

Foster mom denies wrongdoing in death of baby Delonna, sues for slander, defamation

BY KAREN KLEISS, EDMONTON JOURNAL DECEMBER 22, 2013



Delonna Sullivan was just four months old when she died in April 12, 2011. She had been apprehended from her mother, Jamie Sullivan, by Alberta child welfare officials just six days earlier.

Photograph by: Supplied, photo

EDMONTON - An Edmonton foster mother has filed a \$20,000 countersuit against the biological family of an infant girl who died in her foster home.

She is one of 13 defendants named in a \$2.5 million lawsuit launched after four-month-old Delonna Sullivan died in foster care on April 11, 2011.

The infant died six days after child welfare workers apprehended her from her mother.

In a statement of defence and counterclaim filed Oct. 4, the foster mother denies any wrongdoing in connection with the baby's death.

She alleges "defamation of character, slander and malicious intent" and claims damages of \$20,000 "for cost of care for physiological treatment."

"The plaintiff claims that at the time of the apprehension Delonna Sullivan was a very happy healthy baby. While it is true that Delonna Sullivan was a happy baby she in fact was not healthy," the statement of defence says.

“She was placed into the defendant’s care with the following: pink eye, a cold and a heat rash on her neck area.”

The statement of defence says the foster mother is a level-two foster parent with 11 years’ experience. It says she provided proper formula and bedding for the child — “a Graco play pen bassinet” — and also purchased additional clothing. The statement acknowledges the baby had diarrhea before she died, but says “it was nowhere near severe, let alone fatal.”

“The defendant acknowledges that Delonna Sullivan was ill but in no way ill enough to need medical care,” the statement says. “The defendant was treating the cold symptoms with the standard infant Tylenol.”

The foster mother also denies that Delonna’s mother asked her to take the baby to the doctor.

“The defendant denies any negligence in the care she provided to Delonna Sullivan,” the statement says. “The defendant did not deem it necessary to seek medical help nor did the plaintiff ever suggest such.”

The statement of defence was filed in response to a multimillion lawsuit filed April 10, 2013 by Delonna Sullivan’s mother, Jamie Sullivan, and her grandmother, Marilyn Koren.

It alleges, in part, that Delonna was apprehended for no reason, that the caseworkers and foster mother who cared for her were negligent, and that they failed to take her to a doctor when she was sick.

The suit names Delonna’s foster mother, the child welfare workers involved in her apprehension, the doctors involved in her care and various government and child welfare agencies, including the RCMP.

In a separate statement of defence filed Oct. 15, Dr. Samina Ali also denies any wrongdoing. Ali is the pediatric emergency physician who treated the infant when she arrived at the Stollery Children’s Hospital.

“At approximately 4 p.m., Delonna arrived at the Stollery Emergency Department via EMS. She had no cardiac or respiratory function, and was exhibiting signs indicating that she was dead and that her condition was irreversible,” Ali’s statement of defence says.

“Notwithstanding Delonna’s clinical presentation which indicated that resuscitation efforts could not succeed, Dr. Ali together with a team of other health care professionals appropriately and vigorously attempted to resuscitate Delonna.”

“The care and treatment given to Delonna by Dr. Ali was reasonable, skilful, careful and proper in every respect.”

Koren and Sullivan have filed a statement of defence in response to the foster mother’s counterclaim. They, too, deny all of the allegations against them.

Delonna Sullivan and her family can be publicly named because a judge in 2011 overturned a

publication ban under the Child, Youth and Family Enhancement Act, at the family's request.

The foster mother remains protected by that ban, and so her name cannot be published.

The child welfare workers, police, agencies and government departments have not filed statements of defence.

Allegations contained in a statement of claim have not been proven in court.

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