



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

## REPORT ON THE FATALITY OF

**Andrew Moyer Jr.**

**Date of Birth: 09/03/2012**  
**Date of Incident: 10/18/2012**

**FAMILY WAS NOT KNOWN TO:**  
Lancaster County Children and Youth Agency

REPORT FINALIZED ON: May 17, 2013

DATE OF ORAL REPORT: October 19, 2012

This report is confidential under the provisions of the Child Protective Services Law and cannot be released. (23 PA. C.S. § 6340)

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

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**Reason for Review**

Senate Bill No. 1147, now known as Act 33 was signed into law on July 3, 2008 and went into effect on December 30, 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. Lancaster 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>
Moyer Jr., Andrew	Victim Child	09/03/2012
[REDACTED]	Mother	[REDACTED] 1989
[REDACTED]	Father	[REDACTED] 1988

**Notification of Fatality:**

On October 19, 2012, the Intake Director at Lancaster CYA saw a press release regarding a child fatality being investigated by the Columbia Police Department and contacted the District Attorney for more information. This report was then [REDACTED]. It was reported that the [REDACTED] Police responded with EMS to the victim child's home due to a report of an unresponsive infant. Upon arriving, the EMS certified that the child was deceased.

**Documents Reviewed and Individuals Interviewed:**

Complete Lancaster County Children and Youth Agency (LCCYA) case record of [REDACTED] investigation, and service planning record  
Interviews with Agency Intake Director, [REDACTED] Supervisor, and [REDACTED] Investigator

**Case Chronology:**

**Previous CYA involvement:**

The mother of the child was involved with Lancaster County CYA as a child. [REDACTED]  
[REDACTED]  
[REDACTED] the case was closed on October 27, 2005.

The father was [REDACTED] by Berks County on December 30, 2009. At that time the father was involved in a relationship with a woman in Berks County. He and his girlfriend had a daughter. In November of 2009 that child was found to have a [REDACTED] on her right leg and two [REDACTED]. The [REDACTED] determined that these injuries occurred on the morning of November 17, 2009 when the child was in the sole custody of the Father. The Father did

not have further access with this child following the incident as he had been incarcerated at Lancaster County Prison on unrelated charges on the night that the agency received the report. He was not criminally charged for the reported abuse. Throughout the investigation, the father denied causing the injuries. The family was opened for agency in-home services to assure that the mother would continue to seek medical care for the child. She was living with her parents and they were providing support. They were also monitoring a safety plan which did not allow contact between the father and the child. Family-based services were provided. The father did not participate in these services after he was discharged from prison. The mother maintained custody of the child, and the father did not continue further interaction with the child.

There was not prior agency involvement with this child or the mother as an adult.

### **Circumstances of child's near fatality and related case activity:**

On October 18, 2012, the [REDACTED], became suspicious of the mother's and father's care of the victim child. They remained shut in a bedroom, and he could hear the child crying at some points. When he later found that the child was unresponsive, he urged the parents to contact 911 to seek medical treatment. Despite his urging, the parents did not seek immediate treatment. The [REDACTED] then called 911. When police and paramedics arrived at the home, they found the child to be deceased.

After the report was received on October 19, 2012, the agency immediately began the [REDACTED] investigation.

An autopsy revealed multiple traumatic injuries to the child, and the cause of death was ruled homicide. The child had a [REDACTED]

[REDACTED] These injuries would have been observable by anyone caring for the child. The child also had [REDACTED]. The [REDACTED] believes that these would have been extremely painful. The [REDACTED] stated that the child sustained blunt trauma to the head, probably from multiple blows with a fist, or from the child's head being struck against a firm object. [REDACTED], the injuries would have caused death in minutes.

When the father was being questioned about the injuries which led to the subject child's death, he mentioned that he had another child in Berks County. Lancaster CYA was able to secure information from Berks County CYS regarding that child; according to Berks County, the father of the subject child also has a daughter who lives with her mother in Berks County. When the child was two months old, she suffered a [REDACTED], and a [REDACTED] while the father was the sole caretaker. He never admitted to the injuries but was [REDACTED] for them on December 30, 2009. This child is now three years old. Berks County CYS provided services to the family, but the father was not involved as he was in Lancaster County Prison on a probation violation for earlier charges of Theft and Receiving Stolen Property. He did not receive charges for this [REDACTED].

A [REDACTED], who stayed in the home when working in the area, provided statements to the police that indicated that the mother and father did not seek medical attention for the child and talked about not blaming indicating each other in the incident. When he was informed by the mother and father that the child was motionless, he told them that they needed to call 911. The Mother stated that they could not do this since "they will think we killed him." The [REDACTED] went on to call 911 anyway. He then heard the mother say to the father, "Don't worry, you know I'll never tell on you," and the father say to the mother, "I'll never make you out to be the bad person." The mother provided a statement to the police that the father told her he kneed

the child in the head. The mother admitted she was aware of the burns on the child and the injury to the [REDACTED] at least one week prior, and did not seek medical treatment. The [REDACTED] was also noticed by the mother and she stated she used toilet paper to blot the wound. Toilet paper was found but contained much more blood than would have been caused by a simple cut in the [REDACTED]. The father also admitted to noticing the bruising on the [REDACTED] one week prior.

On October 24, 2012, the mother and father were arrested. The mother was charged with criminal homicide, criminal conspiracy to commit homicide, four counts of endangering the welfare of a child, and one count of criminal conspiracy to endanger the welfare of a child. The father was charged with criminal homicide, criminal conspiracy to commit homicide, three counts of endangering the welfare of a child, and one count of criminal conspiracy to endanger the welfare of a child.

The agency completed the investigation, filing the report with Childline on December 14, 2012. The case was [REDACTED] for the father and the mother as the [REDACTED]. The parents remained incarcerated at the Lancaster County Prison.

**Current/most recent status of case:**

The Formal Arraignment for the mother and father has been waived. The attorney for the father has filed to receive [REDACTED] information regarding the father.

On January 24, 2013, prosecutors announced that they would be seeking to try the mother and father together, and that they would be requesting the death penalty for both.

The mother and father remain incarcerated in the Lancaster County Prison.

**Services to children and family:**

[REDACTED] – Prenatal services to the Mother

**County strengths and deficiencies as identified by the County's fatality report:**

A Fatality/Near Fatality Multidisciplinary Team (MDT) Act 33 meeting was held on November 14, 2012 at the Lancaster County Children and Youth Agency. The team was comprised of local CYS professionals, medical professionals, law enforcement, and other community members. The Team discussed Lancaster County CYA's handling of the [REDACTED] Investigation and found it to be appropriate.

There was discussion that the mother had extensive involvement with [REDACTED] which provided her with supportive services, a crib, and a car seat. [REDACTED]

[REDACTED] The agency has an open line of communication with [REDACTED] and they would have notified them if there were any concerns. It was suggested that the agency look into working more closely with [REDACTED] to see what services could also be provided to fathers when they are present.

It was felt by the team that this fatality could not have been prevented by the agency as there was no previous involvement or knowledge of this family, or any previous involvement with other counties or agencies.

**County recommendations for changes at the local (County or State) levels as**

**identified in County's fatality report:**

- The team is in support of any efforts made on the county or state level to increase the engagement and assessment of fathers. The team identified that there are many programs for expectant mothers, but there is a need for fathers to receive the same information on support and parenting.

**Central Region findings:**

- County response to information received was urgent and thorough during the [REDACTED] investigation.
- The [REDACTED] investigation was completed in a timely manner and included full collaboration with local police and medical professionals.
- The MDT was held in an immediate time frame and included professionals that could provide valuable input regarding the child and family.
- There is some concern that the agency learned of the incident through the news, and not as a direct report. The agency continues to reach out to local law enforcement and District Attorney Offices to foster seamless communication so that the agency can begin an investigation immediately upon the police learning of a fatality or near fatality of a child due to suspected abuse.

**Statutory and Regulatory Compliance Issues:**

All regulations regarding [REDACTED] investigation and subsequent county services were followed.