

# Fracture type likely a signal of baby's abuse

MDs may have missed warning sign, source says

BY MOIRA WELSH AND KERRY GILLESPIE  
STAFF REPORTERS

Doctors who treated baby Tamara Thomas for a broken leg may have missed a strong warning sign of child abuse.

A spiral fracture — the red flag of child abuse — is almost certainly the type of broken bone that 13-month-old Tamara suffered when she was treated at Scarborough Grace Hospital on Jan. 20, just three weeks before her death.

"All the signs point to a spiral fracture," said a source close to the investigation. "I'm very suspicious that this is what she had."

Any broken bone is suspicious in a young child, but a spiral fracture is the result of a violent twisting motion that is always a strong warning of abuse.

Doctors, who believed Tamara's parents' story of a simple accident, neglected to give Tamara a skeletal survey. Had they given her the full body x-ray, doctors would have found at least 10 other broken bones in her ribs, legs and right arm.

Tamara was found dead in her playpen in her Scarborough apartment when her mother returned home Monday afternoon. An autopsy, which found that Tamara died of asphyxiation, revealed those injuries.

Tamara's father, Oneil Courtney Blackett, 22, faces charges of second-degree murder.

The Star has also learned that Tamara may have suffered numerous other broken bones. "There are signs of fractures in both of her hands," the source said.

Tamara's body, which is at the Hospital for Sick Children, underwent further tests yesterday to fully document the extent of her abuse.

It is still not known whether all of Tamara's broken bones are the result

## Spiral fracture



X-ray of leg bone of a 16-month-old victim  
TORONTO STAR GRAPHIC

Experts say this fracture should sound an immediate alarm bell. It is caused by the sudden violent twisting of an arm or leg.

Spiral fractures are diagonal and curve around the bone. Normal fractures are horizontal.

of one beating, or whether she was beaten over a longer period of time. The broken bones can be dated, but that will take some time.

"The assumption is that this has occurred over a long period of time, but we just don't know," said Detective-Sergeant Mike Davis of the homicide squad.

Davis said yesterday he intends to investigate whether the hospital delayed calling the Toronto Children's Aid Society.

"If the (Child and Family Services Act) says to call the CAS immediately and if they didn't do that, then they could be summoned to family court and charged under the ... act for failing to notify the CAS immediately," Davis said.



FATHER CHARGED: Oneil Courtney Blackett, who was arrested in the death of his daughter Tamara Thomas, below left, appeared in court on Thursday. He faces charges of second-degree murder.

Bruce Rivers, executive director of the Children's Aid Society of Toronto, wouldn't confirm when doctors at Scarborough Grace Hospital called the CAS, but said a worker did not see Tamara at the hospital.

The Child and Family Services Act states: "Any person ... who in the course of his or her professional duties has reasonable grounds to suspect the child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information on which it is based to a society."

A Scarborough Grace spokesperson said Thursday the hospital hadn't found any inappropriate action by its staff. Yesterday, no one from the hospital would comment.

Meanwhile, police believe the mother, Valda Thomas, did not know about the abuse her daughter was suffering. Tamara's father had only been spending time with the family over the last few months, Davis said.

## Durham CAS 'acted quickly'

Durham Region Children's Aid Society officials say they acted as quickly as possible when they took two Pickering children into custody this week, after both suffered broken bones under "suspicious circumstances."

Durham CAS and the region's police are investigating possible child abuse involving a 2-month-old girl, who was taken to an Ajax hospital this week with a broken arm, and her 3-year-old brother, who recently suffered a broken collarbone.

"I think the staff responded appropriately to the situation as it arose," said CAS director Jim Dubray.

The CAS has been monitoring the family since Jan. 5, he said, when the girl was taken to hospital with a head injury. Durham officers investigated and discovered her brother's injuries, but concluded there was not enough evidence for charges, police said. The CAS then found the children were not in a "life-threatening" situation.

## Boy with brain damage awarded \$5 million

Obstetricians were negligent, judge rules

BY LISA PRIEST  
STAFF REPORTER

A baby boy left quadriplegic, blind and mute due to the negligence of two doctors has been awarded more than \$5 million — one of the largest malpractice judgments ever in Canada.

Most of the money will be used to pay for the round-the-clock care Michael Chow, now 7, requires, lawyer Richard Sommers said yesterday.

"I think the message to doctors is that they must keep up with the knowledge in the field. And I think the message for parents is that there is recourse in the courts," said Sommers who, with Bob Roth, represented Michael's parents in the year-long trial.

"This was a very, very sad event because it was entirely preventable."

In his judgment yesterday, Mr. Justice Douglas Lissaman found Dr. Jeremy Wong of Toronto and Dr. John Provatopoulos of Sudbury negligent in the care of Michael, who was born at what was then Wellesley Hospital on March 23, 1991.

Lissaman assessed Wong's negligence at 75 per cent and Provatopoulos' negligence at 25 per cent.

Neither obstetrician could be reached for comment yesterday. Lawyer Burton Tait, who represented the two doctors, said it was too early to comment and he was still trying to determine the dollar amount of the damages.

Roth and Sommers put damages between \$5 million and \$6 million, based on a 45½-year life expectancy of Michael, a Mississauga boy who has brain damage and cerebral palsy. That includes 24-hour care, estimated loss of a future \$123,379 yearly income by Michael, and cleaning services, among other things.

Michael's parents, both dentists, could not be reached for comment.

According to the judgment, the electronic fetal monitor attached to mother Theresa Allum warned that baby Michael was in trouble in the womb.

Once the baby's head came out, Wong noticed the umbilical cord was wrapped tightly around the neck, so he put two clamps on the cord and quickly cut it.

At birth, baby Michael was pale, gasping and flaccid, the judgment said.

A pediatrician or neonatologist should have been called much earlier and been at the birth, particularly since there were early warning signs of trouble in the womb, the 153-page judgment said.

"My biggest criticism of Michael Chow's delivery was the lack of adequate personnel present at birth, especially in light of Michael's prematurity and the fetal heart rate monitor tracing showing fetal stress and maybe distress," Lissaman wrote.

Instead of calling a neonatologist, Wong and Provatopoulos relied on a first-year resident to "oversee Michael's resuscitation, a doctor who was not skilled in treating premature newborns," the Ontario Court, general division, judgment said.

# Parties agree to push through CAS bill

NDP wants public hearings before MPPs return to Legislature

BY JOEL RUIJMY  
QUEEN'S PARK BUREAU CHIEF

The three political parties at Queen's Park say they're agreeable to a deal for speedy passage of a law giving the Children's Aid Society more power to act when it determines a child is in danger.

Social Services Minister Janet Ecker and Liberal Leader Dalton McGuinty said yesterday they're ready to push ahead with the bill, which died when

the Legislature rose for the holidays in December.

NDP children's critic Frances Lanekin said in a statement her party also supports the legislation but first wants public hearings into the bill.

With all-party agreement, the bill could become law in as little as two days after the Legislature resumes sittings March 22.

The stalled Bill 73 has been in the news this week following reports that the CAS was concerned about the safety of a 13-month-old Scarborough baby but could not intervene because the new law hadn't been passed.

Tamara Thomas died Monday afternoon of asphyxiation but an autopsy also showed she had nearly a dozen

broken bones; her 22-year-old father has been charged with second-degree murder.

Bill 73 would place protection of the child ahead of family autonomy, as is now the case. The legislation was drafted following a series of coroners' inquests over the last two years into a string of children's deaths.

Concerns are running high about speedy passage because Premier Mike Harris is expected to call an election shortly after the Legislature reconvenes on March 22.

If he does, there is a danger Bill 73 could die again when the Legislature is dissolved. But with an all-party agreement, the bill could be rushed into law.

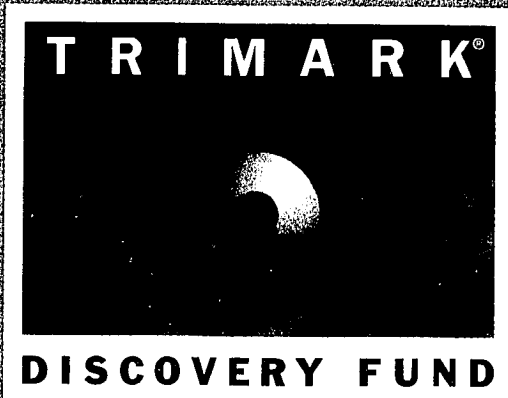
"I am quite prepared to talk to them again about all-party agreement to get this passed as quickly as possible," Ecker said.

McGuinty said he's "anxious" to have the bill passed.

"We should have hearings in an ideal situation but if time does not permit," then the Liberals will just vote for the legislation, he said.

Lanekin has offered her party's consent for quick passage if the government agrees to public hearings sometime between now and the March 22 return of MPPs.

But Ecker said Bill 73 already has the support of the CAS and of provincial coroners and doesn't require further hearings.



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