



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

## **REPORT ON THE NEAR FATALITY OF:**



**Date of Birth: September 1, 2010**

**Date of Incident: October 25, 2012**

**Date of Oral Report: October 25, 2012**

### **FAMILY KNOWN TO:**

Allegheny County Office of Children Youth and Families

**REPORT FINALIZED ON: 07/25/2013**

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. 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>
[REDACTED]	Child	9/1/2010
* [REDACTED]	Half-Brother	[REDACTED] 2007
* [REDACTED]	Half-Sister	[REDACTED] 2002
[REDACTED]	Mother	[REDACTED] 1984
[REDACTED]	Father	[REDACTED] 1982
[REDACTED]	Mother's Boyfriend	[REDACTED] 1980

**Maternal Grandfather's Household:**

[REDACTED]	Maternal grandfather	[REDACTED] 1957
[REDACTED]	Maternal Uncle	[REDACTED] 1988
[REDACTED]	Uncle's Girlfriend	[REDACTED] 1989

The child's siblings are in the custody of their respective fathers. The arrangement made between the siblings' respective fathers and the maternal grandfather was that these children split their weeks between their respective father's household and the maternal grandfather's home.

**Notification of Child Near Fatality:**

On 10/25/2012, Allegheny County Office of Children, Youth, and Families (ACCYF) received a report of suspected abuse on the child. The child had been brought to [REDACTED]

[REDACTED] According to the report, the child was unresponsive when he arrived at the emergency room. The child had been unresponsive in the home and the mother's boyfriend had taken him to the local police station. The boyfriend stated that the child had fallen down the steps. The child has multiple bruises on his penis, thigh, head, and face. The child had [REDACTED]. The child was admitted to the [REDACTED]

[REDACTED] The child was awake and responsive with [REDACTED]. The child was in severe pain. According to the reporting source the incident was highly suspicious for physical abuse. The

mother was at work at the time of the incident. The mother's other 2 children were in the custody of their respective fathers. On 10/26/2012, Dr. [REDACTED] determined that the child was in serious condition as a result of a suspected abusive act. The child was expected to survive.

### **Summary of DPW Child Near Fatality Review Activities:**

The Western Region Office of Children, Youth and Families obtained and reviewed all current and past case records pertaining to the family. The regional office participated in the County Internal Fatality Review Team meetings on December 20, 2012.

### **Children and Youth Involvement prior to Incident:**

On 5/20/2004 the agency received a referral on the subject child's sister, who was 2-years-old at the time. The report stated that the mother was not changing the child's sister's diaper and reportedly gave her alcohol. It was reported that the maternal grandfather, with whom the mother and the child lived, was verbally and physically abusive to the mother. The maternal grandfather reportedly threatened to kill the mother. He has chased the mother with knives and slammed her into doors. The child's sister was a witness to the violence. The report was investigated but the family was not opened for services.

On 7/9/2012 the agency received a referral that the mother and the three children ages 10, 4, and 1 had been living with maternal grandfather up to two weeks prior to this date. The report stated that the mother did not provide emotional support to her children. The mother allegedly did not adequately supervise her children because she was playing with her cell phone. This resulted in the child wandering near the swimming pool in the grandfather's yard. The mother and grandfather got into an argument over this incident and the mother left the home with the three children. The mother took the children to her boyfriend's home which was a one bedroom apartment. The children did not have beds and were sleeping on the couch. The boyfriend had a criminal record for forgery and assault.

On 7/9 the caseworker made an unannounced home visit to the mother's home but no one was home. The caseworker left a note. Later in the day the caseworker spoke to the subject child's brother's father. He stated that he had filed for custody of his child. There was a hearing scheduled for 7/25/2013. He had concerns about mother's judgment particularly in regards to her current boyfriend who has a significant criminal record. He did not believe that the mother would defend her children. He also felt that the mother's current living situation wasn't appropriate. He said that the child's sister who was ten was living with the maternal grandfather. She was making negative comments about the mother's boyfriend.

On 7/10/2013 the mother called the caseworker and left a phone number that she could be reached at. The mother stated that she worked and went to school. The mother stated that she did not have anything to hide and that she would be moving into a larger apartment at the end of the month; the caseworker scheduled a home visit for the next day.

On 7/11/12 the caseworker made a home visit and met with the mother and one year old [REDACTED]. No other children were present at that visit. The mother stated that she had shared custody of her 5 year old son with his father and that the child was at his father's home. The maternal grandfather would not allow [REDACTED] 10 year old sister to leave his home when the mother left. The child's sister remained with the grandfather.

The mother stated that she was supposed to move into a three bedroom apartment on 8/1/12 and she was planning for the child's sister to come live with them then. The mother stated that she has known the boyfriend for 5 months. She minimized his criminal record by stating that those incidents happened when he was young. He did not babysit the children when she was at school or work. She gave the name of the babysitter to the caseworker. The mother said that she had a poor relationship with her father. She described the grandfather as being verbally and physically abusive to her. She did not want to continue living there because the maternal uncle and his girlfriend live in the home and they use drugs. The mother's home was clean, utilities were on, and there was food in the home. There was one bedroom and a pack 'n play in the living room. The child appeared to be comfortable with his mother.

On 7/12/12 the caseworker visited the child's brother at his father's home. The home was appropriately furnished and it was clean. There was adequate food in the house. The brother's father stated that he was concerned about mother's boyfriend. The mother had minimized the boyfriend's criminal history but the criminal history documents that he had obtained did not match what the mother had told him. The mother's boyfriend denied having a criminal history to him. One of the documents that he had obtained stated that the boyfriend was only allowed to have supervised visits with his own children which also contradicted what the mother told him. His son and the child's sister made negative comments about the boyfriend. He noticed changes in his own child's behavior since being around the mother's boyfriend. His child was hitting and throwing tantrums which he had not done before. When the caseworker spoke to the child's brother he said that he did not like the mother's boyfriend and that he was scared of him. He said that the boyfriend shouted at him and called him an idiot. The boyfriend also hit him in the head. The child's brother's father was trying to obtain full custody of his son.

Although the mother's boyfriend was unwilling to sign releases for his criminal history the agency was able to do a criminal background check by accessing public records; those documents revealed that his criminal history began in 1999 and included:

- On 1/22/99 the boyfriend was charged with one misdemeanor count of DUI, one misdemeanor count of Minor Driving while Intoxicated, one summary count of Careless driving, one summary count of a Minor Operating a Vehicle with Alcohol, one summary count for Driving a Vehicle with a Suspended License, and one summary count of Purchasing Alcohol by a Minor. On 12/9/99 the boyfriend pled guilty for Careless Driving and Driving with a Suspended License. He was ordered to ARD for the DUI. He received a sentence of fifteen months probation and forty-five day suspension of his driver's license for Careless Driving and driving on a Suspended License.
- On 10/23/99 he was charged with one summary offense for writing bad checks. On 11/28/01 he was found guilty of writing bad checks and was ordered to pay \$300.00 in restitution.

- On 9/28/02 he was charged with one misdemeanor charge of Terroristic Threats, a misdemeanor 3 charge of Harassment/Stalking by Command /and Lewd/Obscene Acts and 1 summary offense of Harassment. On 6/11/03 the boyfriend pled guilty to the charge of Harassment/Stalking by Command/Add Lewd, Obscene Acts. The other two charges were "Nolle Prossed". On 7/2/03 he was fined \$300.00 and sentenced to the [REDACTED] County Prison for one to twelve months. He could be paroled after forty-eight hours to a work release program. On 7/30/03 he was sent to the work release program.
- On 11/25/03 the boyfriend was charged with Forgery-Unauthorized Act in Writing and a felony three count of Theft by Deception-False Impression. On 8/27/04 the boyfriend pled guilty to the Theft by Deception charge. On 11/9/04 he was sentenced to pay court costs and restitution. He was ordered to serve four months to twenty-three months in the [REDACTED] County Prison effective that date. He was eligible for the work release program.
- On 8/14/04 the boyfriend was charged with two misdemeanor two counts of Simple Assault, two misdemeanor one counts of Terroristic Threats, two misdemeanor counts of Recklessly Endangering another person, two summary counts of Harassment-of Conduct with no Legitimate Purpose, one summary count of Criminal Mischief-Damage Property, two summary counts of Disorderly conduct. On 11/30/2004 he pled guilty to one count of Recklessly Endangering another Person, one count of Harassment and one count of Disorderly Conduct. The Court maintained the same bond conditions, lifted the no contact order but maintained the order that he was to have adult supervision with children. On 2/15/05 he was sentenced to serve a minimum of twelve months and a maximum of twenty-four months to run consecutively with the sentence from the 11/25/03 charges and to pay court costs. As of 9/22/08 he had served 167 days of this sentence.
- On 3/30/08 he was charged with one summary charge of Reckless Driving, one summary offense of Obedience to Traffic Control Devices, one summary of Disregarding Traffic Lanes, one misdemeanor two charge of Recklessly Endangering another Person, one summary charge of Harassment, one summary charge of driving on a suspended license, and one misdemeanor on charge for driving with a blood alcohol higher than .02. That charge was changed to another count of Recklessly Endangering Another person. On 9/22/08 he pled guilty to the charges and was ordered to serve a minimum of twelve months and a maximum of twenty-four months in conjunction with his three other sentences for confinement. He had to serve two days. As of 9/4/12 the boyfriend had not paid off all of the fines he owed to [REDACTED] County.

After a couple of unsuccessful attempts to make home visits to the mother and the children the next home visit was on 7/20/12. The caseworker met with the mother, the child and his brother. The child's sister was living with the maternal grandfather until the mother got a larger apartment. The mother told the caseworker that she moved out of her father's house because he was verbally and physically abusive to her. As far as the incident that the child was near the swimming pool unsupervised, the mother stated that she was upstairs talking with her brother's girlfriend. She thought either her father or brother was watching the child. After having an argument with her father over the incident she moved out of the house. She had met her boyfriend on the internet and had been dating him for two months. She moved in with the boyfriend because she did not feel that she had any other choice. Mother stated she had no concerns about the boyfriend and characterized his criminal history as only being reckless

driving and a DUI. The caseworker saw both boys. Both boys were very energetic. The child's brother had a black eye. He told the caseworker that his brother pushed him in the coffee table at the babysitter's house. The child's brother again told the caseworker that he did not like the mother's boyfriend because he hit him in the face. The mother contradicted this statement saying that the boyfriend swatted the child's brother on the behind but not in the face. The child's brother goes to his father's house four times a week. The mother said that she wanted to retain full custody of the child's brother but there was a custody hearing scheduled for 7/25/2012. The child appeared to be fine at this home visit.

On 7/20/12 the caseworker made another home visit to the child's brother at his father's home. The brother's father repeated his intention to pursue full custody of the child's brother. The child's brother's father continued to feel that the mother's living situation was not appropriate. He was also concerned about the mother's pattern of picking up men that she met on the Internet. He again said he believed that the boyfriend had a significant criminal history.

On 7/25/12 the caseworker met with the child's sister at the maternal grandfather's home. The child's sister stated that she was afraid of the boyfriend because he threw a kitten at the wall. She did not like going to her mother's house because it was hot and smelly. The child's sister said that she did not have a bed at her mother's home and had to sleep on the floor. She also did not like that she had to watch her brothers at her mother's home. The child's sister claimed that the mother slept all day and did not cook. The child's sister liked living with the grandfather because she had her own room and the home is clean and safe. The child's sister said that she visits with her own father. The caseworker observed that the child's sister was comfortable in the home. The grandfather told the caseworker that he was pursuing custody of the child. It was obvious that the mother and the grandfather had a conflictual relationship. The grandfather stated that the mother did not supervise her children and that she expected everyone else to do it. The mother spent her days on the phone and in pursuit of men.

The case was closed since: it appeared that there was an ongoing custody dispute with a hearing scheduled on 7/25/2012 for resolution; and the agency could not confirm that the children were mistreated. The official closure date was 8/3/12.

#### **Circumstances of Child Near Fatality and Related Case Activity:**

On 10/25/12 the [REDACTED] Police Department received a report from a passerby that a man was standing in front of the Police Department holding a dead child. A police officer went to the police station and found the mother's boyfriend holding the child. The boyfriend reported to the police officer that the child had fallen down the steps. The child was reportedly unresponsive but the paramedics did find a faint pulse. According to the Allegheny County Detective and the [REDACTED] Police Officer the child had extreme bruising all over his body; some of the bruising was new and some was old. The child had bruising on his face, thighs, penis and right side. The child was awake and crying. The boyfriend went to pick the mother up at work and brought her to the hospital. He left to park the car and did not return. The [REDACTED] Police General Investigations unit was handling the investigation since the child was not near death.

According to [REDACTED] records the child arrived by ambulance at about 5:02pm. The child was accompanied by a [REDACTED] Police officer, no family member was with the child. The officer stated that the boyfriend told them that the child had fallen down the steps. The child was not responsive, his breathing was shallow and his pulse was palpable. The child was in this state for about fifteen minutes. Just about the time the paramedics arrived on the scene the child regained consciousness. The boyfriend left to pick up the mother at work. The mother arrived at the hospital at 8:00pm. The boyfriend did not enter the hospital.

When the child was initially seen in the emergency room the child was awake and interactive. He was talking appropriately. The child was fussy, frightened, and whining some. The child's clothing had been removed because he had vomited on them. He began vomiting again in the emergency room. Upon exam the child had multiple areas of trauma to his face and head. There were at least four bruises to his right forehead the largest was two inches and appeared to be slightly more brownish than the others. On the left side of his face there were at least four bruises near his forehead and in front of his left ear. On the right ear there was a bruise [REDACTED]. On the left ear there were multiple bruises [REDACTED]. There was bruising over his nose and his left upper lip was swollen. There were at least four bruises on his right upper arm and at least 3 bruises on his right lower arm. There were at least 6 bruises on his lower arm and hand. There were at least three bruises on his [REDACTED]. On the right hip area there was a large three inch purplish bruise [REDACTED] and there were at least 3 smaller bruises. On his back there was a [REDACTED] bruise and two bruises [REDACTED]. On the [REDACTED] there was at least eighteen multiple reddish-blue bruises. There were at least six bruises on [REDACTED]. On the [REDACTED] there were at least 12 reddish blue bruises similar in pattern to the left thigh. There was bruising to the [REDACTED] penis appearing purplish.

The child had [REDACTED] on 10/25/12 that showed that he had [REDACTED]. There was no evidence of a [REDACTED] and no significant soft tissue swelling. [REDACTED] was repeated the next morning which showed the same resolution of [REDACTED]. There was no significant [REDACTED]. The skeletal survey did not show any fractures.

The initial medical assessment was that the child had very significant bruising. The number, location and appearance of the bruises could only be explained that the bruises were inflicted by another person. The child's [REDACTED] showed an [REDACTED] along with the child's history of being unconscious, indicated a [REDACTED]. The child was admitted to the [REDACTED].

The mother was interviewed by the police, the onsite caseworker and Child Advocacy Center worker. The mother stated that she met the boyfriend on Craig's list in May of 2012. She moved in with him in July of 2012. In September of 2012 they moved into a three bedroom apartment, both of their names were on the lease. The mother denied using drugs and alcohol. She reported that she was [REDACTED]. She did tell them that the boyfriend drank beer and smoked marijuana. She also reported that the boyfriend had

criminal record that included a DUI, leaving the scene of an accident and Terroristic Threats. The boyfriend works day shift at a warehouse in [REDACTED] Pittsburgh. The mother worked the afternoon shift at a Nursing Home in Washington County. The mother stated that it takes 30 to 45 minutes to get to work site and said the boyfriend watches the child while she is at work.

The mother described the day as starting with the boyfriend leaving for work at 6:50am. She said that the child sometimes gets up early and sometimes sleeps in. on this day the child slept in to 11:15am she fed him breakfast and he watched cartoons. Mother reported that she was doing some cleaning. The boyfriend texted her that he would be leaving work at 1:45pm. The boyfriend returned home at 2:20pm. She was on hold with the [REDACTED] while the boyfriend drove her to work. [REDACTED] was fine in the car he was talking to the boyfriend and giving him high fives. The mother reported that she gave him hugs and kisses and they dropped her off at 3:10pm. At 4:09pm she got a text from the boyfriend that the child fell down the steps. She tried to text the boyfriend back several time but did not get a response. Then she got a text from the boyfriend that he was coming to get her. She had already been contacted by the police so she was waiting for him outside of her place of work. When the boyfriend picked her up he told her after he dropped her off for work that he had stopped to pick up a 40 oz beer went home and played the PS3 (video) game. He then reported that he gave the child a bath and went to take a shower when he heard a thump as the child fell down the steps. He saw the child at the bottom of the steps and told him to get up. The child did not get up. He then drove the child to the local police station. The child was vomiting all over him. When he did not get a response at the police station, he took the child to the local fire station. The police responded to the fire station and the child was transported to [REDACTED]. The mother reported that the child has fallen down the steps before. They do have a baby gate but it is sometimes moved to keep the child out of the kitchen.

The mother reported that the boyfriend and his two sons play a game called "Charley Horse". In this game they raise one of the knuckles on their hand and hit each other with the knuckles on each other legs. The boyfriend's sons are ages nine and seven. They last visited from October 19 to October 21, 2013. The mother saw bruises on the child's legs the entire week. She thought that they were from this. She reported that she sometimes gets frustrated with the child's behavior but she smacks him on his butt not his legs. She said the boyfriend does not discipline the child. The mother felt that the bruise on the child's abdomen was a result of a fall the child had the previous day. She did not know about the facial bruises or the other injuries. She thought that they occurred when the child fell down the steps.

The mother showed the police the text messages that the boyfriend had sent her. One text stated that "I told the police that my kids did it". A second text stated that he was not coming into the hospital because he felt he would be arrested for a magisterial fine in Oil City. He then texted that he did not want to be blamed for this and he threatened suicide. She said that the AP would not have been able to call 911 because he cannot make outgoing calls on his phone.

The mother reported that the maternal grandfather and the child's brother's father took her to court in July and got custody of her other two children. The child's sister was living with the

maternal grandfather and the child's brother was living with his father. He got custody because of the boyfriend's criminal record.

The caseworker had a brief conversation with the maternal grandfather who confirmed that mother's other two children did not reside in her home. He denied that the mother was ever physically, sexually or emotionally abused in his home.

On 10/26/2012 [REDACTED] repeated the [REDACTED] on the child it showed the same [REDACTED]. There was no significant [REDACTED]. The skeletal survey did not show any fractures. [REDACTED] confirmed that the child had suffered a [REDACTED]. The [REDACTED] was without abnormality. The child also had [REDACTED] on that date which [REDACTED]. The child was stable and not showing [REDACTED]. He had been started on [REDACTED].

On 10/26/12 the agency GPS worker made an unannounced visit to [REDACTED]. The hospital social worker reported to the caseworker that the mother had been with the child since he was admitted to the hospital. The child appeared to be doing fairly well and was being closely monitored.

10/26//2012 the boyfriend was arrested on one Felony One count of endangering the welfare of children and two Felony Three counts of aggravated assault. The boyfriend was committed to the [REDACTED] County Jail on 10/27/12. He was being held on a \$15,000 straight bond.

On 10/28/2012 there was an incident in the child's [REDACTED] room. The child fell to the floor and was lying on the floor crying. The mother was in the room at the time of the incident. Her explanation of the incident was that the child's activity level in combination with tiredness and lack of sleep. The hospital placed a sitter in the room. The child was transferred out of [REDACTED] on 10/29/12.

On 10/29/12 [REDACTED] informed the CPS caseworker that [REDACTED]. [REDACTED] impact alone was inadequate to explain the findings and the child's [REDACTED] expressed concern about the mother's inappropriate response to the child's injuries. The mother is trying to explain the bruises away. The mother had told the hospital staff that child had bruises on his legs since 10/21/2103. During the interview with the maternal grandfather he had not seen bruises on the child's legs on that date. The mother told them that she did not have primary custody of her two older children because she wanted them to go to better schools. According to the maternal grandfather the mother lost custody of her two oldest children because of her habit of picking up men on the Internet and giving them unlimited/unsupervised access to her children. [REDACTED] knew that the GPS caseworker was making a home visit to the maternal grandfather's home as a possible placement resource for him. The mother was telling hospital staff that she was planning on returning to the grandfather's home.

Later that day the CPS worker spoke to the [REDACTED] Detective; he reported that he had received a call from the mother of the boyfriend's two sons who reside with her in Erie. The mother of the boyfriend's sons stated that they were on a visit with the boyfriend from 10/19/12 to 10/21/12. Her sons returned with suspicious bruises. According to the mother of the boyfriend's sons she had exchanged text messages with the subject child's mother. The mother reported to her that the boyfriend was punching the boys in the arms, legs, and back to make men out of them; reportedly the mother had, in June 2012, observed the boyfriend punch his sons in the legs, thighs, sides and calves with one knuckle out. He had told her that it was to toughen them up.

The [REDACTED] Detective also informed the CPS caseworker that the story that the boyfriend gave during the police interview was that he had gone upstairs to take a shower and had taken the child with him to give him a bath. The child does not like water so he ran away from the boyfriend. The boyfriend went to reach for the child and the child turned his back toward him. The boyfriend pushed the child which resulted in the child hitting his head on the corner of the wall and tumbling down the steps. The boyfriend ran to the child and tried to revive him with cold water. That information was significantly different from the account the boyfriend had shared with the mother on the date of the near fatality.

Later on that same day the GPS caseworker spoke to the mother who said that her plan was for her and her son to move in with the maternal grandfather. The mother said that she was willing to work with FGDM and all other recommended OCYF services. The mother stated that she did not have any contact information for the child's father. The mother reported that she was planning to change her phone number since the boyfriend was continually calling her requesting that she bail him out of jail. According to the mother the boyfriend's mother had also called her with the same request.

Later in the day the GPS caseworker made a home visit to the maternal grandfather's home. The grandfather was more than willing to have the mother and child back in his home. The grandfather was opposed to the mother moving out of the home in the first place. The grandfather described his daughter as being a good mother with a terrible taste in men. It was his belief that the mother never recovered from her own mother's death and was in need of [REDACTED]. The grandfather owns the home. The home was found to be safe, clean, all utilities were working. There was ample food, clothing, and toys for the children in the home. The grandfather reported that he shared custody of his granddaughter. She is in his home on Wednesday, Thursday, and Friday and every other weekend. She is with her father the other time. The grandfather reported that the child's brother was in the mother's custody until she moved in with the boyfriend. That is when the child's brother's father obtained custody of him. This child does spend Monday, Tuesday, Friday, and Sunday at the maternal grandfather's home. The mother's other two children were interviewed. Both of these children were observed to be clean, healthy and happy. They interacted lovingly with the family. Both children reported that they felt safe. The mother's brother and his girlfriend who are house hold members were interviewed and they both said that the children were in safe in the home. The maternal grandfather, maternal uncle and his girlfriend said that they were willing to work with the mother in order for her to get her children back. They agreed to participate in FGDM.



mother had given in her interviews with the [REDACTED] Police and the onsite caseworker the day of the incident. The mother did express concern that she did not know the physical location of [REDACTED] placement. [REDACTED]

On 11/6/12 the GPS caseworker was in contact with the mother and the Foster Care Agency to develop a visiting plan for the child with his mother. The plan was for the mother to have twice a week visits with the child.

On 11/7/12 the [REDACTED] Detective informed the CPS caseworker that at a Bond Hearing the boyfriend could be released from the County Jail without bond if he had a place to live with a landline as he is to be on house arrest with an ankle bracelet. The boyfriend was court ordered not to have contact with the child. Later in the day the mother informed the CPS caseworker that the Center of Victims of Violence and Crimes would contact her several hours before the boyfriend was released from the jail.

On 11/8/12 the CPS worker received information on the child's father's address and phone number; she left a message for him to call her.

On 11/9/12 the GPS made an unannounced visit to the address for the child's father. No one answered the door. Later that day the child's father called the GPS worker. He told the worker that he had two other children and a fiancée. He sees his other two children on the weekends. He had never met the child and had no intention in being part of his child's life. He had no plans to attend any Court hearing or other OCYF meetings for the child. The child's father stated that he was born and raised in Washington County by his parents. He has one older brother. He dropped out of school in the tenth grade. His last employment was at a lumber yard. He reported no past or present problems with Mental Health, Domestic Violence, or Drugs and Alcohol. He would not provide the caseworker with any names of fit or willing relatives that could care for the child.

On 11/13/12 the [REDACTED] Police detective told the agency that they were not going to charge the mother since she was cooperating with the investigation.

The last conversation the GPS worker had with the mother was on 11/16/12. The worker confirmed with the mother that he had made a referral for the mother to have a [REDACTED]. The mother wanted to know when it would occur, the caseworker did not know. He told the mother that she could seek [REDACTED] on her own.

The CPS worker's investigation revealed substantial evidence of abuse related to the near fatality; and indicated report was submitted to ChildLine on 12/21/12.

**Current Case Status:**

On 11/28/12 [REDACTED]

[REDACTED]

Two days later on 11/30/12 the child had a follow up medical appointment at [REDACTED]. The child also had an appointment at the [REDACTED]. The mother was present for these appointments. The mother reported that she did not have any contact with the child's foster mother. That an employee of the foster care agency brings the child to her father's home for the twice a week visits. The child gets agitated when the visits end. The child was very irritable at these appointments and screamed from the moment he arrived to the moment he left. The mother could not calm him down. According to the [REDACTED] report the child's physical injuries were healing. He appeared to be [REDACTED] which would have predated the trauma he experienced. His irritability and fussiness could be related to a few things. It could be a result of his [REDACTED] and these effects could linger. He could also be experiencing headaches which were making him irritable. Also the intermittent visits with his mother could be very confusing to him causing his irritability. The child could not communicate his frustration. [REDACTED] recommendations were that the child's follow-up medical care be with his primary care pediatrician, [REDACTED].

The foster care provider worker continued to have weekly home visits to the foster home. The foster mother reported that the child had good days and bad days. The child could wake up in the morning screaming and throwing a fit and he would be inconsolable for the day. Other days he wakes up in a good mood and the day is fine. The child loved to eat and was repeating his words. He was able to follow the foster mother's directions.

On 12/11/12 the child had a medical appointment at [REDACTED]. The mother attended the appointment with the child's former babysitter. The mother was able to answer questions while the babysitter worked with the child so the child could demonstrate his gross and fine motor skills. The child was cooperative and less irritable during this appointment. The child was [REDACTED].

On 12/17/12 the ongoing caseworker made a home visit to the mother's home and confirmed that she had her own residence. Mother continued to work at the nursing home. [REDACTED]

[REDACTED] The ongoing caseworker made home visits to the home and saw that the child was settling in. The grandfather reported that the child's temper tantrums were decreasing.

On 1/4/13 the child was assessed with an [REDACTED]. [REDACTED] were completed at the maternal grandfather's home.

The mother was present for the [REDACTED]. The maternal grandfather reported that the child's tantrums and hitting had decreased since he was placed with the maternal grandfather. Neither the mother nor the maternal grandfather had any developmental concerns for the child at the time of this visit. The coordinator found the child to be pleasant and cooperative. She found the child to be meeting all milestones for his age and there were no [REDACTED] concerns at that time.

[REDACTED]

On 1/7/13 the mother had an [REDACTED] and an interactional evaluation with the child at [REDACTED]. The mother self-reported that she began to experience [REDACTED] when she was nineteen or twenty years old. She was [REDACTED]. She reported that they helped her significantly with her [REDACTED]. She also reported that she had a DUI when she was twenty-two years old and completed ARD. The mother denied regular use of drugs or alcohol. [REDACTED]. She took responsibility for her poor judgment that resulted in her child's injury. She had a history of significant loss with the death of her mother when she was a teenager. She had a history of a conflictual relationship with her father. The mother showed patterns of poor judgment, impulsivity and poor self esteem. It was recommended that she [REDACTED]. During the [REDACTED] the mother showed positive parenting skills with the child. The child appeared to be positively attached to the mother.

[REDACTED]

On 1/15/13 [REDACTED]

[REDACTED]

The mother and child [REDACTED] at the end of January of 2013 at [REDACTED]. During the mother's and child's initial involvement in the program the mother was observed as being attentive to the child and was able to meet his needs. She attempted to set boundaries for him. On 3/7/13 the child threw a tantrum at the program and the mother could not deal with it. [REDACTED]

[REDACTED] At first the mother was resistant to the suggestions that the staff made to her but then she began to accept their suggestions and was able to more effectively deal with the child's tantrums. The mother and child finished the program in May of 2013.

The mother began [REDACTED] in February of 2013. The mother attended regularly and participated in the sessions until May of 2013.

[REDACTED]

On 3/25 /13 the boyfriend pled "Nolle Contendre" to one Felony one count of endangering the welfare of children and two Felony three counts of Aggravated Assault. He was sentenced to three to ten years in prison. On 4/17/2013 he was sent to SCI [REDACTED]. He has appealed the Criminal court decision.

The agency continued to visit the maternal grandfather's home on a regular basis. FGDM started their preparation with the family at the end of March of 2013. By this time the mother and the maternal grandfather's ongoing conflicts became one of the focuses of the case. They were frequently heard and observed arguing over household responsibilities and supervision of the mother's children. Another source of conflict was that the mother had a new boyfriend. The child's brother's father would not allow his child to have contact with the new boyfriend until he saw his criminal record. The child's brother's father stopped allowing his child to visit at the maternal grandfather's home. The FGDM workers obtained the new boyfriend's clearances which showed that he did not have a criminal record. [REDACTED]

On 4/11/13 the [REDACTED] met with the mother and the child to complete the [REDACTED]

A copy of the report was sent to the CYF, the Child Advocate and the child's pediatrician.

The first FGDM conference was held on 4/26/13. Attending this meeting was the mother, maternal grandfather, maternal uncle, maternal uncle's girlfriend, and the mother's new boyfriend. The plan developed addressed Conflict Resolution, Monitoring New People, and Patience in Parenting. There were follow up meetings on 5/12/13 and 6/18/13. The plan developed specified: strategies for the mother and maternal grandfather to use when they have a conflict; when the mother's new boyfriend would meet the children; the mother's new boyfriend would not discipline the children. All adult household members agreed to hold the children to the same set of rules. The child's long-time babysitters agreed to be a resource to the mother when she had parenting issues with the children.

Right after this conference the mother lost her job. She realized that she needed a job with more flexibility due to her parenting responsibilities. On 5/13/13 the mother reported that the child had a follow-up appointment at [REDACTED]. The mother said that the appointment went well for the child. The recommendation was that the child be seen at [REDACTED] since he had [REDACTED] at the time of the incident. The mother reported that her other two children were up to date on their well baby care. She gave the caseworker the name of their Pediatrician.

On 5/23/ [REDACTED]

[REDACTED] The agency closed the case in June of 2013.

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

Allegheny County convened a review team pertaining to the near fatality report on 12/20/2012. The review team discussed information pertinent to the near fatality incident as well as agency activity with the family within the sixteen months preceding the incident. The Department obtained the Near Fatality Review from Allegheny County on July 16, 2013.

- Strengths: The Review Team identified as a strength that it did not observe any evidence of statutory or regulatory violations during the course of agency activity with the family.
- Deficiencies: The Review Team did not identify any deficiencies.
- Recommendations for Change at the Local Level:
  - The Review team noted that the child had not received an [REDACTED] as required by State regulation and agency policy when he entered placement in a provider foster home. The provider agency worker was unclear on whether the mother would have to sign a consent form to have the [REDACTED] completed. The Team recommended that the agency re-issue the agency policy and state regulation to ensure that the provider agencies are aware of this requirement.
  - The Review team recommended that the agency clarify and re-issue the policy related to contacting other county child welfare agencies when they learn that parent or other party has lived in another jurisdiction and there are reasons to believe that they may have come in contact with the county child welfare agency.
- Recommendations for Change at the State Level:
  - The Team discussed the need for a statewide database to access information related to criminal convictions in other Counties across the Commonwealth. The mother's boyfriend had refused to sign a release of information form for the agency to obtain his criminal records.

**Department Review of County Internal Report:**

The report submitted to the Department did not include the information that the GPS referral the agency received on July 9, 2012 included the concern that the mother had moved in with the boyfriend that she had recently met on the internet and that he had a criminal record. The report does state that during the GPS assessment the child's brother's father obtained the boyfriend's criminal records which are public records and went to Family Court with the documents and obtained full custody of his son. During the GPS assessment the boyfriend's criminal record was

a concern of the maternal grandfather and the fathers of the child's siblings. During the GPS caseworker's interviews with the child's siblings they both stated that they were afraid of him. The boyfriend was not interviewed by the agency even though he was a household member. The record does not say why an interview was not done. The record does say that the boyfriend would not sign a release for the agency to obtain his criminal record. However, the boyfriend's criminal record is a public record that was available on the Unified Judicial System of Pennsylvania Website Portal, which the agency did access to confirm the findings that the subject child's father's brother had related.

The report appears to contradict itself. Under the Strengths and Deficiencies section of the report no statutory or regulatory issues were identified. Under the first bullet for recommendations of change states that the child did not receive an [REDACTED] as required by state regulation and agency policy. The Department reviewed OCYF Bulletin 3490-08-01 which pertains to [REDACTED]. According to the Federal CAPTA law required that for children under the age of three who is involved in a substantiated case of abuse an [REDACTED] needs to be completed. The report of suspected abuse on the child was substantiated on 12/22/12. The child had an [REDACTED] on 1/4/13. The child was determined to be meeting all milestones for his age and there were no developmental concerns at that time

The second issue that the team identified was the need for a statewide database to access information related to criminal convictions in other counties across the Commonwealth. The Commonwealth does have the Unified Judicial System of Pennsylvania Website Portal, in which criminal records are available for the counties across the Commonwealth, and which the agency accesses.

The Department agrees with the report's recommendation that the agency should clarify and re-issue their policy on contacting other County CYS agencies when they suspect that there was activity in another County. There was no documentation in the case that the agency contacted Erie County CYF to see if they had contact with the boyfriend and his own children.

### **Department of Public Welfare Findings:**

#### County Strengths:

- The agency successfully worked with the mother for her to regain custody of the child and close the case. Agency workers had regular contact with the mother through phone calls and home visits. The agency provided the mother with parenting education classes, [REDACTED]
- The agency engaged the maternal grandfather, other maternal relatives, the child's long-term baby sitters, and the mother's boyfriend in FGDM to develop a plan to provide the mother and the children with support that enabled them to close the case.
- The agency was able to locate the child's father and to speak with him concerning his child.

### County Weaknesses:

- During the GPS investigation in July of 2012 the boyfriend was not interviewed even though he was a household member and the concerns about his criminal record were central to the referral. Even after the child's siblings expressed their fear of him, he was not interviewed.
- There were no medical records on the three children in the case file from the July 2012 GPS investigation.
- There were no medical records in the case file after December of 2012.
- The child was not placed with his maternal grandfather who he had lived with previously. The file did not include documentation that the grandfather was considered to be the child's emergency caregiver as required by the Federal Fostering Connections law.
- The case file did not contain documentation that the child's long-term babysitters were considered to be the child's kinship caregivers even though they presented themselves to the agency as a placement resource on 11/2/12.
- The child was placed in a stranger foster home on 11/2/12. The mother reported that she had no contact with the foster mother while the child was in the foster home.
- Even though the child was placed with the maternal grandfather on 12/17/12. The record was silent as to whether the grandfather was offered formal kinship.

### Statutory and Regulatory Areas of Non-Compliance:

A LIS will be issued pertaining to 3490.233(g) not interviewing the boyfriend during the GPS investigation in July of 2012 Regulation 3130.43(b)(7) not obtaining medical records on the children during the 2012 GPS investigation and not having medical records on the child after the December 2012 medical exam. Regulation 3130.21(b) the agency not being compliance with the Federal Fostering Connections Law pertaining to not placing the child with a fit an able relative who was the grandfather as an emergency caregiver. The record was silent as to whether he was offered emergency caregiver services In addition the agency did not consider the child's long term babysitters as a placement resource

### Department of Public Welfare Recommendations:

- The agency needs to ensure that all staff who have not received training on the provisions of the Federal Fostering Connections Law complete that training in the immediate future.
- In this near fatality case services to the family were fragmented with each worker having responsibility for one of the component of the services offered. The Onsite worker responded to the emergency of the child's trauma and hospitalization. Then the case was assigned to a CPS worker who was responsible for the CPS investigation. A GPS worker was assigned to the family because the case had been re-opened within 90 days of case closure. This worker was responsible for the case planning and to ensure safety of the children. The case was then transferred to an ongoing caseworker who provided services to the family until case closure. The family worked with two workers from the FGDM unit. In addition the family had to work with a number placement providers.

Discussion with the Program Representative for Allegheny County Children, Youth , and Families revealed that the agency is cognizant of the barriers to planning in assigning multiple caseworkers, and engaging several providers, to extend services to a family. Consequently the agency is in the process of implementing a protocol entitled "Single Case Planning" which will ensure that all agency staff as well as providers will work collaboratively as a team to ensure effective non redundant delivery of service established through one case plan.