



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: [REDACTED] 2010
Date of Incident: 10/28/2012
Date of Oral Report: 10/28/2012

FAMILY NOT KNOWN TO:

Berks County Children and Youth

REPORT FINALIZED ON:

6-19-13

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. Berks 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] 1992
[REDACTED]	Father	[REDACTED] 1989
[REDACTED]	Mother's paramour	[REDACTED] 1990
[REDACTED]	Sibling of victim child	[REDACTED] 2007
[REDACTED]	Paternal grandmother	[REDACTED] 1969
[REDACTED]	Paternal grandfather	[REDACTED] 1959
[REDACTED]	Victim child	[REDACTED] 2010
[REDACTED]	Relative to victim child	[REDACTED] 1993
[REDACTED]	Relative to victim child	[REDACTED] 1995
[REDACTED]	Relative to victim child	[REDACTED] 1998
[REDACTED]	Relative to victim child	[REDACTED] 1999
[REDACTED]	Relative to victim child	[REDACTED] 2001

Notification of Child (Near) Fatality:

Berks County Children and Youth Services was notified on 10/29/2012 that victim child had been brought to the [REDACTED] Hospital by ambulance and was [REDACTED]. He was bruised and had a [REDACTED], [REDACTED] and appeared [REDACTED] beaten. He was listed in [REDACTED]. The parents had no explanation for the injuries. He had [REDACTED] and was later transported to [REDACTED] in Philadelphia.

Summary of DPW Child (Near) Fatality Review Activities:

Regional Office reviewed the record and interviewed the caseworker, casework supervisor and intake manager. The record contained safety reviews, risk assessment and necessary medical information. Contact sheets were also reviewed.

Summary of Services to Family:

Children and Youth Involvement prior to Incident:

Berks County Children and Youth did not have involvement with the family prior to the incident.

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

On 10/28/2012 the victim child, his mother and her paramour traveled to Coatesville, Pa. to visit a friend who also had the mother's older child in her care. The older child was residing with the friend temporarily because the mother had some difficulty [REDACTED]. While the mother went into the home of the friend, the child and the paramour remained outside in the car. The mother stated she spent about 20 minutes in the home. As she was leaving, the paramour appeared in the doorway, sweaty. He reported to the mother that something was wrong with the victim child. The mother left the home to retrieve her son and returned to the home with him. The victim child was in respiratory distress and her friend called an ambulance. The baby also had bruising over his entire body. The child was then transported to Paoli Hospital. He was vomiting blood, was covered in bruises and was later transported to CHOP on 10/29/2012 at approximately 6a.m. While at the hospital the mother and paramour reported that the victim child had not been feeling well earlier in the day and had been sleepy. They also reported that he did not want to eat and had been vomiting. They also stated he had a fever earlier in the week. The report they gave also included a statement about his having fallen a few times during the week. However, family members who were present at the hospital and during casework interviews disputed this and stated the victim child appeared healthy, active and social during the week and before he fell ill.

Family members who were interviewed also stated that the mother was inconsistent in caring for her son. She did not keep medical appointments for him; she did not keep [REDACTED] appointments and allegedly used harsh physical discipline on him, sometimes leaving bruises. She had met her paramour in July and had been living between Reading and Coatesville.

The biological father of the child victim and his older sibling resided with his parents at the time of the incident. He and the mother of the children had resided together until he was injured in a car accident [REDACTED]. The mother left him and did not allow him contact with the children unless she needed a babysitter. Subsequently, the mother began a relationship with the paramour and without housing. She had been with the paramour for about 3 months before the incident involving her son took place.

Chester County Children and Youth was also notified by Berks County Children and Youth on 10/29/2012 that the victim child was hospitalized with life threatening injuries as a result of suspected abuse. They were requested to perform a safety assessment of the child victim's sibling who was residing with the friend of the mother's in Coatesville.

On 11/15/2012 The mother's paramour [REDACTED] Berks County that he punched the victim child while he was in the car and the mother was in the house. The case was [REDACTED] Berks County Children and Youth on [REDACTED]

The agency held an Act 33 Review on 01/08/2013.

Current Case Status:

- The victim child recovered from his injuries.
- The mother has no unsupervised contact with the children.
- The paramour admitted to harming the victim child, and was subsequently arrested by [REDACTED] Law Enforcement.

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

Strengths:

- There was a prompt response by Berks County Children and Youth Services even though that area and the Philadelphia area were in the midst of experiencing hurricane related weather.
- The children are safe [REDACTED]
- [REDACTED]
- Law enforcement was notified and involved on the case promptly.
- Law enforcement notified Berks County Children and Youth the arrest on the paramour was made and the charges included aggravated assault, simple assault and endangering the welfare of a child.
- The county submitted the Child Death Data Collection Tool in a timely manner.

Deficiencies:

- [REDACTED] They did complete the assessment.
- Berks County Children and Youth did not invite [REDACTED] County to participate in the Act 33 review.

• **Recommendations for Change at the Local Level:**

It is recommended that the county agency continue to make efforts to communicate with other counties involved in cases as this one was. Including contiguous counties in the Act 33 meetings is critical to promote discussion and assist with creating an accurate case review. [REDACTED] County was not invited to attend the Act 33 Meeting that was held in Berks County.

• **Recommendations for Change at the State Level:**

No recommendations were made.

Department Review of County Internal Report:

The county held the Act 33 Review on 01/08/2013. The review did not involve any representatives from ██████ County. This was an issue because ██████ County held an integral role in the investigation of the case. Law enforcement activities were under the jurisdiction of ██████ since it was discovered that the incident took place while the victim child was in ██████

Department of Public Welfare Findings:

- County Strengths:
- Berks County Children and Youth investigated the case immediately.
- ██████ Berks County Children and Youth provided two caseworkers to work on what appeared to be a somewhat confusing case due to the lack of clarity as to where the ██████ ██████
- The cooperation and swift response of the law enforcement personnel involved and their willingness to share information.
- The ability of every office involved to conduct interviews and provide extended family members support and contact information for services.
- Berks County Children and Youth developed a plan for safety of both children.
- Working together, Berks County Children and Youth along with law enforcement were able to identify ██████ and have him admit to hitting the child victim.

- County Weaknesses:
- Berks County Children and Youth did not invite ██████ County Children and Youth to the Act 33 review.
- Berks County Children and Youth held the Act 33 review on 01/08/2013.

Statutory and Regulatory Compliance Issues:

- Berks County Children and Youth listed an incorrect age for the victim child. It was noted and corrected. The child victim had been listed as being 13 months old and in fact was 23 months at the time of injury.

Department of Public Welfare Recommendations:

The Department of Public Welfare recommends that the county agency make a concerted effort to conduct Act 33 meetings in a timely manner as they move forward. While the county Act 33 meeting is well represented by various community groups and is as effective evaluative tool, the county often has difficulty meeting the correct timeline.

While there were some deficiencies noted in communication between the counties involved in the investigation of the case, there were also positive connections made between the counties. Chester County was consistent in responding to requests made by Berks County. Berks County did take the lead on the investigation since it was reported to them and there was some confusion around which county held jurisdiction for the case. Law enforcement was able to work with Berks County and the culmination of the arrest being made is a good example of performing as a team.