



pennsylvania
DEPARTMENT OF HUMAN SERVICES

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 03/13/2012
Date of Incident: 07/01/14
Date of Oral Report: 07/01/14

FAMILY WAS KNOWN TO:

Beaver County Children and Youth Services

REPORT FINALIZED ON:

August 20, 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, DHS 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. Beaver County has not convened a review team in accordance with Act 33 of 2008 related to this report. The county unfounded the report on July 11, 2014, this is within the 30 day timeframe.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Mother	[REDACTED]/94
[REDACTED]	Father	[REDACTED]/91
[REDACTED]	Sibling	[REDACTED]/01
[REDACTED]	Victim Child	03/13/12
[REDACTED]	Maternal Grandmother (MGM)	[REDACTED]/62
[REDACTED]	Mother's Boyfriend	[REDACTED]/93
[REDACTED]	Paternal Grandmother (PGM)	unknown
[REDACTED]	PGM Paramour	unknown

Notification of Child (Near) Fatality:

On July 2, 2014, Beaver County Children and Youth Services (BCCYS) learned of the near fatality from [REDACTED]. According to [REDACTED], the child was found face down in the family's pool on 07/01/2014 and was in critical condition at Children's Hospital of Pittsburgh (CHP). At this time, the maternal grandmother (MGM) is stating she was responsible for the child. She was on the phone for less than five minutes and when she was done she saw the child in the pool. BCCYS then placed a call to the treating physician at CHP.

Summary of DPW Child (Near) Fatality Review Activities:

The Western Region Office of Children Youth and Families (WROCYF) obtained and reviewed all current and past case records pertaining to the family. Follow-up conversations were also

held with the case worker. There was not a Multi-Disciplinary Team (MDT) Meeting held due to the report being unfounded within the 30 day time period.

Children and Youth Involvement prior to Incident:

The family was first known to the agency in November of 2013. On November 25, 2013 BCCYS received a report of suspected child abuse. The child was seen at CHP with multiple bruises that were not consistent with self-infliction. The mother stated that she received a phone call from the paternal grandmother (PGM) and that the child was inconsolable. The child was screaming until he threw up. The mother indicated that this was not typical behavior for the child. A Law Enforcement referral was done by the agency. The child was brought home by the PGM and her paramour on November 24th. The MGM and father immediately noticed bruising on the child's face. The PGM stated the child was throwing a tantrum the evening prior. The MGM felt the child looked "out of sorts". His eyes looked funny and pupils were dilated. They decided to take the child to CHP. The doctors agreed that child's injuries were not self-inflicted. On November 26, 2013, BCCYS received a letter from Children's Hospital's Child Advocacy Center (CAC) stating that the child's injuries were the result of significant child abuse and these injuries caused severe pain. The child was living with MGM, mother, and father. BCCYS believed that the child was safe in their home. BCCYS did indicate both the PGM and her paramour as perpetrators of physical abuse. They were both responsible for the care of the child during the days of the incident. The family was then closed on intake. There have not been any other concerns for the family until the near fatality.

Circumstances of Child Near Fatality and Related Case Activity:

On July 2, 2014 [REDACTED] alerted BCCYS to a near fatality. The child was currently at CHP in critical condition. It was reported that the MGM and the child were swimming in the backyard swimming pool. The mother and mother's boyfriend dropped off lunch and then left. The child and his sibling were then sitting in the living room eating. The child was still wearing his life vest. The child dripped food down the vest and he became fussy so the MGM removed the vest. The MGM then received a text from one of the children's [REDACTED] asking if she left something there that she was missing. The MGM went to look for it and found it and then texted the [REDACTED] back. Next, the MGM went outside on the patio to play a game on her phone. She assumed the child was still in the living room eating. The mother and her boyfriend returned to the house and walked through the house. They then asked the MGM where the child was. This was the first moment the MGM realized that the child was not in the house. The MGM, mother and boyfriend ran through the house searching for the child. The MGM then ran to the pool and pulled him out. The MGM then started to perform CPR. The neighbor heard the commotion and came over. She is a nurse and took over life saving measures (CPR). The EMT's arrived quickly and rushed him to Heritage Valley Medical Center. The child was then transferred to CHP. The pool is approximately 18 years old, but there was a gate that was installed this summer. There was a broken latch on the gate, but the family used a bungee cord to secure the door so it would not open freely.

The caseworker called the treating physician at CHP. The treating physician stated that the child is in grave condition. It is a very sad situation for the family. If the child survives, he will be

██████████. She was calling ChildLine as per protocol, but she is not suggesting gross neglect be pursued. The detectives did determine that this was an accident and no charges were filed. The child did survive. The Child Protective Service Investigation Report was filed on 07/11/2014. The incident was unfounded.

Current Case Status:

The incident was unfounded only after nine days due to the CHP physician stating that this incident was an accident. No other concerns with the family were observed by the caseworker. The case was closed on intake.

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

The county was not required to submit a report due to the incident being unfounded within 30 days.

Department Review of County Internal Report:

The county unfounded the report, therefore a MDT was not held.

Department of Human Services Findings:

- County Strengths: The Department identifies strength in collaboration between the county, law enforcement and the medical facility throughout the investigation. Local law enforcement and the county worked closely to update each entity with details involving this case.
- County Weaknesses: None were determined
- Statutory and Regulatory Areas of Non-Compliance: The Western Region Office of Children, Youth and Families concluded that BCCYS followed appropriate protocol in regards to the investigation of the suspicion of abuse.

Department of Human Services Recommendations:

The Department has no recommendations to the county in changing their practices for this case. There were no practice issues or concerns on how the case was conducted.