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REPORT ON THE Fatality OF:

Donovan McKee

BORN: June 30, 2000
DIED: February 12, 2012

FAMILY KNOWN TO:
Allegheny County Office of Children Youth and Family Services
(OCYF)

REPORT FINALIZED ON: February 28, 2013

This report is confidential under the provisions of the Child Protective Services Law and cannot be released.

(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. Allegheny 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>
Donovan McKee	Victim child	6/30/00
[REDACTED]	Sibling	[REDACTED] 06
[REDACTED]	Mother	[REDACTED] /81
[REDACTED]	Father of [REDACTED]	[REDACTED] 82
[REDACTED]	Father of Donovan	[REDACTED] /80
[REDACTED]	Maternal aunt	[REDACTED] /82
[REDACTED]	Maternal grandmother	[REDACTED] /44

*denotes not a member of victim child's household

Notification of Child Fatality:

On 2/12/2012, Allegheny County Office of Children, Youth and Family Services (ACOCYF) received a report from [REDACTED] regarding Donovan McKee which reported the following: The paramedics received a call on 2/11/2012 about a child that was beaten by mother's paramour but nothing came out of the call and the child did not require medical treatment. A second call came in later on 2/11/2012 that the child was unresponsive; that the mother's paramour had started CPR and did this for about a 1/2 hour then stopped. The child's mother and paramour waited an unknown amount of time before calling 911. Medics and police arrived on scene and began CPR and did this for 1/2 hour. The child was transported to [REDACTED] and his pulse was lost. Upon arrival at the hospital a pulse was regained. The hospital was not equipped to handle the child so a transport team was called and the child was transported to [REDACTED]. No exams were completed at [REDACTED] due to child's critical state. The physician certified the child to be in critical condition and the child was not expected to survive. The child was reported to be battered from head to toe with bruises on his arms and legs in different stages of healing. The child also had a cut on the left anterior

forearm that appeared to have been sewn shut at home. The physicians discovered that the child's [REDACTED] while looking for a pulse. The child had blood to the back of his head. The child's mother was currently with the City of Pittsburgh Homicide Detective. The mother's paramour was arrested at the scene. There was a 5 year old in the home that was removed by police with no reported issues. The paramour is the father of the 5 year old. The physician deemed the child to be in critical condition and stated that the child was not expected to survive. This report listed the mother's paramour as [REDACTED], and the child's mother [REDACTED]

On 2/13/12, the agency received a supplemental report to the above [REDACTED] report that reported that the mother's paramour beat the 11 year old to death. The child had new and old bruising to his body; the sibling was present and he was a witness to the entire event. The mother's paramour attempted to convince her to tell the authorities that the child fell out of a window. There were questions to whether the mother knew of the [REDACTED], and she may be charged as well. This report updated the near fatality to a fatality.

On 4/04/12, a second [REDACTED] report was generated for [REDACTED] with mother as the [REDACTED] as the mother was charged with involuntary manslaughter and endangering the welfare of a child, related to her not seeking medical attention in a timely fashion.

Summary of DPW Child (Near) Fatality Review Activities:

The Department obtained and reviewed the previous records pertaining to this family, and the current records regarding this child death investigation, which included the medical examiners report and autopsy findings, and all reports generated by Allegheny County per the Act 33 protocol. The Department attended an initial Act 33 review of the case at ACOCYF on March 19, 2012, and a follow-up meeting on April 9, 2012.

Summary of Services to Family:

Children and Youth Involvement prior to Incident:

There were 4 previous referrals regarding this family. The first report was made on 7/02/01, regarding issues of no housing, drug abuse by the mother, neglect, and [REDACTED] of Donovan, who was 12 months at the time, by his mother. The referral was screened out at the intake level on 7/09/01, as Donovan was residing with his maternal grandmother (MGM) and maternal aunt (MA) through an informal arrangement made by his mother; and the MGM had obtained a temporary protection from abuse order (PFA) against the mother, which was withdrawn as the mother agreed to remove her belongings from the MGM's home and undergo [REDACTED] if recommended.

The second referral was made on 7/20/02 regarding suspected [REDACTED] of Donovan, age 21 months by his biological father. Donovan was evaluated at the [REDACTED] and there were no concerns of [REDACTED]. The case was closed at the intake level on 9/17/02 as there were no indications of [REDACTED], and the

mother agreed not to allow unsupervised visitation with Donovan and his biological father.

The third referral was made on 4/03/07, and was in regards to [REDACTED] who was 7 months old at the time, alleging that he was always sick and not up-to-date on immunizations; that his parents were engaging in self-injurious behaviors (cutting, burning with cigarettes); that the mother threatened to kill herself and the children in the past, and [REDACTED] father was accused of molesting a child in the past. On 4/03/07, a field screen was conducted and it was noted that there was a lack of food and the family was willing to accept services. The case was closed on 4/18/07 at the intake level and the closing summary stated that the risk is low, the parents refuse services and no legal grounds exist. There was no indication in the record that the issue of immunizations or child health was addressed. Donovan, age 7, was doing well in school and the family was [REDACTED] from Catholic Charities.

On 10/04/07, the agency received another referral stating that [REDACTED] who was 11 months old at the time, appears to be small and undernourished for his age; and that the mother and [REDACTED] father use marijuana. The record reflected that Donovan was residing with his MA at this time. The family was accepted for services. Both parents [REDACTED]

The parents declined this [REDACTED] On 3/17/08, the agency completed risk assessments on the maternal aunt's home (Donovan was residing there) and the mother and father's home where [REDACTED] resided. Both assessments rated the risk as Low and safety was assured without CYF intervention. It was noted that the mother and father had the support of family to assist them in overcoming their problems. The case was recommended for closure on 3/25/08.

Circumstances of Child (Near) Fatality and Related Case Activity:

On 2/11/12 Donovan was transported to [REDACTED], via medics, as he was not breathing. On the date of the incident Donovan had been cared for by the mother's boyfriend, [REDACTED] while the mother was working. Upon her return home the mother noticed extensive injuries to the child but delayed calling 911 for an unspecified period of time. When the medics and police arrived at the home, he had a weak pulse, and upon arrival at the hospital, his pulse was lost due to the significance of the inflicted injuries. According to the ER doctor, Donovan was in critical condition and not expected to survive as he had been "battered from head to toe".

At 5:00 am on 2/12/12, the Allegheny County OCYF on-call supervisor arrived at [REDACTED] and spoke to [REDACTED] from the Pittsburgh Bureau of Police, Homicide Division, who reported that the [REDACTED] had been arrested as he admitted to beating Donovan. The police also provided information regarding the injuries to Donovan:
[REDACTED]

incident, that the [REDACTED] had been incarcerated, that there were questions as to whether the mother was aware that the [REDACTED] was on-going, and that she could be charged criminally.

On 2/13/12 OCYF attempted to contact Donovan's father at numerous numbers listed in several databases but was not successful. The agency continued making diligent efforts to locate him.

The agency caseworker spoke to the Pittsburgh Homicide Detective and obtained the following information:

- On 2/11/12, Zone 3 Police were dispatched to the family address regarding a child that was assaulted by the mother's boyfriend. The initial 911 call was made sometime between 11:20-11:45pm. The police arrived approximately 11:45pm. The mother and her boyfriend were interviewed.
- The mother reported that she arrived home from work approximately 10:00pm, at which time she witnessed her son having shallow breathing and was cold to the touch. She stated that the [REDACTED] directed her to tell the paramedics that Donovan fell from a window; however she refused.
- The [REDACTED] admitted to beating Donovan from 12:00pm until 9:00pm by using three wooden sticks, which were broken across his body. The police confiscated a bar bell and a silver pipe which were believed to be used during the assault. The [REDACTED] admitted to hitting the child on the arms, legs, face and "one good shot to the head". It was reported that there were blood splatters on the floor and the walls of the home.
- The [REDACTED] admitted to causing a laceration to the child's forearm which he used a needle and thread to sew shut.
- The [REDACTED] was arrested on Criminal Homicide and Endangering the Welfare of a Child.

On 2/14/2012 the agency met with mother, maternal grandmother and maternal aunt. The mother provided the following details of the events:

- She worked every day from February 5-11, 2012 from 10am to 9pm, and she left the children in the care of the [REDACTED]
- On 2/11/12 she left the home at 8:45am and did not return until "9:51pm-9:58pm". She left work at 9pm and estimated the bus ride home to be estimated at one hour.
- Upon entering the home, she observed Donovan lying on the couch naked with a "black thing on his arm"-which she later identified as "thread over a cut". She stated that he looked like he was sleeping.
- She stated that it was unusual that the [REDACTED] was wearing minimal clothing because he was "big".
- [REDACTED] was walking around the living room drinking a cup of water.
- She walked to Donovan and touched him and then asked the [REDACTED] "why is he so cold"?
- She ran through the house to find blankets and [REDACTED] followed her into the bedroom and stated to her "I sewed up his arm and his head". She then sent [REDACTED] to his room to play.

- She went back into the living room and stood over Donovan and said "I think he was breathing. I don't know. He was cold".
- She stated that there was "blood everywhere" and she observed blood on Donovan's face, lips, and head so she tried to clean him up.
- She stated that Donovan did not have any injuries when she left for work that morning.
- She stated that she just "wanted to warm him up", and then Donovan began throwing up "purple stuff".
- She was not able to provide any specific time-frames for any accounts provided.
- She stated that [REDACTED] began saying "I'm going to go to hell for this".
- She reported that she kept asking [REDACTED] to help her. At this point, [REDACTED] moved Donovan off the couch and laid him on the floor and she started CPR.
- [REDACTED] told the mother to report that Donovan "fell out the window".
- She said she started to see blood everywhere so she decided to contact her aunt to report that the [REDACTED] had "beaten Donovan and the he wasn't breathing".
- Her aunt instructed her to call 911 as she had not requested emergency services to this point.
- She stated that she reported to 911 that "my boyfriend beat my son and I can't get him up." The [REDACTED] at this point asked her if he should remove the stitches.
- She reported remembering that [REDACTED] had called her at 9 pm asking for a sewing needle. She told them where to find them but did not ask why he needed it.
- She reported that the police arrived and she was asking for [REDACTED] because she knew there was nothing she could do for Donovan.
- She denied any knowledge that Donovan had old injuries from [REDACTED] actions.
- When asked why she did not contact 911 immediately, she responded that "I didn't know what to do".
- She reported that the [REDACTED] was the primary disciplinarian and that he had used a belt on both children in the past... She also admitted to using physical discipline.
- She admitted to a violent relationship with [REDACTED] when asked about domestic violence, but could not provide any specific details.

The autopsy report was issued on 2/12/12 with the following findings: Donovan died as a result of blunt force trauma of the head, trunk, and extremities. The blunt force trauma is complicated by [REDACTED]

On 2/15/12, the agency made a collateral call to the [REDACTED] (Cyber School) administrator who reported that [REDACTED] had been enrolled in the program since 9/06/11 in the kindergarten program. It was reported that his immunizations were not up-to-date. The [REDACTED] was the person that maintained bi-weekly contact with the school and it was reported that he was very involved and receptive to his educational needs and no concerns were noted. It was reported that [REDACTED] had not logged on since 2/ 9/12 which

was considered to be unusual. The agency confirmed that Donovan was not officially enrolled in public school, or Cyber School.

[REDACTED]

[REDACTED]

On 2/23/12 at a home visit, the maternal aunt reported that she and the maternal grandmother had been close to Donovan, but the mother did not let them see him for almost a year. [REDACTED] was enrolled in a private school in kindergarten and [REDACTED] he started on 3/02/12. [REDACTED] was scheduled to be [REDACTED]. It was not recommended that he attend [REDACTED] at this time, however; if he starts having flashbacks, nightmares, or bed wetting, the aunt was instructed to call. The aunt also reported that the [REDACTED] had broken the mother's jaw in the past, but the [REDACTED] mother reported at the time that she had a fight with a neighbor. The maternal aunt has been supervising the visits between [REDACTED] and his mother twice a week for two hours [REDACTED].

A family service plan (FSP) was developed on 2/29/12. The mother was enrolled in [REDACTED] at the [REDACTED], and there was also to be a referral to the [REDACTED] in regards to the domestic violence issues.

On 3/01/12, the caseworker met with Donovan's biological father, [REDACTED]. The father stated that he believes that the mother had knowledge of the [REDACTED] to Donovan and voiced his concern that he wanted her arrested as well. The father stated that he had not seen Donovan since he was 2 years old as he reported that the mother would not allow him to have contact.

On 3/08/12, the caseworker attempted to interview the [REDACTED] at the [REDACTED] Jail. Upon advice of his counsel, he refused the interview.

On 3/12/12, the agency [REDACTED] the [REDACTED] report with [REDACTED] as the [REDACTED]

[REDACTED]

On 4/04/12, the agency contacted [REDACTED] to generate a [REDACTED] report against the mother as she had been arrested for Involuntary Manslaughter and Endangering the Welfare of a Child. This report was submitted to [REDACTED] as [REDACTED] on 5/03/12. The mother was released from jail and is on house arrest with a maternal great-aunt.

On 4/19/12 and 4/25/12, [REDACTED] had an [REDACTED] as well as an interactional evaluation with his maternal aunt and maternal grandmother. He was also scheduled to have an interactional evaluation with his mother, but she was incarcerated at the time. [REDACTED] obtained a test composite (IQ) score of 133, which is in the superior range of intelligence. He was able to obtain a third grade score in reading and a second grade score in math. [REDACTED] performance was remarkably consistent and the psychologist noted that he is a "very gifted, intelligent youngster". He was also described as "extremely curious and interested in learning"; an "extremely precocious youngster with some extraordinary intellectual gifts and talents". He was diagnosed under [REDACTED]

[REDACTED] also recommended that the entire family be referred to the [REDACTED]. It was also noted that [REDACTED] aunt is "doing a wonderful job"... "one could not ask for a better home environment or more supportive, cohesive family to help [REDACTED] through this most challenging of times".

Current Case Status:

[REDACTED] is attending first grade in a private school and it is noted that he is having some issues with concentration [REDACTED]. The mother has been released from jail and is staying with a maternal great aunt. The no-contact order with [REDACTED] remains in effect. She is complying with parenting, [REDACTED] and has demonstrated some compliance with her FSP goals. [REDACTED] goal remains return to mother with a concurrent goal of adoption by his aunt who he is currently court ordered to reside. The [REDACTED], was ordered to go to [REDACTED] for 90 days to determine his [REDACTED] but is currently residing in the [REDACTED] Jail. Donovan's mother entered a guilty plea to involuntary manslaughter charges on January 24, 2013 and is free on electronic monitoring pending her sentencing scheduled for March 27, 2013. [REDACTED] was found guilty of third degree murder on February 5, 2013 and remains in jail until his sentencing on April 23, 2013.

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

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. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report.

1. Strengths: OCYF responded immediately to the [REDACTED] report, conducted a thorough investigation, and instituted a safety plan for the surviving sibling. Juvenile Court issued a no contact order between [REDACTED] and his parents.
2. Deficiencies: none were noted.

Recommendations for Change at the Local Level:

The agency recommends a review of the policy regarding a family's non-compliance with recommended services which requires consultation with the solicitor for consideration of a judicial review in cases where families do not agree with OCYF's service recommendations. The agency recommends reinforcement of best practice/investigation assessment which stipulates conducting separate interviews with the children and parents/caregivers when there is a suspicion or allegations of family violence.

The agency also plans to have the Department of Human Services Data, Analysis, Research and Evaluation conduct a study utilizing information from school data sharing agreement with Pittsburgh Public Schools to determine numbers of systems involving students that are enrolled in virtual education program.

Recommendations for Change at the State Level:

The State Level recommendations are specific to the Department of Education and are as follows:

1. Both children were enrolled in cyber charter school, which are public schools which must meet educational requirements as public schools, with some administrative exceptions. Case record review indicated that Donovan and his family did not participate in a Truancy Elimination Plan meeting, as described in the state Basic Educational Circular. In addition, there is no documentation available to support that Donovan received a mandated sixth grade physical exam/comprehensive exam performed by a physician, nor is there documentation that the school requested that the parents have the child medically evaluated.
2. Support for statewide educational policy changes including more stringent oversight for cyber charter schools and home-schooled students related to physical health and academic requirements.
3. Consideration to be given for issuance of quarterly progress reports on students to ensure academic and attendance targets are met.
4. Development of a mechanism for local education authorities to identify students who have never been enrolled in an educational setting as well as determine attendance.
5. There needs to be oversight by the authorizing body to ensure schools communicate information regarding school policy infractions and state mandated educational requirements (i.e. truancy prevention plan, physical health screenings).

6. Pennsylvania Department of Education needs to audit cyber charter school records to verify required documentation is included in student records.
7. Web camera verification is needed to ensure that the enrolled cyber charter school student is indeed the individual participating in the activities of each scheduled school calendar day. The team further recommended consideration of regional on-grounds facilities for cyber charter schools to conduct activities, lessons that permit teachers/staff to perform face-to-face assessments with the child to ensure safety and assess need for additional academic or community supportive resources.
8. Commonwealth legislature to strengthen legislation to mandate action steps/timeliness for school districts/systems to respond to truancy.

Department Review of County Internal Report:

The internal report contained detailed information regarding the child fatality, previous history of agency involvement with this family, and the isolation of Donovan and his sibling from the community. The report identified agency recommendations for the Department of Education related to the concerns that Donovan had not been attending Cyber School at all, nor had he received a routine physical evaluation at time of enrollment.

The agency report externalized concerns that, during previous involvement with the family, agency policy and procedures were not adhered to by staff. Donovan was interviewed in the presence of his mother and her paramour during a previous investigation. The Department as well as the agency believes it is best practice to conduct all child interviews individually and not in the presence of parents/caregivers for all cases, not just those that include a history or suspicion of domestic violence.

Department of Public Welfare Findings:

- **County Strengths:** OCYF had established a review team that is inclusive of the needed community entities in order to complete a thorough review of the Act 33 cases. The agency provides a detailed report that contains specific information regarding previous agency involvement, and the current Act 33 investigation.
- **County Weaknesses:** When the initial [REDACTED] was initiated, Donovan's mother was listed as an [REDACTED] for her alleged failure to obtain emergency medical services upon returning from work. The agency submitted the [REDACTED] with [REDACTED] and the [REDACTED] piece was not addressed, until such time that criminal charges were filed against the mother. The information presented at the internal review by the DA, the investigating detective, and the coroner revealed that the mother's acts were severely [REDACTED]. It is the Department's belief that there was substantial evidence to support

██████████ the mother ██████████
when she returned home from work as there was a significant delay in her
obtaining emergency medical services. Given the severity of the child's injuries,
and the mother's failure to seek immediate medical attention, it does not seem as
though criminal charges being filed would be necessary for an ██████████ finding.

- Statutory and Regulatory Areas of Non-Compliance: There are no statutory or regulatory findings of non-compliance.

Department of Public Welfare Recommendations:

- The Department is in agreement with the recommendations made by the county agency.