medical professional. They had bruising from head to toe, scratch marks, and bruising under the chin area that are, according to a medical professional, consistent with choking/strangulation.

The OKDHS documented that Mr. Menees and Ms. Schardein admitted to law enforcement they withheld food from K.M. Mr. Menees stated he knew K.M. could survive with only water for up to seven days. Mr. Menees and Ms. Schardein stated they tied K.M. up for their safety because they hurt themselves and made threats of hurting Ms. Schardein.

Mr. Menees and Ms. Schardein stated that K.M. would hit, bite, pick at themselves, and throw themselves all over the room, causing bruises on their body. Mr. Menees and Ms. Schardein stated that K.M. had no hair because Mr. Menees messed up on their haircut. Text messages between Mr. Menees and Ms. Schardein indicated otherwise. The OKDHS documented text messages between Mr. Menees and Ms. Schardein showed a conversation about “not allowing [K.M.] to have a pillow and making [K.M.] sleep on the concrete as well as turning down the temperature to make it cold like jail.”

The OKDHS documented that third-party witnesses had concerns over how Ms. Schardein and Mr. Menees treated K.M. They had concerns that Ms. Schardein appeared to “have hatred toward [K.M.] and had been observed in the past to lie about the child’s behavior so [K.M.] will be disciplined” by Mr. Menees.

- The OKDHS made a Substantiated Finding of Neglect/Threat of Harm by William Menees and Ashley Schardein to Siblings One and Two.

- The OKDHS made a Substantiated Finding of Abuse/Near Death by William Menees and Ashley Schardein to K.M.

The OKDHS recommended a deprived petition be filed on behalf of the children.

PRIOR INVOLVEMENT OF THE PRFC WITH OKLAHOMA DEPT. OF HUMAN SERVICES

Pertinent Investigation 1:

On March 6, 2019, the first pertinent report was from the OKDHS office in Pittsburg County. Reportedly, K.M. stated they were thinking about running away from home. K.M. stated they thought about running away from home every day because the stepmother, Ashley Schardein, said mean and hateful things to K.M. It was reported that an example of what Ms. Schardein said was K.M. was not good at anything. K.M. stated they were made to clean all day and watch their siblings while Ms. Schardein watched television. K.M. stated that when they got in trouble, they had to sit in their room or lie on the floor with their feet raised. K.M. stated they had received bruises in the past from being spanked and that they were spanked with a big paddle. K.M. stated they were last spanked with the paddle two weeks before (March 6, 2019), for not eating dinner. K.M. stated Mr. Menees and Ms. Schardein threatened to withhold food from K.M. because they said using the paddle was not working.

- The OKDSH accepted the report as a Priority II Assessment with an initiation due date of March 15, 2019.

On March 14, 2019, the OKDHS documented they spoke to K.M. It was noted that K.M. stated they were forced to clean the entire house so Ms. Schardein could watch television. K.M. stated they were the only ones who cleaned the home. K.M. indicated if they did not get their chores done, they would receive a “whooping,” which was a spank on the butt with an open hand. K.M. stated they also would get spanked with a belt or wooden spoon, and Ms. Schardein was always rude and had a bad attitude. K.M. stated Ms. Schardein “yells and cusses” at them all the time.

On March 14, 2019, the OKDHS documented that Ms. Schardein and Mr. Menees stated they would never intentionally harm any of their children. They denied ever withholding food from K.M. They stated that for discipline, they used timeouts. Mr. Menees stated he spanked K.M. once, but that was over a year ago.

The OKDHS documented that upon completing the assessment, they determined the children were safe with Ms. Schardein and Mr. Menees. The OKDHS documented they “could not find any information to support [K.M.’s] allegations or that any of the children are being abused/neglected.”

Pertinent Investigation 2:

On April 11, 2019, the OKDHS office in Pittsburg County received the second pertinent report. Per the OKDHS documentation, K.M. stated their stepmother, Ashley Schardein, told K.M., “She does not want [K.M.] but wants to throw [K.M.] out but can’t because [K.M.] is [K.M.’s] dad’s child.” It was reported that K.M. got a swat last night (April 10, 2019) for wearing their hair a certain way. It was reported that today (April 11, 2019), K.M. has self-inflicted marks on their upper arms by sucking on their skin. K.M. stated they sucked on their skin because they were nervous about their home life. K.M. stated they received ten spankings that week.

It was reported that K.M. feared their parents and that they had to sit in their room and were only given ten minutes to eat at dinner. If they had not eaten in ten minutes, Ms. Schardein and Mr. Menees would throw the food away. It was reported that a car followed them home when K.M. walked home from school. As a result, teachers or the resource officer walked K.M. home. It was reported that K.M. got in trouble because they were being walked home. Ms. Schardein stated that K.M. lied about being followed by a car; however, it was documented that school officials and resource officers had seen the vehicle.

- The OKDHS accepted the report as a Priority II Investigation.

On April 12, 2019, the OKDHS documented they spoke to K.M., who stated they got “paddled and spanked for everything [K.M.] does.” K.M. stated Ms. Schardein did not like them, and Ms. Schardein was why they were always

getting into trouble with Mr. Menees. K.M. reported that Ms. Schardein tells Mr. Menees to discipline them.

On April 12, 2019, the OKDHS documented that when they interviewed Mr. Menees and Ms. Schardein, they stated they were unaware of the self-inflicting marks on K.M.'s upper arms because K.M. was always wearing long-sleeved shirts. Mr. Menees stated that he and Ms. Schardein had taken K.M. to the hairdresser, and the hairdresser stated that K.M.'s hair was breaking because of how they wore it. Mr. Menees stated he never told K.M. they could not wear their hair that way.

OKDHS further documented that Mr. Menees stated that K.M. never received a spanking for speaking with the OKDHS. He stated that K.M. gets spanked for lying. He stated that he would rather ground K.M. to their bedroom, which they have currently done. Mr. Menees and Ms. Schardein stated that K.M. liked to play at the dinner table and in the shower. He indicated that K.M. would play around to the point that K.M. would sit at the dinner table all night long. Mr. Menees stated that since they have enforced a time limit, K.M. has completed meals without playing around. Mr. Menees stated that he was trying to create an environment with structure. Mr. Menees stated that K.M. struggled because they were used to doing whatever they wanted.

During this investigation, there were two additional reports filed:

Intermediate Report 2A

On April 11, 2019, it was reported that K.M. had bruises around their arm that looked like finger and thumbprints. It was reported that K.M. was spanked so hard that they fell.

On May 22, 2019, the OKDHS documented that they had seen all three children on multiple occasions, and none had any marks or bruises.

Intermediate Report 2B

On April 16, 2019, it was reported that K.M. was paddled over having hair strands in their mouth.

On May 1, 2019, OKDHS documented that Mr. Menees stated he spanked K.M., not for their hair being in their mouth, but for lying. He noted that he caught K.M. three different times with hair in their mouth. He stated that K.M. had a bad habit of chewing their hair. He stated that he asked K.M. twice to get the hair out of their mouth, but they had an excuse each time like the wind blowing it in or falling in. He stated that the third time was the last and that he gave K.M. chances, but sometimes they pushed. Mr. Menees stated that it was two swats to K.M.'s butt, with an open hand and with their clothes on. Mr. Menees stated that he would not tolerate lying.

- The OKDHS made an Unsubstantiated Finding as to the allegation of Abuse/Mental Injury by William Menees and Ashley Schardein to K.M.
- The OKDHS made an Unsubstantiated Finding as to the allegation of Abuse/Beating/Hitting-Instrument by William Menees and Ashley Schardein to K.M.

The OKDHS documented, "Although the consequences over certain behavior may appear to be very strict, the consequences are not defined as abuse." The OKDHS referred the family for counseling and wrap-around services.

Pertinent Investigation 3:

On April 11, 2019, the OKDHS office in Pittsburg County received the third pertinent report. It was documented that K.M. was observed at school with little bruises on their arm, which looked like thumbprints. K.M. told a school official that they sucked on their arm to cause the bruises because they were nervous at home and that they have a "do and don't list." It was reported that if K.M. did anything on the "don't list," they would get ten spankings.

Additional documentation indicated that when K.M. would get spanked, it was with a wooden paddle about an inch thick. They stated they got spanked so hard they would fall on the floor, and when they were spanked, they had to hold their hands on the counter. K.M. stated there were cameras all over the house, inside and outside. The cameras were used to watch and see if K.M. did anything wrong. If they did do something wrong, the parents

would give them a spanking.

Additional documentation from the OKDHS reported that K.M. stated they would get ten minutes to eat. They had to throw their food away if they were not done eating in 10 minutes. They were prohibited from wearing their hair a certain way, even if it was hot outside. K.M. stated their stepmother (Ashley Schardein) was “always screaming and yelling and saying bad things” about them. Ms. Schardein reported that she did not want K.M. and would kick them out if they were not William Menees’s child.

- On April 11, 2019, the OKDHS screened out this report as a subsequent report of another open investigation.

Pertinent Investigation 4:

On April 16, 2019, the OKDHS office in Pittsburg County received the fourth pertinent report. Per OKDHS documentation, K.M. stated they were spanked with a paddle over the weekend because some hair strands were in their mouth. K.M. stated they would get ten swats with a paddle if their hair were styled a certain way. It was documented that K.M. had injuries in the past but did not currently have any. K.M. indicated the father, William Menees, stated they could no longer talk to anyone about anything that went on at home.

- On April 11, 2019, the OKDHS screened out this report as a subsequent report of another open investigation.

Pertinent Investigation 5:

On January 13, 2020, the OKDHS office in Pittsburg County received the fifth pertinent report. Per OKDHS documentation, it was reported that the stepmother, Ashley Schardein, was mentally abusive to K.M., and the father, William Menees, was aware. It was reported that Ms. Schardein told K.M. that no one cared about them or wanted them and that right before Christmas, Ms. Schardein told K.M. that “they were going to drop [K.M.] off at foster care and leave [K.M.] until after Christmas because [K.M.] was not having one.” It was reported Mr. Menees knew about the Christmas statement and told Ms. Schardein to stop, and he did not know about Ms. Schardein telling K.M. the other statements until today (January 13, 2020). It was reported that K.M. was being “cursed” at by Ms. Schardein.

Additional documentation revealed that K.M. was experiencing stress and weight loss. Reports suggested that Ms. Schardein would fabricate lies, attempting to make it appear that K.M. was dishonest. It was also reported that Ms. Schardein had the authority to decide on K.M.’s punishments, including the option of spanking administered by Mr. Menees. It was noted that K.M., being homeschooled, spent every day at home with Ms. Schardein. K.M. had disclosed to a family member that they wanted to take their own life.

- The OKDHS accepted the report as a Priority II Investigation.

On February 25, 2020, the OKDHS documented they spoke to K.M. Per documentation regarding the conversation, K.M. stated they were “spoiled” and “lied about stuff all the time.” K.M. stated they would say Ms. Schardein was “mean and got on to me when she didn’t.” They stated they liked going to a friend’s house and playing when allowed. K.M. stated they were homeschooled. When asked what happened when K.M. got in trouble, they stated they got “in trouble a lot.” for “lying, back talking, not listening, not doing my chores, and rolling my eyes.” K.M. stated they would “get whoopings on my butt by my dad, and one time Ashley whipped me on the leg with her hand.” K.M. stated they “used to lie a lot, but I’m doing better.” When asked what happened to their siblings when they got in trouble, K.M. stated they did not get in trouble much. K.M. disclosed that Ms. Schardein, “Let them do whatever they want, and I get in trouble for them. They tattler on me a lot.” When asked what kind of mother Ms. Schardein was, K.M. stated, “She’s a really good mom, but when it comes to me, I don’t believe she loves me.” K.M. added, “It’s the way she acts towards me it makes me not believe her.” When asked about their father, K.M. stated he was good as long as he refrained from drinking.

On February 25, 2020, the OKDHS documented that they had spoken to Ms. Schardein. During the interview, she stated that K.M. told someone that she said no one loves them. She indicated this statement was never made, but she did state that K.M. was upset because K.M. said she did not “spoil” them.

She further reported that K.M. lied often and would try to get her and Mr. Menees to fight or break up. When asked how K.M. was disciplined, Ms. Schardein stated that K.M. would get grounded from the television, outside, or from friends. She stated that sometimes she would give K.M. “whoopings,” but she did not like to do that.

Ms. Schardein stated she would leave that for Mr. Menees to do. Ms. Schardein stated she “whipped” K.M. on February 24, 2020, because K.M. knows they have to wait thirty minutes to eat after taking their medication. Ms. Schardein stated that K.M. asked if they could eat right after taking their medication, and she explained why they could not. Afterward, she walked into the kitchen and found K.M. eating, so she “whipped [K.M.] on the butt” with her hand.

Ms. Schardein denied ever leaving marks or bruises on the children and stated, “We really don’t like to whip them anymore at all since the last time DHS was involved.” Ms. Schardein noted that a third-party witness recommended taking stuff away. She continued with, “If that doesn’t work, then we will have [K.M.] do exercises like ten push-ups or run outside for two minutes, and if that doesn’t work, we give [K.M.] another chore.”

On February 27, 2020, the OKDHS documented that they had spoken to Mr. Menees. It was documented that he said they had trouble with K.M. telling lies and that K.M. knew what to say to get people “riled up.” He stated he was not against spanking the children and said, “I don’t beat them, but I will give them a whooping if they need it.” Mr. Menees added that he used a paddle when needed.

As a form of discipline, Mr. Menees stated he mostly liked to ground K.M. or take away television time. He added, “I started feeling like taking privileges away was not getting through to [K.M.], so that’s when I bought the paddle.” He stated I will use it when [K.M.] talks back.” He denied ever leaving marks or bruises.

On March 11, 2020, the OKDHS spoke to a third-party witness who reported that they did not have concerns regarding Ms. Schardein being mean or mentally abusive to K.M. They stated that K.M. was “sweet,” but “manipulative.”

- The OKDHS made an Unsubstantiated Finding as to the allegation of Abuse/Mental Injury by Ashley Schardein to K.M.
- The OKDHS made an Unsubstantiated Finding as to the allegation of Neglect/Threat of Harm by William Menees to K.M.
- The OKDHS documented that “Although the consequences over certain behavior may appear to be very strict, the consequences are not defined as abuse, and there are no signs of mental abuse.”
- The OKDHS documented, “Collaterals have no concerns for the children and state that Ashley is a good stepmom/mom and make it a point to treat all the children the same. Third parties reported that K.M. is manipulative and has told multiple lies and then, when confronted about it, lies about it.”
- The OKDHS recommended the family continue with counseling services.

JUDICIAL PROCEEDINGS PRIOR TO THE CHILD’S NEAR-DEATH

The OJSO identified no relevant judicial proceedings prior to the near-death incident.