



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 04-25-2012
Date of Incident: 06-16-2013
Date of Oral Report: 06-16-2013

FAMILY NOT KNOWN to Any Public or Private Child Welfare Agency

REPORT FINALIZED ON:
08/13/14

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. The regional office also participated in the County Internal Fatality Review Team meetings on July 12, 2013 where history of the case and chronological documentations were presented by the Department of Human Services of the City of Philadelphia (DHS).

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
██████████	Victim Child	04-25-2012
██████████	Bio-Mother	██████████ 1990
██████████	Bio-Father	██████████ 1988*
██████████	Mother's Paramour	██████████ 1989

*Not a household member

Notification of Child Near Fatality:

DHS was notified ██████████ on June 16, 2013 regarding a mother driving her child to the Children's Hospital of Philadelphia due to breathing problems. The evaluation revealed the child had ██████████, bruising to the chest ██████████

██████████ Mother initially stated that the child was always in her care and that she knew nothing of how the child got injured. She later recanted by stating to the police that she had lied. She stated that she was at work the previous day, and the child was being watched by her paramour from 8:00 pm to 6:00 am. Mother reported that when she returned from work, the child was upstairs and she could hear him with labored breathing. She wanted to go check on him; however, her boyfriend insisted that she do their laundry and that he would take care of the child. The mother then took a short nap and her paramour took the child to the park. Upon their return from the park, mother tried to go back to sleep, but she could not sleep because of the grunting and breathing troubles the child was having. While giving him a bath in the afternoon, she noticed that he continued to have breathing difficulties and was not crying as he usually did. She decided to take him to the emergency room of CHOP to be evaluated and treated.

Summary of DPW Child Near Fatality Review Activities:

The Southeast Regional Office of Children, Youth and Families obtained and reviewed all current case records pertaining to the ██████████ family. Follow up interviews were conducted with the caseworker, ██████████, and the supervisor, ██████████. The regional office

also participated in the County Internal Fatality Review Team meetings on July 12, 2013 where history of the case and chronological documentations were presented by the Department of Human Services of the City of Philadelphia.

Children and Youth Involvement prior to Incident:

This family had no prior involvement with the County Office of Children and Youth or any other private welfare agency.

Circumstances of Child Near Fatality and Related Case Activity:

During the investigation, the DHS worker noted that the mother appeared fearful of the paramour. The mother reported domestic violence. Mother initially stated that she was the sole custodian of the child; however, she later recanted and stated that her paramour watches the child from 8:00 pm to 6:00 am when she is at work. She also stated that the paramour was watching the child on the day of the incident. She reported that when she came home from work the child was upstairs and she could hear him with labored breathing. She wanted to go check on him, however, her boyfriend insisted that she do their laundry and he would take care of the child. When the mother woke up from her nap she found out that her boyfriend had taken the child to the park. Upon their return she tried to console the victim child as she thought that he was crying and tried to go back to sleep with the child but she could not sleep because of the grunting and breathing troubles the child was having. While giving him a bath in the afternoon she noticed that he continued to have breathing difficulties and was not crying as he usually did. She decided to take him to the Emergency Room of CHOP to be evaluated and treated. On July 17, 2013 a

[REDACTED]

[REDACTED] instructions indicated child should have no rough play.

Current Case Status:

- [REDACTED] on June 16, 2013 and [REDACTED] on July 22, 2013 to maternal aunt with all injuries healed. The aunt has completed the approval process to be a kinship caregiver. The child's current problems are [REDACTED]. Maternal aunt will ensure that all medical appointments are adhered to and completed in a timely manner. [REDACTED]
- The child will have supervised visits with his mother. The county determined that the mother showed poor judgment allowing her paramour to be the care taker while she went to work. He had demonstrated domestic violence tendencies by hitting her prior to this incident. She had also witnessed him forcibly hold the victim child down on the bed, and the alleged perpetrator had grabbed the child in his rib area and shook him while screaming at him.
- The alleged perpetrator was not the father of the child, so visitation was not considered for him. [REDACTED] recommendations included: Child should not be allowed to engage

in rough play, wrestling, jumping or climbing on furniture. He should be supervised on stairs to prevent falls. He should not be allowed to play on jungle gyms or swings. [REDACTED]

- [REDACTED], and [REDACTED] were Indicated as perpetrators. She was indicated as a perpetrator by omission while he was indicated as the perpetrator. He was interviewed by Special Victims Unit. He denies harming the child, and believes that the mother was over protective of the child. He has been arrested for harming [REDACTED]. He was charged with Aggravated Assault, Endangering the Welfare of a Child, Simple assault, and Recklessly Endangering Another Person. He is currently incarcerated at the [REDACTED] Correctional Facility.

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

Philadelphia County convened a review team the review team met on 7-12-13. The Regional Office received the county Act 33 report on 10/9/2013.

- Strengths: There was a clear indication of team collaboration during the investigation.
- Deficiencies: None identified
- Recommendations for Change at the Local Level: Not applicable
- Recommendations for Change at the State Level: Not applicable

Department Review of County Internal Report:

The Region received the County review on 10/9/2013. The Department has reviewed the report and is in agreement with the findings.

Department of Public Welfare Findings:

- County Strengths:
 - The County team work and collaboration was clearly manifested.
 - The County did excellent investigative work.
- County Weaknesses: None identified
- Statutory and Regulatory Areas of Non-Compliance: None identified

Department of Public Welfare Recommendations:

Some domestic violence training should be infused into the daily operational activities of DHS so that Social Workers will be able to identify or inquire about domestic violence. During the course of the investigation, it was discovered that the mother had been experiencing domestic violence by the paramour. It is recommended that county agency staff be trained on how to

sensitively interview about domestic violence in ways that keep the family members safe and to get an accurate picture of the family dynamics.