



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

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



**Date of Birth: 08/23/13**  
**Date of Incident: 10/23/14**  
**Date of Oral Report: 10/23/14**

**FAMILY NOT KNOWN TO:**

**BERKS COUNTY CHILDREN AND YOUTH**

**REPORT FINALIZED ON:**

**09/01/2015**

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 in accordance with Act 33 of 2008 related to this report.

**Family Constellation:**

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
██████████	Victim Child	08/23/13
██████████	Mother	██████████/90
██████████	Father	██████████/87
██████████	Sibling	██████████/11
██████████	Babysitter	██████████/82

**Notification of Child Near Fatality:**

The incident occurred on 10/22/14 and ██████████ report was submitted to the county agency on this same date. Berks County Children and Youth Services (CYS) received a referral ██████████. The report indicated that ██████████ the victim child was admitted to the hospital in serious condition with a decreased level of consciousness at 1:43 PM. The victim child was transported to the hospital by the paramedics. The child's babysitter, ██████████ was listed as the alleged perpetrator when the oral report was filed.

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

The Southeast Region Office of Children, Youth and Families obtained and reviewed all current information pertaining to the ██████████ family. The family was not involved with Berk County CYS at the time of the incident or in the 16 months prior to the incident. Southeast Regional Office staff participated in the Act 33 Review on 12/02/14 and collaborated with the County, physicians and police.

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

The family had no prior history with Berk County CYS.

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

The victim child's mother reported that the victim child was fine in the morning when she dropped her off at the babysitter at approximately 6:30 AM. The babysitter said that she woke the victim child at 10:30 AM and at 11:30 AM gave the victim child apple sauce and water. The babysitter said that the victim child was pushing around a little stroller while playing with her older brother 2 year old, [REDACTED] and the 2 ½ year daughter of the babysitter. The victim child then slipped and fell backwards hitting the back of her head. The babysitter then picked the victim child up, calmed her down and transferred the victim child to another room with toys. About 15 minutes later the babysitter said that the victim child vomited and she gave her a bath and changed her clothing. The babysitter said that 15 minutes after that time the victim child vomited again and when the babysitter attempted to change the victim child's clothing the victim child started screaming, went stiff and started having a seizure with her fists clenched, eyes rolled back and her arms shaking. The babysitter said that the seizure lasted for about 3 minutes. The babysitter called the victim child's mother and then called the paramedics. The victim child then went limp and was unresponsive. The victim child was then transported to Penn State Hershey Children's Hospital. When the victim child arrived at the hospital she was described as having a decreased level of consciousness [REDACTED] was performed on the victim child by the emergency room staff and the victim child [REDACTED] stated that the victim child was in critical condition and based her injuries on suspected abuse/neglect.

The incident was certified as a Near Fatality on 10/23/14.

Pennsylvania State Police in [REDACTED], Pennsylvania, Trooper [REDACTED] was assigned to investigate the case. The babysitter, [REDACTED], was arrested for first degree attempted murder. Her bail was set at \$500,000.00. [REDACTED]

On 11/17/14 the Child Protective Services (CPS) report was Indicated for serious physical abuse. The determination was made based on the CPS investigation. The babysitter admitted to law enforcement officials to: smacking the victim child in the head, submerging victim child's head under water multiple times for several seconds at a time, using her thumb to close victim child's airways on at least two occasions, violently shaking victim child, and picking victim child up by her ankles and slamming her head unto the ground on at least three occasions.

**Current Case Status:**

- The CPS investigation determined that on 10/22/14 the Berks County CYS received a referral [REDACTED] that the victim child arrived at the hospital displaying a decreased level of consciousness.
- Medical examination determined that the victim child suffered the following injuries:

\* [REDACTED]

- [REDACTED]
- Medical personnel suspected victim child was injured as a result of Abuse/neglect
  - On 10/27/14 the babysitter provided a videotaped confession admitting to injuring the victim child while caring for her. According to the court docket, babysitter was arrested and placed on \$500,000.00 bail.

- [REDACTED]
- On 11/17/14 the CY 48 was completed and the CPS investigation was determined indicated naming the babysitter as the perpetrator.
  - A safety assessment was conducted and victim child family has a close support system who is assisting with the care of her sibling while her parents tend to her medical needs.

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

- Strengths:  
Staff conducted a thorough investigation and there was collaboration between law enforcement, CYS and medical personnel
- Deficiencies:  
The sibling of the victim child may have witnessed the abuse [REDACTED]  
[REDACTED]  
Indicated perpetrator is 5 months pregnant. Plan for care for the unborn child needs to be developed.
- Recommendations for Change at the Local Level:  
None
- Recommendations for Change at the State Level:  
None

**Department Review of County Internal Report:**

The Southeast Regional Office of Children Youth and Families obtained and reviewed the family's Berks County case information and the victim child's hospital medical records. The Southeast Region was an active participant in the Berks County Act 33 near fatality review team meeting which was conducted on 12/2/14. The Southeast Region received the County's Act 33 review report in February 2015 and agrees with the findings.

**Department of Public Welfare Findings:**

- County Strengths:  
The county provided follow up with public and private stake holders from the onset of the CPS report and investigation.

- County Weaknesses:

None identified

- Statutory and Regulatory Areas of Non-Compliance:

None identified

**Department of Public Welfare Recommendations:**

The Department did not have any recommendations regarding the monitoring and inspection of the Berks County Children and Youth. This case was not the result of services not provided by Berks County Children and Youth. The County completed a thorough investigation.