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Parents of dead toddler 'trust' day-care operators

By Julia Prodis Sulek
Mercury News

Article Launched: 07/28/2008 01:30:54 AM PDT

As Harold Taylor stood crying at the little white coffin of the 2-year-old boy who died at Taylor's home day care, the child's parents walked up and hugged him tightly. The boy's mother was pregnant, just days from giving birth to their second child, whom they would name Max.

"You've got to be strong," Jeff Hofmann told Taylor. "We need you to watch over Max."

The state is trying to persuade a judge to shut down Harold and Bertha Taylor's East San Jose day care after Coby Hofmann died of strangulation on a backyard play structure. But the Hofmanns still want the couple to care for Max.

"Our confidence in Harold and Bertha has not been destroyed by this," Jeff Hofmann said in an interview. "We trust them. We believe in them. We know they are good people."

The unflinching loyalty of the Hofmanns, as well as the other dozen parents who sent their children to the Taylor day care, might seem baffling. How could a family entrust its newborn to a couple that somehow didn't prevent the death of its firstborn? For the parents involved, though, the death was a heartbreaking accident that drew them closer together, like a family, not further apart.

"The right thing to do is keep this family together," Hofmann said. "We need to heal."

Harold and Bertha Taylor face no criminal charges. But in administrative hearings in San Jose last week, the state Department of Social Services started making its case to close the day care for good.

The day Coby Hofmann died, the state contends, Harold Taylor was paying more attention to his backyard tomatoes than the children on the play structure. And Bertha Taylor should have known that the kind of old sweatshirt with the drawstring at the collar had a well-publicized history of causing playground strangulations.

Expert's testimony

A playground safety expert testified last week that Coby's death was foreseeable, preventable and "needless."

But the attempts by the state to shutter the Taylor day care after the May 21 tragedy has only infuriated parents, who say their children are confused and want to be reunited with the Taylors and one another.

Harold Taylor is like a grandfather to the children, they say, kicking the soccer ball around the back yard, kissing them goodbye each evening. He called Coby "son." And he's been a savior to the parents, allowing them to pick up their children at any hour, inflating a mother's car tire when it looked low, remembering birthdays.

"How can you explain family? How can you explain good people?" said Ayana Williams, whose daughter has attended the day care. "It's just somebody you can trust."

Jeff and Jacquie Hofmann, an audio engineer and a schoolteacher, say Coby's death was a "horrible freak accident." They plan to testify on the Taylors' behalf when the administrative hearing resumes

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Aug. 15.

"The way we've thought about it," Hofmann said, "is that this could have happened to any of us. You can't watch kids 100 percent of the time."

According to testimony in San Jose last week, on that chilly morning in May, Bertha Taylor pulled out the old blue sweatshirt with a drawstring that had belonged to her son 20 years ago, and put it on Coby.

Cord got caught

With Harold Taylor in the back yard with the children, standing in the garden about 10 steps from the play structure, the 2-year-old climbed up the ladder. As he crawled onto the play set's wooden platform, the knotted cord got caught between the slats and pulled taut as he apparently moved to the slide. Testimony has conflicted about whether Taylor was looking at or tending his tomatoes, weeding or simply standing in the garden at the time.

When a 5-year-old girl called out that Coby "is sleeping and won't wake up," Taylor rushed over. The boy was blue. As Taylor tried to lift the boy, he noticed the resistance and snapped the cord, then rushed him to the house where he performed CPR until emergency crews arrived. Coby was pronounced dead at the hospital.

"It's hard for me to even go on," Taylor, 73, said in an interview last week. "These kids are my kids. I've had them so long. I have had Coby his whole life. Nobody watches these children any better than I do. How could this happen? It's unreal."

Several parents have attended the hearings to show their support for the Taylors, who have been in business nearly 20 years. And all have written letters to the court on their behalf.

"It's easy to say, 'How can these parents be OK with this?' Nobody's OK. We all knew Coby and we loved him," Williams said. "We all have the right to say we don't want our kids there, but we understand this could happen to anyone."

About 15 children a year die on public playgrounds, safety expert Thom Thompson testified last week, and about 20 percent of them die like Coby Hofmann did, by strangulation from clothing.

On the night of Coby's death, his parents returned to the Taylor house.

"They assured me they knew it's not my fault," Harold Taylor said. "It's two months later and I cry every day. I can't help it."

Contact Julia Prodis Sulek at jsulek@mercurynews.com or (408)278-3409.

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Playground expert cites safety violations at day care center where boy died

CITES SAFETY-GUIDELINE VIOLATIONS AT DAY CARE CENTER WHERE BOY DIED

By Julia Prodis Sulek
Mercury News
Article Launched: 07/23/2008 01:33:18 AM PDT

The couple who run a home day care center in East San Jose were violating two safety guidelines the day a 2-year-old boy died at their home in May, a playground safety expert testified Tuesday in a hearing into whether the center can reopen.

Not only did Bertha Taylor dress the boy in an old hooded sweatshirt with a dangerous drawstring that caught on the backyard play structure and strangled him, but the 8-year-old play set didn't meet standards for day care facility use, consultant Thom Thompson said.

"The equipment used at the site is equipment for residential use, not public use," Thompson testified.

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But the Taylors' lawyer, Mark Raskoff, said he plans to argue today that the Taylor day care operation had passed two state inspections a month before the May 21 death. Furthermore, he said the guidelines that Thompson - an expert from Washington state - was referring to don't apply to small home day care settings in California.

Bertha and Harold Taylor face no criminal charges. But they are fighting to reopen their home day care center off McKee Road, which the state Department of Social Services shut down after the death of Coby Hofmann. The Taylors are supported by Coby's parents, who plan to testify on their behalf at the administrative hearing in San Jose.

The day Coby died, Bertha Taylor had grabbed a 20-year-old sweatshirt that belonged to her son when he was a child and put it on Coby. When the boy climbed the ladder and crawled onto the wooden plank platform, the cord apparently caught between two planks and pulled taut, according to previous testimony.

Santa Clara County sheriff's deputy Fabian DeSantiago testified earlier in the day that Harold Taylor told him he had been "gardening" when the tragedy occurred. Taylor has said he wasn't gardening, just standing in the garden a few feet away from the play structure.

Contact Julia Prodis Sulek at jsulek@mercurynews.com or (408) 278-3409.

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Expert: Death at San Jose day care center was "foreseeable"

By Julia Prodis Sulek
Mercury News

Article Launched: 07/23/2008 12:21:50 PM PDT

The death of the 2-year-old boy at a home day care center in East San Jose was "foreseeable" and "needless," a playground safety expert testified today.

Thom Thompson, an expert from the state of Washington, testified for the second day that Harold and Bertha Taylor violated numerous safety standards the day Coby Hofmann died on May 21.

"There are a number of things that were clear and present dangers," Thompson testified.

Coby was strangled when a drawstring from an old sweatshirt belonging to the Taylors got caught between the slats of a wooden play structure.

The Taylors are fighting to re-open their home day care after the state Department of Social Services shut it down following the boy's death.

At today's hearing, several parents attended to show their support of the Taylors.

But Thompson warned of dangers. He said the playground structure was meant for children at least 3 years old, the Taylors supplied dangerous clothing, and Harold Taylor did not adequately supervise the eight or nine children playing in the back yard at the time of the toddler's death.

On Tuesday, the Taylors' lawyer, Mark Raskoff, said he plans to argue that the Taylor day care operation had passed two state inspections a month before the death. Furthermore, he said the guidelines that Thompson - an expert from the state of Washington - was referring to don't apply to small home day care settings in California.

The Taylors face no criminal charges. But they are fighting to re-open their home daycare off McKee Road. The Taylors are supported by Coby's parents, who plan to testify on their behalf at the administrative hearing in San Jose.

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Mon, 07/21/2008 - 21:52 — **Easy to judge**

Jimmy B

Joined: Mar 2008
Posts: 16
Report Jimmy B

Hey beastlet, it's easy to pass judgment on situations you have no part of. Do you have kids? If not, you have no idea how easy it is for things to happen in an instant. You can child-proof til you are blue, but accidents happen and you can only try to minimize them. If you do have kids, then you are really being unrealistic in thinking that day care centers can prevent anything from ever happening to your kid.

This family has taken care of kids for years and would never do anything to hurt them. They wouldn't be able to be in that business that long otherwise. The odds are just too against them being "lucky" that nothing ever happened in that time. They obviously love the kids they care for and are doing what any reasonable parent would do to care for them.

Sad things happen to even the best of us. It's something they will have to live with every day of their lives. The fact that the parents of the child are willing to bring their newborn to them should show you how much the parents care for and respect their care providers.

My heart goes out to both the parents and the care providers...

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Tue, 07/22/2008 - 00:10 — **cry me a river**

moveoutts

Joined: Jul 2008
Posts: 50
Report moveoutts

...who was watching the kids when the accident occurred? No one..so shut the place down and send the old farts to jail for the rest of their lives!

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Tue, 07/22/2008 - 09:53 — **Easy to point a finger at loving people**

Luv2shop

Joined: May 2008
Posts: 6
Report Luv2shop

this is a horrific story. no on has the whole story. These kids were not in a swimming pool or near water. They were kids playing on a structure. Yes as parents keep our eyes on our children, however we can not live for them. As this story reads in this article they were loving people who cared deeply. Accidents happen. I Just thank god it wasn't another swimming/oh our child went out the gate/front door and got ran over story-those are neglect stories. This was in the backyard for heavens sake. God Bless everyone involved

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Tue, 07/22/2008 - 10:16 — **Original articles were flawed**

rcreative1

Joined: May 2008
Posts: 34
Report rcreative1

As more of the picture comes to public attention, it's pretty clear that the original articles in the Merc about this story were flawed in that they made it sound as if nobody was supervising the kids outside. From what we now know, this cases seems like a real toss-up. Would a reasonable person have foreseen the danger of a hooded sweatshirt with a string worn by a 2-year-old using a slide? It's easy to say yes in retrospect, but I'm not so sure that most parents or caregivers would have considered that combination any more dangerous than the thousands of other risks kids face every minute of every day. You can't protect children from every danger, and you can't keep your eyes on them 100% of the time either.

---------- Unitarian Univeralists: Free to Think, Inspired to Love

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Tue, 07/22/2008 - 11:20 — **They should be put in jail!**

Mary Ann

Joined: Jun 2008
Posts: 17
Report Mary Ann

First of all, the child must have been stuck there for over 4 minutes. That would give those old people plenty of time to go and get the string away from him. That just goes to show that they were NOT watching him. That is such neglect. Also, I would be concerned because 70 year olds are running a day care. How in the world could they keep up with the kids. The Merc should be ashamed for written a story that makes the killers the victims. These people should count there lucky stars that they aren't in prison rotting away as they should be. Parents made the wring decision for allowing there little boy to be taking care of by way too old people that probably had more kids than they can handle. So sad an innocent little boy had to lose his life.

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Tue, 07/22/2008 - 14:20 — **And you know this how**

itsme

Joined: Jun 2008
Posts: 1
Report itsme

Where does it say that the wife who runs this daycare is in her 70's?

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Wed, 07/23/2008 - 00:12 — **I am just going to make a guess...**

AndeO

Joined: Jul 2008
Posts: 2
Report AndeO

and say that you have no background in forensic science. http://www.forensicmed.co.uk/asphyxia.htm

As you will note, with compression of the soft tissues of the neck a person (especially a young child) can lose conciousness in as quickly as 10 seconds....yes, seconds!. Just because we commonly see very dramatic renditions of actors choking in movies doesn't mean that is how it happens. It can, and often does, happen very fast, which is why this is such important information for anyone who supervises young children.

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Tue, 07/22/2008 - 11:57 — **It's hard to accept a**

ninerfan1989

Joined: Jul 2008
Posts: 11
Report ninerfan1989

It's hard to accept a comment from someone like Mary Ann who is so helplessly illiterate. I mean seriously, where did you learn English? China? And by the way, there is no way this accident could have been stopped. This was absolutely the most unlucky thing that could have happened. It sounds like it's from a movie like Final Destination or something. Purely coincidental and soooo unlucky. What a shame.

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Tue, 07/22/2008 - 14:18 — **They're better than me**

digirl

Joined: May 2008
Posts: 14
Report digirl

The Hoffmans really have embraced a forgiving attitude towards the daycare providers. I can accept it was an accident, I can accept they feel remorse for what happened and they view them as family. They're a heck of a lot better than me because I could forgive them but I couldn't send my newborn there. I commend them for their loyalty to their beloved caregivers and their kind spirits. God Bless them all.

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Tue, 07/22/2008 - 14:42 — **280 death free days????**

CaboDan

Joined: Apr 2008
Posts: 1
Report CaboDan

You need to get to over 7200 death free days like these people before you can pass judgement. Read the article about how long they've been in business. It always astounds me how we have gotten to a point where we MUST lay the blame. The people running the daycare, the sweatshirt manufacturers, the slide makers, etc. We're no longer "allowed" to have an accident in the USA. An attorney will see to it that "someone" is surely to blame.

No such thing as a "tragic accident" anymore, however this was a tragic accident.

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Posted on Wed, 07/23/2008 - 12:53 — by outlaw5

outlaw5

Joined: May 2008
Posts: 62
Report outlaw5

A expert on day care children's playgrounds???? No wonder they had to import him. Was this his Phd thesis? Can I get his autograph? Who is paying him? How much?

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Wed, 07/23/2008 - 12:53 — **You're kidding, right? Shall**

AP-Santa Clara

Joined: Jul 2008
Posts: 3
Report AP-Santa Clara

You're kidding, right? Shall we take a quick trip to any store selling baby and toddler clothes and see how many have strings to close the hoods? And if it hadn't been the hood strings, maybe it would have been another child holding the hood while the deceased child tried to slide. OMG - things happen with kids. When my son was growing up I was amazed at the things he could get into and would never have thought them to be a danger. I applaud the parents who, in their immense grief can find the reasoning to realize that accidents happen. Especially with kids. For goodness sakes how would they have stayed open for so long if they weren't dedicated to the care of their charges.

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Wed, 07/23/2008 - 13:15 — **If I'm understanding**

Case

Joined: Mar 2008
Posts: 752
Report Case

If I'm understanding correctly a clothing tie got caught in a swing...

Something kids around the world wear probably every day while swinging.

And this was "foreseeable..."?

A playground expert who has never seen a child? Is it possible?

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Wed, 07/23/2008 - 15:38 — **gimmie a fricken break.**

schla

Joined: Sep 2007
Posts: 10
Report schla

gimmie a fricken break. you'll need to close down ALL day care centers then. how many times has your kid puked all over their clothes and had daycare provide temporary replacements from their "stash?" yes it was forseeable and avoidable but not expected . these so called experts are twits

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Wed, 07/23/2008 - 15:52 — **The goal**

wasabi88

Joined: Jan 2006
Posts: 82
Report wasabi88

of the "experts" is to discredit the home daycare option. Unless the experts can discredit the home daycare option, they will not be able to control the messages the children get. (Sorta like the professonal school industry has tried to discredit the homeschool industry.) These so called experts seem to always be men with no kids of their own, so that their elite judgement would not be clouded by reality.

I am curious how many other home daycare trials this man has testified at. I wonder how many families he has forced to move their children into huge, government controlled centers. Something seems really wrong when they have to get someone from 1000 miles away to offer "expert testimony".

The families of the other kids willingness to return their children to this couple screams of their trust. They are the true experts.

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Wed, 07/23/2008 - 15:54 — **This is really starting to**

smoothy

Joined: Jul 2008
Posts: 3
Report smoothy

This is really starting to p*ss me off. I can almost guarantee that most people who blame the day care operators are armchair parents who have never had kids. Anybody who thinks that kids can be watched every waking minute, especially more than one child, is completely clueless. The fact is that day care providers spend many more hours with the kids than the parents themselves. That is no indictment, just do the math. These two people obviously loved that boy very much. The best evidence of this is that the parents of the little boy want to send their new infant to the same couple. That says more than some paid professional "expert" ever can.

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