



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF



BORN: 04/30/2007
DATE OF NEAR FATALITY: 05/09/2012

FAMILY WAS KNOWN TO:
Lancaster County Children and Youth Agency

January 22, 2013

This report is confidential under the provisions of the Child Protective Services Law and cannot be released. (23 Pa.C.S. §6340)

Unauthorized release is prohibited under penalty of law. (23 Pa. C.S. §6349(b))

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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, December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and child near-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.

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

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	04/30/2007
[REDACTED]	Mother	[REDACTED] 1986
[REDACTED]	Father	[REDACTED] 1982
[REDACTED]	Step-Mother	[REDACTED] 1987
[REDACTED]	Step-Brother	[REDACTED] 2005
[REDACTED]	Paternal Grandfather	[REDACTED] 1951
[REDACTED]	Paternal Grandmother	[REDACTED] 1955

Notification of Near Fatality

On May 9, 2012, [REDACTED] contacted Lancaster County Children and Youth Agency (LCCYA) with a report of suspected abuse due to lack of supervision. According to the report, the five year old Victim Child had been shot in the head by her six year old Step-Brother with a BB gun. Household members and family had been present in the home at the time but were not supervising the children. On May 15, 2012, the child was certified to be in critical condition due to abuse/neglect by Dr. [REDACTED] at Penn State Milton Hershey Medical Center.

2. Summary of DPW Near Fatality Review Activities:

- Complete Lancaster County Children and Youth Agency (LCCYA) case record of [REDACTED] investigation.
- Lancaster City Police Report
- Child medical records from Penn State Milton Hershey Medical Center
- Child medical records from Penn State Hershey [REDACTED]
- Lancaster County Child Near Fatality/Act 33 Report
- Interviews with Intake Director, [REDACTED] Supervisor, and [REDACTED] Investigator

Summary of Services to the Family

Children and Youth Involvement Prior to Incident:

The Mother of the Victim Child was involved with the agency prior to the child's birth. On March 6, 2007, the agency received a report of physical abuse involving the Mother and her youngest child, a one and a half year old male. The child had [REDACTED] after the Mother had run scalding hot water down his back. The Father of the Victim Child was present in the home at the time but was not involved in the incident. The Mother's other two children were placed informally with

the parents of the Father of the Victim child with a safety plan, but then came into agency custody, as well as the burned victim child on March 8, 2007. The Mother was [REDACTED] for this incident on April 2, 2007 and was charged with aggravated assault and endangering the welfare of children and was sent to Lancaster County Prison. She was released at the beginning of April 2007 and was pregnant with [REDACTED]. This child was born on April 30, 2007 and was taken into custody and placed with a paternal aunt on May 2, 2007. The child was placed due to ongoing safety concerns with the mother, and her inability to provide care for the child. The mother was aware of the agency's intent to place her child and was in agreement with the child being placed with family.

The agency provided visitation to both the mother and father. On January 23, 2008, custody of the older two siblings was released to a grandparent. The agency had completed a home study on the grandparent and had also provided ongoing visitation between the children and the grandparent. On May 2, 2008, [REDACTED] was released to her father, [REDACTED] after he completed many services and overnight visits with the child. The agency remained open for 30 days and then closed the case regarding this particular child.

[REDACTED] The child was adopted by the foster home which had been providing care for him since his placement. The Mother did not provide care to any of her children after that time.

Circumstances of child's near fatality and related case activity:

On May 9, 2012, [REDACTED] contacted Lancaster County Children and Youth Agency (LCCYA) with a report of suspected abuse due to lack of supervision. LCCYA began the investigation immediately, working with Law Enforcement to gather information and assure the safety of all children involved.

According to the report, the two children were in the kitchen of the home eating a snack. The Step-Mother was upstairs on the computer, and the Paternal Grandmother was in the living room. The Father and Paternal Grandfather were not home at the time. The six year old child got a BB gun that was lying on the floor behind the freezer. The child stated that a Pepsi bottle dropped behind the freezer and made a sound, so he looked and found the gun. The child picked up the gun and states he was shooting at the wall, but hit his step-sister's head instead by accident. The BB went in the front of the child's head and was lodged in the back of her head. The Step-Mother came downstairs and took the child to Lancaster General Hospital where she was life-flighted to Hershey Medical Center.

The six year old child was immediately interviewed by the [REDACTED]. In this interview he corroborated the information received in the original report. He also denied ever handling the gun before that day, but did state that his grandfather used it to "shoot animals in the park." This child then went to stay with the Maternal Grandmother during the investigation period, since both parents were being investigated for lack of supervision, and because they were spending a considerable amount of time with the Victim child in the hospital. He returned to his Mother and Step-Father when the Victim Child was [REDACTED] from the hospital.

On May 15, 2012, the victim child was certified as in critical condition due to abuse/neglect by Dr. [REDACTED] at Hershey Medical Center. The victim child was [REDACTED] and [REDACTED] to the hospital for monitoring. The Victim Child was diagnosed with an [REDACTED]

[REDACTED] The BB pellet bullet remained lodged in her skull with no plans for removal. [REDACTED]

Department of Public Welfare Findings:

County Strengths:

- County response to information received was urgent and thorough.
- The [REDACTED] investigation was completed in a timely manner and included full collaboration with local police and medical professionals.
- MDT participants were supportive of the county's response, and praised the workers for their collaboration with all involved.
- The agency worked very well with the family in a difficult situation, and made sure that the children and family were stable before terminating services.

County Weaknesses:

- None Noted

Statutory and Regulatory Compliance Issues:

The agency was found to be in compliance with all regulatory and statutory requirements.