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REPORT ON THE FATALITY OF:

Emmanuel Williams

Date of Birth: April 18, 2010
Date of Fatality: December 4, 2011

The family was known to
Erie County Children and Youth Services

Date of Report: April 5, 2012

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 No. 1147, now known as Act 33, was signed on July 3, 2008 and went into effect 180 days from that date, January 4, 2009. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and near child fatality as a result of suspected child abuse. DPW must conduct child fatality and near fatality review and provide a written report on any child fatality or near fatality where child abuse is suspected.¹

Family Constellation

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
Emmanuel Williams	Victim Child	04/18/2010
[REDACTED]	Sibling	[REDACTED] 2005
[REDACTED]	Sibling	[REDACTED] 2001
[REDACTED]	Sibling	[REDACTED] 1994
[REDACTED]	Sibling	[REDACTED] 1995
[REDACTED]	Non-victim child	[REDACTED] 2005
[REDACTED]	Non-victim child	[REDACTED] 2001
[REDACTED]	Sibling	[REDACTED] 1989
[REDACTED]	Mother of [REDACTED] [REDACTED] children	[REDACTED] 1975
[REDACTED]	Father of [REDACTED] children	[REDACTED] 1963
[REDACTED]	Father of [REDACTED] children	[REDACTED] /1970
[REDACTED]	Paramour of [REDACTED]	[REDACTED] 1974
[REDACTED]	Father of [REDACTED] children	[REDACTED]
[REDACTED]	Mother of [REDACTED]	[REDACTED] 1968
[REDACTED]	Former paramour of [REDACTED]	[REDACTED]

Notification of Fatality

Date of Incident: December 4, 2011

Date of Incident Report to Erie County CY: December 5, 2011

Date report to Regional Office: December 6, 2011

According to the limited information in the case record, on December 4, 2011, the paramour checked on the child when the child was sleeping. When doing so, the paramour found the child unresponsive and called 911. He rode in the ambulance with the child to [REDACTED] but the child was pronounced dead after a brief

¹ 23 Pa. C.S. 6343 (c) (1)-(2).

period of emergency room staff trying to revive him. Initially, [REDACTED] staff had no concerns regarding [REDACTED] as they reported to the mother and father.

After the child passed away, the [REDACTED] the agency to advise them that there were other children in the home. The family had just recently moved into a residence together in October 2011, with the paramour having two other children of his own (besides the victim child) and mother having three others (besides the victim child). The family may have had their water turned off approximately one week prior and the [REDACTED].

According to reports from neighbors, the mother and paramour may have been arguing about 30 minutes prior to the 911 call. At one point after the argument, the mother left the home in her car. Two of the victim child's siblings walked to the store shortly after their mother left. These children were interviewed and reported that the victim was fine when they left the home and that the child was in the care of paramour.

An autopsy performed on the child revealed he died as a result of a [REDACTED]
[REDACTED]

Reported Information Regarding Extent of Injury

Autopsy on child revealed that the cause of death was [REDACTED]
[REDACTED]

Documents Reviewed and Individuals Interviewed

The Office of Children, Youth and Families (OCYF) Regional Program Representative reviewed the case file provided by Erie County CYS for the intake investigation on this family, as well as the prior history. The file included the investigation summary, demographic information, risk/safety assessment and safety plan, and progress notes. Also reviewed were the medical and forensic records provided by [REDACTED]
[REDACTED]. Additionally, the OCYF Regional Program Representative attended the Erie County Fatality Review/MDT meeting on January 17, 2012.

Case Chronology

The Erie County Intake Caseworker reported that on December 5, 2011, the agency received a referral regarding the death of the victim child. She stated that the autopsy revealed that the victim child had a [REDACTED] and that the caseworker needed to contact Erie County Police Detective as soon as possible. The caseworker spoke with the Detective several times that day, and he asked her to interview the mother and paramour. He reported that the [REDACTED] said the victim child died of [REDACTED] and that, so far, they were being uncooperative with the police department.

The caseworker reported that she visited the family at the mother's home on December 6, 2011. The mother, paramour and all of the surviving children were there, as well as some other family members. This visit was to determine the surviving children's safety. It should be noted that the death was not discussed. The mother was very emotional and struggled to control her emotions. The paramour displayed a flat affect.

The county caseworker returned to the home on December 7, 2011 to have the mother and paramour sign the safety plan that paramour was not allowed alone with the children. Also there were other family members in the home helping the mother. The mother reported that the paramour no longer resided at the home as she had asked him to move to his parents' home. The victim child's father is incarcerated for running away from a [REDACTED] often used as a step-down for individuals exiting the State Department of Corrections.

During this visit, the mother explained that she was a private care nurse and that the paramour was a caregiver for her children. They had been in a relationship for seven months but she did not allow him to move in until after four months as she wanted to make sure he was "okay". She was in the process of having him approved as a daycare provider through CCIS.

She reported that prior to the child's death, the victim child was fine. She had left the home and came back a little later, uncertain of the exact times. At that time, she asked the paramour where the child was, to which he said the child was sleeping. She reported that she gave the victim child's siblings some money to go to the store. She reports she did not go upstairs because she did not want to wake the victim child if he was sleeping. She left again; the child's siblings went to the store. When they were coming home, the ambulance was taking the paramour and the victim child to the hospital. The last time they saw the victim child alive was when the paramour was carrying him upstairs. It was also reported that on the day of the incident, the neighbor children witnessed the mother and paramour arguing back and forth about her bringing home food. Apparently, the paramour was upset because the mother did not return home fast enough with the food.

The victim child's siblings were interviewed at the [REDACTED] and were consistent with what was already known. The paramour refused to allow his children to be interviewed at the [REDACTED]. His children are not under Court Order and are living with their grandmother. [REDACTED]. An offer for Family Group Decision Making was declined. It was reported that the children miss their father and when he talks with his children on the phone, it is reported that he cries and says he misses them as well. The paramour's family has been very cooperative with the mother.

The mother stated that she encouraged the paramour to talk to the police. She has been very cooperative and allowed the police to search her home. Police do not believe that the mother knew anything about her son's death. The paramour has denied that he hurt the victim child but he has been charged with Homicide, 3rd degree Murder, Aggravated Assault and Child Endangerment. He is currently incarcerated in the Erie County Prison. The mother reports that she forgives paramour.

The Erie County caseworker reported that the mother has returned to work and is receiving support services from a community support agency, from her church family, and from her aunt, who is also a kinship provider for her children. The victim child's older half-brother has a probation officer who reports he is doing well and staying out of trouble. All of mother's children are enrolled in school and have begun attending the community support agency.

It was stated that it seemed unusual that there were no bruises on the victim child. In fact, [REDACTED] initially thought he died of natural causes. The caseworker explained that because of the [REDACTED], he died within 20 minutes and there would not have been enough time for bruising to occur. His [REDACTED].

Previous CY Involvement

The agency has a lengthy history with the paternal and maternal families. The agency received a referral on January 16, 2010 for an [REDACTED] of the mother's daughter by her step-father. The daughter had called the police, who responded and determined that there was no [REDACTED]. The mother then told police that her daughter was angry because step-father refused to pay her cell phone bill. On January 17, 2010, the daughter admitted to an off-shift worker that there was never a [REDACTED] [REDACTED] and denied being fearful of step-father.

On January 22, 2010, a caseworker met with the step-father who conveyed the same sequence of events that the child and the mother had stated earlier. The step-father reported that the child had not been in school for two weeks and left the home because the mother told her to leave as she was disrespecting the [REDACTED]. The child had a history of fighting at school and was on probation.

The caseworker closed this family at intake on March 16, 2010, after determining the children were safe in the home. There were no reported concerns of [REDACTED] and no drug/alcohol concerns, and the child was being seen regularly by the probation department.

There is also a previous history with the paramour as a member in another family known to the agency. The paramour has one child with this other woman, [REDACTED]. There is documented involvement with this family starting in 2005. According to documents in the family's case record, it is stated that the paramour was extremely violent and had two PFA orders against him filed by his paramour as the paramour was often violent with [REDACTED]. She stated that she was fearful of him and that he threatened to kill her many times. The paramour had inflicted upon her a broken arm, several black eyes and swollen lips.

In 2005, this paramour had a child with severe intellectual disabilities. The father/paramour would tie this child to a bed in the attic and surround the bed with pit bulls. The child was extremely fearful of the paramour and was detained by the hospital via

██████████ after being taken to the emergency room with a black eye and severely swollen face. The paramour gave numerous accounts as to how the injuries occurred but the ██████████ reported that the child had been hit. The county ██████████ that there were constantly people coming in and out of the house every 15 minutes. The paramour had surveillance cameras outside the house and it was believed he was selling drugs. When the caseworker brought sheriff assistance ██████████, State Police told them to leave because State Police were watching the house because it was believed to be a meth lab. This report was eventually ██████████ because it could not be proven that the paramour was ██████████

The agency received another referral on the ██████████ family on June 3, 2008, which alleged that ██████████ was using drugs and the paramour could not be located. The police took custody of the children until they could be placed by Erie County Children and Youth Services. The children never disclosed any ██████████ and were very close to their father. The children were subsequently returned to the paramour.

During the assessment of this referral, the caseworker reported that the paramour refused to meet with her whenever she made home visits and that his family was also very violent. An Erie County CYS foster family living three houses away from him had to move due to the incidents of violence by paramour's family, such as having their car being vandalized with eggs and feces.

Additional involvement for the family included the mother's involvement with the Erie Family Center from 2005 to 2006. The mother participated in the Motherhood Group and the Erie Family Center provided supervised visitation for ██████████.

During an interview, the caseworker stated that the two families were never open cases at the same time and it was virtually impossible for the county to have known there was a risk to any child by the father. Neither family was open for services with CYS at the time of the victim child's death.

Circumstances of Child's Fatality

On December 4, 2011, the paramour reportedly checked on the child when the child was sleeping. He reports that he found the child unresponsive and called 911. The child was pronounced dead after the ER staff tried to revive him. Initially, ██████████ ██████████ had no concerns regarding ██████████; however, after the autopsy was performed, it was determined that the child had ██████████ ██████████

Current /Most Recent Status of Case

Erie County CYS determined the report to be ██████████ on December 28, 2011. The mother refused services due to her many supports within the community and her family.

The children are with their mother in the home and Erie County CYC has no concerns for their safety. The paramour had been charged with Criminal Homicide, 3rd Degree Murder, Aggravated Assault, and Endangering the Welfare of Children, and pled guilty on August 16, 2012 to Murder in the Third Degree.

Services to Children and Families

Erie County CYC has made attempts to [REDACTED]

[REDACTED] The other children in the home are school-aged and less vulnerable.

The other children remain in the home; however, there are other relatives staying in the home with the children and the mother to assist. It should be noted that one is an approved caretaker through CCIS and cares for at least one of the children.

County Strengths and Deficiencies as Identified by the County's Fatality Report

Act 33 of 2008 requires that county children and youth agencies convene a review when a report of [REDACTED] involving a child fatality or near fatality is [REDACTED] or when a status determination has not been made regarding the report within 30 days of the oral report to [REDACTED]. Erie County CYC convened a review team who met after the report of [REDACTED] on the paramour.

Strengths

- The committee commended the intake caseworker for completing Safety Assessments for the children when she visited mother's family and her ability to be open to working with the family during their [REDACTED] period.
- Communication between all of the intake and ongoing caseworkers involved with the families was good. Workers spoke directly with the past caseworker to learn more information about the paramour and learned that they had very different impressions of him.
- After the victim child's death, the agency responded well to ensure the other children were safe and still are, and not just in an investigative manner, but also to be supportive.
- [REDACTED] and Family Group Decision-Making were offered to the family.

Deficiencies

Systematic limitations on the documentation from other departments within the human services organization.

County Recommendations for Changes at the Local, County or State Levels as Identified by way of County's Fatality Report

- Domestic violence is a global systemic issue, and more education should be offered, especially in the schools. Schools address bullying up to domestic violence, but more could be done.
- Utilize the Neighborhood Watch Program to encourage people who witness domestic violence to not be afraid to report it to the proper authorities.
- There should be more availability of services for safe, quality childcare and crisis-based childcare when needed.

Department of Public Welfare Findings

County Strengths

Erie County CYS conducted its investigation in a timely manner. The caseworkers had good communication with all parties involved with this case. The caseworker also ensured the safety of the other children in the home very timely. The agency worked to ensure that the mother was informed of all the services available to her and her family. They completed all required assessments and meetings as required by regulation. The Western Regional Office is in agreement with Erie County's handling of this case.

Deficiencies

The Department did not note any deficiencies.

Statutory and Regulatory Areas of Non-Compliance

The Department found all areas to be in compliance with statutory and regulatory requirements.

Department of Public Welfare Recommendations

After reviewing the case record and interviewing stakeholders, the Western Regional Office of Children, Youth and Families concluded that Erie County Children and Youth Services followed appropriate protocol in regards to the investigation of the aforementioned referrals. It is recommended by the Department that Erie County Children and Youth Services continue to follow proper protocol when addressing the needs of the children in Erie County.