

IN THE IOWA DISTRICT COURT IN AND FOR CLARKE COUNTY

STATE OF IOWA
CITY OF OSCEOLA
COUNTY OF CLARKE

MAGISTRATE _____
CRIMINAL NO. RTT 013020180

vs.

KELLY LYNN FRY

600 S MAIN, OSCEOLA, IA 50213

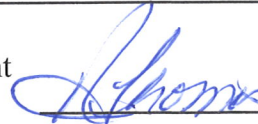
145AC1098 DOB: 07-16-1977

COMPLAINT AND AFFIDAVIT

THE DEFENDANT is accused of the crime of Child Endangerment - Aggravated Misdemeanor,
in violation of Section 726.6(7) of the Iowa Criminal Code / 20 17, in that the
defendant on or about January 30, 2017 (at approximately _____ M.), at 600 S MAIN, OSCEOLA, IA 50213
Osceola, Iowa, in Clarke County did

Child Endangerment to J.F., Aggravated misdemeanor, in violation of IC Sections 726.1(a) and (d) and 726.6(7)
"being a parent of a child, J.F, did knowingly act in a manner that created a substantial risk to J.F.'s physical,
mental or emotional health or safety and/or did willfully deprive J.F. of necessary food, clothing, shelter or health
care appropriate to the child's age.

Complainant



Signature of Complainant

AFFIDAVIT

STATE OF IOWA, County of Clarke, ss:

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.

On January 30, 2018, law enforcement officers were contacted by an Iowa DHS Caseworker requesting an officer be dispatched to 600 S. Main in Osceola. The undersigned officer responded and went to that location. Upon arrival, the undersigned met the DHS worker who indicated she was investigating a possible child abuse complaint. The investigation revealed that a neighbor had reported that the day prior two children were knocking on door of the home for approximately 45 minutes and crying to be let into the home.

The undersigned officer determined through his investigation and that of other police officers that Kenny and Kelly Fry are the parents of 7 children. Two of the children, E.F. (age 8) and J.F. (age 9) were adopted by Kenny and Kelly Fry a few years prior from Ghana. As of January 30, 2018, Kelly Fry homeschooled E.F. and J.F. and the children all lived in the residence located at 600 S. Main in Osceola.

Upon arrival at the residence on January 30, 2018, the undersigned officer was able to observe the children's bedrooms. 5 of the children had typical and age appropriate childhood bedrooms. In contrast, E.F. and J.F. shared a bedroom that had been subdivided into two rooms made of wood. The entirety of the two rooms was lined in plastic and wooden doors have been added to the rooms with alarms. The rooms were bare. Each room only contained a small plastic mat, a blanket and a small shelf added to the wall. There were no other furnishings or personal items in the rooms, except each child had a plastic bucket which was used for toileting needs. Kelly Fry indicated to the DHS Caseworker that her and her husband made the decision to construct the rooms for E.F. and J.F. months prior due to what she claimed was the children's bad behaviors. Kelly Fry indicated that E.F. and J.F. would defecate and urinate in their rooms so they had the rooms constructed and it was the children's responsibility to clean up after themselves. She also indicated that alarms were added to the doors because E.F. and J.F. would sneak out of their rooms and steal food and steal from other family members. Kelly Fry claimed the children choose to use the buckets instead of the bathroom facilities in the home.

E.F. and J.F. were removed from the Fry home on January 30, 2018 and placed with relatives. Subsequently, E.F. and J.F. were interviewed at the STAR Center at Blank Children's Hospital in Des Moines. Both children stated that they were required to spend a majority of their day isolated in their bedrooms. Though they were not locked in their rooms, they are not allowed to come out of their rooms without permission and if they did, alarms would go off and they would be disciplined. Discipline included being required to do squats and a form of pushups. A.F. and J.F. further reported they were required to do their school work in their rooms, take daily naps and go to bed early. They have buckets in their rooms to utilize for their toilet needs. Both E.F. and J.F. indicated that they do not get to eat breakfast if they use their buckets in the night and that they must take the buckets outside and clean them in the morning. J.F. stated that he and E.F. got oatmeal for breakfast, lunch and dinner, but the other children had no such food restrictions. J.F. stated that if they do not eat their oatmeal for breakfast or lunch it is saved and they eat it for their next meal. E.F. indicated that she had snuck out of her room to sneak food, that she did not get enough food, and that "I'm hungry."

The undersigned has learned that On February 8, 2018, a physical examination was completed by Katherine Scott, ARNP at the STAR Center at Blank Children's Hospital in Des Moines on E.F. and J.F. Ms. Scott noted that E.F. had a sickly appearance and exhibited had an anxious and withdrawn mood. A physical exam revealed that E.F. exhibited distension of her abdomen which is consistent with malnutrition and she was under the 10th percentile for weight and under the 1 percentile for height. E.F. weighed 50 pounds and was 46 inches tall. A year prior she weighed 45 pounds; her height had leveled off and had not increased over the past year. Ms. Scott indicates that a normal height growth for a child like E.F. is 2-3 inches per year. E.F. was also found to have several small wounds that were not healing properly, likely due to nutrition deficiency. J.F. was found to weigh 69 pounds at 53 inches tall. He likewise had leveled off on growth chart for both height and weight. Ms. Scott diagnosed E.F. with child neglect and child victim of nutritional neglect. She further diagnosed J.F. with child neglect.

Subsequent to being removed from their parents' home on January 30, 2018 E.F. and J.F. were placed in the care of a relative. They have engaged in therapy and services. It is reported that E.F. and J.F. have not exhibited in relative care the negative behaviors Kenny and Kelly Fry claimed the children were exhibiting in their care. The undersigned has learned that Ms. Scott also indicated that she saw E.F. at a follow up appointment on or about March 27, 2018 at the STAR Center at Blank Children's Hospital in Des Moines. This appointment occurred approximately 3 months after E.F. had been removed from the care of Kenny and Kelly Fry. At this physical examination, it was noted that E.F. had gained approximately 8 pounds after being removed from the care, custody and control of Kenny and Kelly Fry.

In sum, E.F. and J.F. were minor children, under the age of 10, who were dependent on their parents for all of their physical, emotional and medical needs. As parents, Kelly and Kenny Fry both knowingly acted in a manner that created a substantial risk to E.F. and J.F.'s physical, mental or emotional health and safety. They both also willfully deprived E.F. and J.F. of necessary food, clothing, shelter and health care. This resulted in a bodily injury to E.F. - malnutrition and nutritional neglect. In addition, Kelly and Kenny Fry also knowingly or recklessly exposed E.F. and J.F. to a hazard or danger (malnourishment and nutritional neglect) to which E.F. and J.F. could not reasonably be expected to protect themselves against inasmuch as they were children completely dependent on their parents for the provision of necessary food, shelter and necessary medical care.

No Contact Order is requested
Kenneth Gene Fry; Kelly Lynn Fry
Protected Parties;
J. F.; DOB: 02-01-2008 Minor Child
E. F.; DOB: 04-30-2009 Minor Child

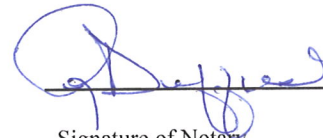


Signature of Affiant

Subscribed and sworn to before me by the person(s) signing this Complaint (and affidavit(s) on this the 21
day of June, 2018.



ROBIN L DUFFUS
Commission Number 178698
My Commission Expires
March 28, 2019



Signature of Notary

Complaint (and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

Magistrate

IN THE IOWA DISTRICT COURT IN AND FOR CLARKE COUNTY

STATE OF IOWA
CITY OF OSCEOLA
COUNTY OF CLARKE

MAGISTRATE _____
CRIMINAL NO. LIT 013020180

vs.

KELLY LYNN FRY

600 S MAIN, OSCEOLA, IA 50213

145AC1098 DOB: 07-16-1977

COMPLAINT AND AFFIDAVIT

THE DEFENDANT is accused of the crime of Neglect or Abandonment of Dependent Person,
in violation of Section 726.3 of the Iowa Criminal Code / 20 17, in that the
defendant on or about January 30, 2017 (at approximately _____ M.), at 600 S MAIN, OSCEOLA, IA 50213
Osceola, Iowa, in Clarke County did

Neglect of a Dependent person, a Class C felony, in violation of IC Section 726.3, "being a parent of two children,
E.F and A.F., did knowingly and recklessly expose such children to a danger or hazard against which such
children were unable to protect themselves."

Complainant



Signature of Complainant

AFFIDAVIT

STATE OF IOWA, County of Clarke, ss:

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.

On January 30, 2018, law enforcement officers were contacted by an Iowa DHS Caseworker requesting an officer be dispatched to 600 S. Main in Osceola. The undersigned officer responded and went to that location. Upon arrival, the undersigned met the DHS worker who indicated she was investigating a possible child abuse complaint. The investigation revealed that a neighbor had reported that the day prior two children were knocking on door of the home for approximately 45 minutes and crying to be let into the home.

The undersigned officer determined through his investigation and that of other police officers that Kenny and Kelly Fry are the parents of 7 children. Two of the children, E.F. (age 8) and J.F. (age 9) were adopted by Kenny and Kelly Fry a few years prior from Ghana. As of January 30, 2018, Kelly Fry homeschooled E.F. and J.F. and the children all lived in the residence located at 600 S. Main in Osceola.

Upon arrival at the residence on January 30, 2018, the undersigned officer was able to observe the children's bedrooms. 5 of the children had typical and age appropriate childhood bedrooms. In contrast, E.F. and J.F. shared a bedroom that had been subdivided into two rooms made of wood. The entirety of the two rooms was lined in plastic and wooden doors have been added to the rooms with alarms. The rooms were bare. Each room only contained a small plastic mat, a blanket and a small shelf added to the wall. There were no other furnishings or personal items in the rooms, except each child had a plastic bucket which was used for toileting needs. Kelly Fry indicated to the DHS Caseworker that her and her husband made the decision to construct the rooms for E.F. and J.F. months prior due to what she claimed was the children's bad behaviors. Kelly Fry indicated that E.F. and J.F. would defecate and urinate in their rooms so they had the rooms constructed and it was the children's responsibility to clean up after themselves. She also indicated that alarms were added to the doors because E.F. and J.F. would sneak out of their rooms and steal food and steal from other family members. Kelly Fry claimed the children choose to use the buckets instead of the bathroom facilities in the home.

E.F. and J.F. were removed from the Fry home on January 30, 2018 and placed with relatives. Subsequently, E.F. and J.F. were interviewed at the STAR Center at Blank Children's Hospital in Des Moines. Both children stated that they were required to spend a majority of their day isolated in their bedrooms. Though they were not locked in their rooms, they are not allowed to come out of their rooms without permission and if they did, alarms would go off and they would be disciplined. Discipline included being required to do squats and a form of pushups. A.F. and J.F. further reported they were required to do their school work in their rooms, take daily naps and go to bed early. They have buckets in their rooms to utilize for their toilet needs. Both E.F. and J.F. indicated that they do not get to eat breakfast if they use their buckets in the night and that they must take the buckets outside and clean them in the morning. J.F. stated that he and E.F. got oatmeal for breakfast, lunch and dinner, but the other children had no such food restrictions. J.F. stated that if they do not eat their oatmeal for breakfast or lunch it is saved and they eat it for their next meal. E.F. indicated that she had snuck out of her room to sneak food, that she did not get enough food, and that "I'm hungry."

The undersigned has learned that On February 8, 2018, a physical examination was completed by Katherine Scott, ARNP at the STAR Center at Blank Children's Hospital in Des Moines on E.F. and J.F. Ms. Scott noted that E.F. had a sickly appearance and exhibited had an anxious and withdrawn mood. A physical exam revealed that E.F. exhibited distension of her abdomen which is consistent with malnutrition and she was under the 10th percentile for weight and under the 1 percentile for height. E.F. weighed 50 pounds and was 46 inches tall. A year prior she weighed 45 pounds; her height had leveled off and had not increased over the past year. Ms. Scott indicates that a normal height growth for a child like E.F. is 2-3 inches per year. E.F. was also found to have several small wounds that were not healing properly, likely due to nutrition deficiency. J.F. was found to weigh 69 pounds at 53 inches tall. He likewise had leveled off on growth chart for both height and weight. Ms. Scott diagnosed E.F. with child neglect and child victim of nutritional neglect. She further diagnosed J.F. with child neglect.

Subsequent to being removed from their parents' home on January 30, 2018 E.F. and J.F. were placed in the care of a relative. They have engaged in therapy and services. It is reported that E.F. and J.F. have not exhibited in relative care the negative behaviors Kenny and Kelly Fry claimed the children were exhibiting in their care. The undersigned has learned that Ms. Scott also indicated that she saw E.F. at a follow up appointment on or about March 27, 2018 at the STAR Center at Blank Children's Hospital in Des Moines. This appointment occurred approximately 3 months after E.F. had been removed from the care of Kenny and Kelly Fry. At this physical examination, it was noted that E.F. had gained approximately 8 pounds after being removed from the care, custody and control of Kenny and Kelly Fry.

In sum, E.F. and J.F. were minor children, under the age of 10, who were dependent on their parents for all of their physical, emotional and medical needs. As parents, Kelly and Kenny Fry both knowingly acted in a manner that created a substantial risk to E.F. and J.F.'s physical, mental or emotional health and safety. They both also willfully deprived E.F. and J.F. of necessary food, clothing, shelter and health care. This resulted in a bodily injury to E.F. - malnutrition and nutritional neglect. In addition, Kelly and Kenny Fry also knowingly or recklessly exposed E.F. and J.F. to a hazard or danger (malnourishment and nutritional neglect) to which E.F. and J.F. could not reasonably be expected to protect themselves against inasmuch as they were children completely dependent on their parents for the provision of necessary food, shelter and necessary medical care.

No Contact Order is requested
Kenneth Gene Fry; Kelly Lynn Fry
Protected Parties;
J. F.; DOB: 02-01-2008 Minor Child
E. F.; DOB: 04-30-2009 Minor Child



Signature of Affiant

Subscribed and sworn to before me by the person(s) signing this Complaint (and affidavit(s) on this the 21
day of June, 2018.



ROBIN L DUFFUS
Commission Number 178698
My Commission Expires
March 28, 2019



Signature of Notary

Complaint (and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

Magistrate

IN THE IOWA DISTRICT COURT IN AND FOR CLARKE COUNTY

STATE OF IOWA
CITY OF OSCEOLA
COUNTY OF CLARKE

MAGISTRATE _____
CRIMINAL NO. RJT 013020180

vs.

KELLY LYNN FRY

600 S MAIN, OSCEOLA, IA 50213

145AC1098 DOB: 07-16-1977

COMPLAINT AND AFFIDAVIT

THE DEFENDANT is accused of the crime of Child Endangerment - Bodily Injury - Class "D" Felony,
in violation of Section 726.6 of the Iowa Criminal Code / 20 17, in that the
defendant on or about January 30, 2017 (at approximately _____ M.), at 600 S MAIN, OSCEOLA, IA 50213
Osceola, Iowa, in Clarke County did

Child Endangerment Resulting in Bodily Injury, a Class D felony, to E.F. in violation of IC Section 726.6(a) and
(d) and Section 726.6(6) "being a parent of a child, E.F, did knowingly act in a manner that created a substantial
risk to E.F.'s physical, mental or emotional health or safety and/or did willfully deprive E.F. of necessary food,
clothing, shelter or health care appropriate to the child's age, resulting in bodily injury to E.F.

Complainant



Signature of Complainant

AFFIDAVIT

STATE OF IOWA, County of Clarke, ss:

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Subsequent to being removed from their parents' home on January 30, 2018 E.F. and J.F. were placed in the care of a relative. They have engaged in therapy and services. It is reported that E.F. and J.F. have not exhibited in relative care the negative behaviors Kenny and Kelly Fry claimed the children were exhibiting in their care. The undersigned has learned that Ms. Scott also indicated that she saw E.F. at a follow up appointment on or about March 27, 2018 at the STAR Center at Blank Children's Hospital in Des Moines. This appointment occurred approximately 3 months after E.F. had been removed from the care of Kenny and Kelly Fry. At this physical examination, it was noted that E.F. had gained approximately 8 pounds after being removed from the care, custody and control of Kenny and Kelly Fry.

In sum, E.F. and J.F. were minor children, under the age of 10, who were dependent on their parents for all of their physical, emotional and medical needs. As parents, Kelly and Kenny Fry both knowingly acted in a manner that created a substantial risk to E.F. and J.F.'s physical, mental or emotional health and safety. They both also willfully deprived E.F. and J.F. of necessary food, clothing, shelter and health care. This resulted in a bodily injury to E.F. - malnutrition and nutritional neglect. In addition, Kelly and Kenny Fry also knowingly or recklessly exposed E.F. and J.F. to a hazard or danger (malnourishment and nutritional neglect) to which E.F. and J.F. could not reasonably be expected to protect themselves against inasmuch as they were children completely dependent on their parents for the provision of necessary food, shelter and necessary medical care.

No Contact Order is requested

Kenneth Gene Fry; Kelly Lynn Fry

Protected Parties;

J. F.; DOB: 02-01-2008 Minor Child

E. F.; DOB: 04-30-2009 Minor Child