

3-month-old boy died in October 2010

Parents settle with Casper child care provider over son's death

By TOM MORTON Star-Tribune staff writer | Posted: Thursday, February 16, 2012 10:00 pm

The parents of a 3-month-old boy who died at a child care facility in October 2010 have settled with the owner, according to their attorney and court records.

Tom and Nichole Parker decided not to pursue a wrongful death lawsuit against Sara Whited, owner of the now-shuttered Sara's Day Care, for the death of their son Tyler, Mike Shickich said Thursday.

"They explored it [a lawsuit] and concluded this was the best way for them to heal and go forward," Shickich said.

Terms of the settlement are confidential, he said.

On Oct. 11, 2010, Nichole Parker went to Sara's Day Care to pick up her son and found him unresponsive and cold. Tyler was pronounced dead later that day at the Wyoming Medical Center. The cause of death was determined to be asphyxiation, and the infant had been dead for about two hours when his mother arrived, according to the coroner's report.

The Department of Family Services investigated the incident and found the facility violated requirements about supervising children, placing infants on their backs for sleeping and using portable cribs with unsecured mattresses.

Whited's facility had incurred multiple substantiated violations since the Wyoming Department of Family Services licensed it in 1996.

On April 7, 2011, Whited pleaded guilty to one count of child endangerment, and Circuit Court Judge Michael Patchen sentenced her to one year of unsupervised probation.

As part of plea, Whited will never be able to operate a child care facility again, according to court records.

Attorney Rick Koehmstedt represented Whited's insurance company. He was out of town and could not be reached for comment Thursday.

Attorney John Robinson represented Whited. Robinson said Thursday he had no comment.

After the criminal case ended, the Parkers took preliminary steps toward a civil action against Whited.

In November, Natrona County District Court named the Parkers personal representatives of Tyler, which gave them the authority to pursue a lawsuit to recover financial damages for their infant son. Wyoming law allows those who file wrongful death lawsuits to recover payment for the loss of care, comfort and society.

But the Parkers decided to settle the issue with Whited and avoid the pain of more litigation, Shickich said.

The Parkers want to push for better oversight of child care facilities, Shickich said.

"They're interested in seeing stronger enforcement so other families can see the deficiencies in a day care center," he said. "But for the grace of God this could have been any family."