



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 05/06/10
Date of Incident: 02/21/13
Date of Oral Report: 02/21/13

FAMILY NOT KNOWN TO:

Fayette County Children and Youth Services

REPORT FINALIZED ON:
September 26, 2013

Unredacted reports are confidential under the provisions of the Child Protective Services Law and cannot be released to the public.
(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.
(23 Pa. C.S. 6349 (b))

Reason for Review:

Senate Bill 1147, Printer's Number 2159 was signed into law on July 3, 2008. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child fatality or near fatality. This written report must be completed as soon as possible but no later than six months after the date the report was registered with ChildLine for investigation.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Fayette County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	mother	[REDACTED] 89
[REDACTED]	father	[REDACTED] 87
[REDACTED]	victim child	05/06/10
[REDACTED]	sibling	[REDACTED] 09
[REDACTED]	sibling	[REDACTED] 13
* [REDACTED]	maternal grandmother	[REDACTED] 65
* [REDACTED]	maternal grandfather	[REDACTED] 71
* [REDACTED]	maternal great grandmother	[REDACTED] 50
* [REDACTED]	maternal great grandfather	[REDACTED] 49

* Not members of the household, but significant family members/caregivers.

Notification of Child Near Fatality:

The victim child was brought to [REDACTED] on 02/21/13, at approximately 9:00 pm, by the child's step-father. The child had a gunshot wound to the head. The child's injury appeared to be self-inflicted. According to the report relayed to ChildLine [REDACTED] it appeared from the angle of the injury that the child was looking down the barrel of the gun. Fayette County Children and Youth Services (CYS) received the call around 9:45 pm, and sent representatives to the hospital. Pennsylvania State Police (PSP) was also notified of the incident and dispatched a detective to the hospital. ChildLine notified the regional office of the report at 10:56 pm. The emergency room (ER) doctor, [REDACTED] certified the child [REDACTED]

[REDACTED] The report was [REDACTED] for Lack of Supervision resulting in a near fatality with the child's mother and the child's step-father as the alleged perpetrators.

Summary of DPW Child Near Fatality Review Activities:

The Western Region Office of Children, Youth and Families obtained and reviewed all the case records pertaining to the [REDACTED] family. In addition to conversations with the agency director on the date of the incident and on 3/27, interviews were conducted with Fayette County CYS supervisor [REDACTED] on 02/22/13, 03/05/13 and 03/15/13 and with Fayette County CYS caseworker [REDACTED] on 03/15/13. The regional office also participated in the County Internal Fatality Review Team meetings on 03/27/13.

Children and Youth Involvement prior to Incident:

Fayette County Children and Youth Services had no prior involvement with the victim child or the child's family.

Circumstances of Child Near Fatality and Related Case Activity:

Fayette County CYS received a referral on 02/21/13 at 9:47 pm that a 2 year old child was brought to [REDACTED] Emergency room by his father in his personal vehicle with a gunshot wound to his head. The victim child was in critical condition and was flown to [REDACTED]

The Fayette County CYS on call supervisor and Fayette County CYS administrator went to [REDACTED] immediately after being notified of the report by ChildLine and met [REDACTED] Pennsylvania State Police (PSP) there. The PSP state trooper and Fayette County representatives were updated by the [REDACTED] social worker. The social worker informed them the step father had reported to hospital staff that somehow the child got a hold of his gun and the gun went off. The step father reported that earlier that same day he and the child's mother were visiting another one of their children at [REDACTED]. That child, a male, was born [REDACTED] 2013 with [REDACTED]. He had remained at [REDACTED] since birth. The family returned home approximately between 5:00 pm and 6:00 pm. At that time, the mother and father were tired, so they got the victim child and older female sibling ready for bed. The step-father noted that he worked the night shift the day prior and was functioning on very little sleep, so he and the mother went to sleep about 8:00 pm. The parents then heard a gunshot approximately one hour later. The step father ran to see what happened and found the victim child lying on the living room floor.

After consulting with the PSP detective and hospital social worker, the Fayette County CYS representative was able to conduct a preliminary interview at the [REDACTED] with the step-father. He was noticeably shaken, but was cooperative and able to provide the Fayette County CYS representative, as well as [REDACTED] PSP detective, who participated in the interview, with his account of the events that led to child's injuries; his explanation was consistent with the information he had previously provided to hospital staff. He stated that he did

not know what happened; only that he heard the gun shot and took off running. He found the child and subsequently grabbed him and left the home to drive to the [REDACTED] emergency room. He confirmed that he found the child lying in a pool of blood on the living room floor. The family lives in a two story home. The parents sleep downstairs while the children sleep upstairs.

The step-father reiterated that he and the children's mother spent the day at [REDACTED] with the youngest child. They got home at approximately 6:00 pm and ate dinner around 6:45 pm. The parents got the children ready for bed and put the children down for bed. He stated a little later the victim child came downstairs; step-dad took him back to bed and checked on him a little later. When he checked on him he was sleeping. The step-father recounted at that time that he and his wife fell asleep around 8:00 pm and awoke to the gunshot approximately an hour later. The step-father confirmed that the gun was a .45 caliber which was registered to him and was kept loaded. He also stated that the gun has no safety. He stated that it was usually kept on the refrigerator or in their nightstand in the bedroom. He confirmed that there are two other guns in the home, a rifle and a pistol. He denied that either of those guns was kept loaded and that both were secure. When asked why the guns were in the home, he stated that they were for self-defense as their neighbors house had been robbed three times in the past 3 weeks. The step-father stated that the oldest child was upstairs sleeping in bed at time of incident.

Fayette County CYS also completed a preliminary interview of mother at the [REDACTED]. The mother was very cooperative with Fayette County CYS. The mother stated that she was at [REDACTED] all day with step-father until 6:30 or so when they got home. She stated that the family cooked dinner; they played and watched TV with the children prior to getting them ready for bed. She stated she went to lie down around 7:30 pm. She stated that the step-father came to bed around 8:30 pm and then they heard the gun shot that woke them up. She stated that she and the step-father ran out of the room in separate directions. She then saw that the step-father had the victim child. The step-father left the home with the victim child. The mother then called 911 requesting a police escort to the hospital for the step-father, as he requested before he ran out of the home. The mother was asked where the gun was usually kept, and she stated on top of the refrigerator, underneath the mattress, or in the night stand. When asked where it was that night, the mother began crying stating she forgot to take it out of her purse. Her purse was on top of stand in the living room.

During the course of the interviews with the mother and stepfather the agency confirmed that the victim child has a male step sibling who was born [REDACTED] 2013 with [REDACTED]. That child has remained at [REDACTED] since his birth. The parents also reported they had an older child that would be spending the night of 02/21/2013 at the maternal great grandmother's home. CYS went to the home to verify that the home was safe. There was also a safety plan developed with the parents while at the [REDACTED]. The mother and step-father were to have no unsupervised contact with the children until further notice from Fayette County CYS. The maternal grandmother, maternal grandfather, maternal great grandmother, and maternal great grandfather would act as responsible caregivers. All safety plan caregivers were cleared through ChildLine and 911. Home studies were completed with no concerns with either home.

A referral was made to Allegheny County Children, Youth and Families (CYF) the night of the incident requesting a courtesy visit to the hospital to see victim child as well as his younger sibling. The maternal grandmother reported to Fayette County CYS that the biological father of the victim child was notified and highly upset to the point that he was making threats against the mother.

On 02/22/13, Fayette County CYS was able to speak to [REDACTED]. The doctor reported that "there is nothing that would suggest that it was anything other than a gunshot. The child presented clean enough, healthy, and preliminary reports revealed no signs of mistreatment. The prognosis remained not good, at 80% risk of death. The child remained [REDACTED]."

The PSP trooper informed CYS that he believed the shooting to be accidental based on the physical evidence, such as the trajectory of the bullet. The trooper released the family home from the PSP investigation which gave Fayette County CYS the ability to proceed with home visits. Allegheny County CYF did follow through and conduct a hospital visit at [REDACTED]. Both the victim child and sibling were seen by Allegheny County CYF staff.

On 02/25/13, the Fayette County CYS assigned intake worker was able to complete the home study at the family's home. There were no guns located in the home as the family removed the remaining guns. There were no observable safety concerns in the home. Due to the consistency of multiple interviews with the child's family, and the fact that there was no longer any guns in the home the agency was able to lift the safety plan permitting the mother and step-father unsupervised access to the children.

The biological father was interviewed and formally notified of investigation by the agency, he was open about his history which included incarceration and past domestic violence charges. In regards to seeing the children he stated that "mom prevents him from seeing them".

On 03/27/13, the Near Fatality Review was held by Fayette County CYS. Present were: the PSP investigating trooper, domestic violence representatives, Fayette County Community Action representative, Fayette County Drug and Alcohol Commission representative, Fayette County CYS administrator, Fayette County CYS supervisor and caseworker, the PA Child Welfare Resource Center Specialist and the Western Region OCYF Program Representative. The investigation related to the near fatality was reviewed in its entirety; the overall consensus of the group was that the agency acted in accordance with regulations and best practice and that the near fatality was a tragic accident that could have been prevented by appropriate gun safety, but was not caused by intentional neglect.

Current Case Status:

Subsequent to extended medical care at the hospital, the child was [REDACTED] on 04/05/13. The child had made substantial progress; he was walking around and alert. He was able to answer questions and communicate at near age level. He was to

remain at the [REDACTED] facility through [REDACTED]. His overall progress had improved tremendously.

Prior to completing the CPS investigation the case was reviewed by Fayette County CY S solicitor, Fayette County CY S supervisor and the Fayette County CY S caseworker. The CY 48 was submitted to ChildLine with an "unfounded" status on 04/10/13. Fayette County CY S unfounded the case based on the investigation determining that the mother and step-father did not intentionally cause harm to the victim child. All medical evidence including the [REDACTED] report suggested that the injury occurred from an "accident".

The Fayette County CY S caseworker saw the child and family one additional time, on 4/9/2013, before case closure. The child had made substantial progress; he was walking around and was alert. He was able to answer questions and communicate at near age level. He was to remain at the [REDACTED] facility through [REDACTED]. His overall functioning has improved tremendously.

The family was referred for [REDACTED]. At case closure on 04/10/13, the child was doing well. He remained in [REDACTED]. He was able to move his arms and legs. He had speech delays; however, the [REDACTED]. The hospital was unsure of the overall effect since [REDACTED] patients all progress differently.

Fayette County CY S has had no further involvement with the family after case closure.

The [REDACTED] PSP continued to have an open investigation at time of agency determination to close. Fayette County CY S' status determination was sent to [REDACTED] PSP. Per the [REDACTED] PA State Trooper, the case remains open pending a discussion with the District Attorney. The [REDACTED] PA State Trooper believes that the incident was an unfortunate accident.

County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child Near Fatality Report:

Strengths:

The Agency response times were appropriate based on the information in the initial reports received. During the course of the investigation collateral contacts were made and the family was given information on community resources.

The county's Fatality/Near Fatality Review Team believed that the Agency did act appropriately based on the information received at the referral, during the investigation and from collateral contacts.

Deficiencies:

None identified.

Recommendations for Change at the Local Level:

The team identified a need for better gun safety and training..

Recommendations for Change at the State Level:

None identified.

Department Review of County Internal Report:

The Department received Fayette County's Final Near Fatality Report on April 30, 2013; the report satisfactorily describes the near fatality event and the agency's subsequent intervention.

Department of Public Welfare Findings:

County Strengths:

Fayette County Children and Youth Services responded and acted appropriately to the child abuse allegations and implemented a safety plan for the victim child and his siblings which included no unsupervised visitation by the mother and step-father with the children. This case was presented to the county Fatality/Near Fatality Review Team on 03/27/13.

The county unfounded the child abuse investigation for the victim child on 04/10/13.

The county filed all the required documents in the required time frame.

County Weaknesses:

There were no weaknesses identified.

Statutory and Regulatory Areas of Non-Compliance:

There were no areas of non-compliance identified during the review.

Department of Public Welfare Recommendations:

The Department supports the county's recommendation of enhancing gun safety and training.