



pennsylvania
DEPARTMENT OF HUMAN SERVICES

REPORT ON THE FATALITY OF:

Anthony Pantojas

Date of Birth: 9/10/2013
Date of Death: 7/30/2014
Date of Oral Report: 7/4/2014

FAMILY NOT KNOWN TO:

Berks County Children and Youth Services

REPORT FINALIZED ON:

March 17, 2015

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. Berks County convened a review team on 8/5/2014 in accordance with Act 33 of 2008 related to this report.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
Anthony Pantojas	Victim child	9/10/2013
[REDACTED]	Mother	[REDACTED]/1991
[REDACTED]	Father	[REDACTED]/1989
[REDACTED]	Sibling	[REDACTED]/2008
[REDACTED]	Sibling	[REDACTED]/2010
[REDACTED]	Maternal aunt	[REDACTED]/1985
[REDACTED]	Cousin	[REDACTED]/2013

Notification of Child Fatality:

On 7/4/2014, Berks County Children and Youth Services contacted ChildLine after receiving a report [REDACTED]. The mother had called the police to report that Anthony was found unresponsive in his car seat in the home. The mother stated that she had returned from the store and found her child in that condition. The mother reported being gone about 15 minutes. The mother reported the other adults in the home were to be caring for Anthony. The father claimed that he was at the store at the time. It is unclear if the aunt was in the home at the time. The adults in the household were giving conflicting accounts of who was caring for the child. [REDACTED] physician from the Reading Hospital noted that the child had an abrasion on his neck which may suggest that the child may have gotten tangled in the car seat while left unattended. Child was admitted to Hershey Medical Center and [REDACTED]. This report was registered as a near fatality for lack of supervision resulting in serious bodily harm.

Summary of DPW Child Near Fatality Review Activities:

The Southeast Region Office of Children, Youth and Families obtained and reviewed all current case records pertaining to this family. The Act 33 review occurred 8/5/2014. The Regional Office did not send a representative.

Children and Youth Involvement prior to Incident:

Both the mother and her sister were in foster care in New York due to their mother's substance abuse issues. The mother was in care from ages 7 to 18. Her son, [REDACTED] was born while she was in foster care.

The mother reportedly had history as a parent with child welfare in New York, Virginia, and [REDACTED] Pennsylvania. The mother had reportedly not wanted further involvement with child welfare services, so had moved to Virginia, to New York (where the family lived in a shelter) and to [REDACTED]. The case was open in Berks County since 4/14/2014 due to reports of lack of supervision and drug use.

While in foster care in August 2009, the mother left her son, [REDACTED], with a babysitter she barely knew without adequate food, clothing or diapers for him. The mother admitted to smoking marijuana. She had appeared to be under the influence when she returned to pick up [REDACTED]. She would not agree to be drug tested. This was a substantiated allegation. The baby had been staying off and on with the paternal grandmother; paternal grandmother filed for custody of [REDACTED]. The case was closed 4/16/2010.

Another report came in 4/11/2011 regarding the care of [REDACTED]. The mother and [REDACTED] were living in a shelter. Concerns were raised about the supervision of [REDACTED]. The mother admitted to smoking marijuana and tested positive for cocaine. [REDACTED] were offered. Case was closed 7/25/2011.

On June 25, 2011 in New York, the aunt experienced the death of her infant son (aged two months) as a result of co-sleeping. Files obtained by Berks County from [REDACTED] New York indicate that the child died of positional asphyxia (co-sleeping); no criminal charges were filed. [REDACTED] were offered to the aunt and her family. The mother was living in this home at the time.

Berks County received a report on 4/14/2014 with allegations of drug and alcohol abuse, lack of appropriate parenting skills, and lack of supervision. Other concerns were the mother's mental health needs and the family history from New York. [REDACTED]

[REDACTED], engaged the family to address these allegations. The family was cooperative.

Circumstances of Child Near Fatality and Related Case Activity:

The mother reported that on 7/4/2014 she was watching her children and her sister's children in her sister's home. The mother reported she heard her daughter, [REDACTED] fighting with her cousin. She reports finding Anthony (who had been sleeping in his car seat) unresponsive and hanging from the car seat strap by his neck (his body outside of the car seat). There were inconsistencies in the accounts that the mother provided to the hospital, [REDACTED].

The mother called 911. She administered CPR. It was reported he gained a pulse in the ambulance. He was resuscitated again at Reading Hospital prior to being transferred to Hershey Hospital. He was placed [REDACTED] on life support.

Anthony was removed from life support on 7/30/2014, and died later that day.

The county [REDACTED]. Due to the discrepancies noted [REDACTED] suspects that there was not a parent in the home at the time of his injury. The sibling and cousins were placed in foster care.

Current Case Status:

After the county Act 33 review, the local law enforcement re-opened their investigation.

The permanency goal for the sibling [REDACTED]

[REDACTED] The

parents are not visiting. Their whereabouts are unknown. The mother moved to [REDACTED] in December and has not provided an address. She is currently pregnant.

The aunt's children continue in foster care. Their placement goal is reunification. Services being offered are [REDACTED], parenting training, nurturing parenting program and visitation.

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

Department Review of County Internal Report:

The date of the oral report was 7/4/2014; the Act 33 review occurred 8/5/2014. The review was held more than 30 days after the report was received. As of the date of this report, the county has still not provided the Regional office with a copy of their report.

Department of Human Services Findings:

- County Strengths:
 - Thorough investigation and timely safety assessments

- County Weaknesses:
 - The county did not complete and send their Act 33 review to the Regional Office in a timely manner.
 - The county needs to improve their responsiveness to requests for information from the Regional office.

- Statutory and Regulatory Areas of Non-Compliance:

Berks County was not timely with the sending of their Act 33 report. The review was held on 8/5/2014. The Regional Office has not received the report as of writing of this report. A licensing inspection summary (LIS) is being sent to Berks County to address this.

Department of Human Services Recommendations:

Since Berks County has held several reviews more than 30 days after the receipt of the report, perhaps they should examine their Act 33 process. If team members have limitations in their time availability, then the county agency should review team membership and identify team members with more flexibility in their schedules to accommodate the volume of reports. During subsequent reviews, this has been discussed by their Act 33 team and the Regional Office. Team members have stated that they do not have more availability, and can only meet one day per month, on the designated first Tuesday of the month. Berks County has not made efforts to change their process.