



REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 08/12/2000

Date of Incident: 04/03/2015

Date of Report to ChildLine: 04/08/2015

FAMILY KNOWN TO COUNTY CHILD WELFARE:

Philadelphia Department of Human Services
Luzerne County Children and Youth Services

REPORT FINALIZED ON:

September 30, 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. Section 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, the Department, through OCYF, must conduct a review and provide a written report of all cases of suspected child abuse that result in a 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 fatality or near fatality is substantiated or when a status determination has not been made regarding the report within 30 days of the report to ChildLine. Philadelphia County has convened a review team in accordance with Act 33 of 2008 related to this report. The county review team was convened on 05/01/2015.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	08/12/2000
* [REDACTED]	Biological Mother	[REDACTED] 1978
[REDACTED]	Biological Father	[REDACTED] 1954
* [REDACTED]	Sibling	[REDACTED] 1999
* [REDACTED]	Sibling	[REDACTED] 2007
* [REDACTED]	Mother's Husband	[REDACTED] 1961

*Are not members of the household.

Notification of Child Near Fatality:

On 04/08/2015 Philadelphia Department of Human Services (DHS) received a report regarding the victim child. According to the report the victim child arrived at Children's Hospital of Philadelphia in critical condition on 04/03/2015. The victim child was admitted due to a [REDACTED] which causes weakness and rapid fatigue of voluntary muscles. She was experiencing respiratory failure at the time of the incident. This report was certified as a near fatality on 04/09/2015 by Dr. [REDACTED].

Summary of OCYF Child Near Fatality Review Activities:

The Southeast Regional Office of Children, Youth and Families (SERO) obtained and reviewed all current and past case records pertaining to the [REDACTED] family. SERO conducted interviews of the following Philadelphia Department of Human Services (DHS) and Luzerne County staff: Intake Social Worker [REDACTED], Intake Social Work Supervisor [REDACTED], mother [REDACTED], mother's husband [REDACTED] and Luzerne County Casework Supervisor [REDACTED]. These interviews took place on 4/29/2015, 06/09/2015

and 06/15/2015. SERO staff participated in the Act 33 meeting that occurred on 05/01/2015 in which medical professionals and law enforcement were present and provided information regarding the incident as well as historical information.

Children and Youth Involvement prior to Incident:

- There were no prior reports for this family in Luzerne or Philadelphia Counties.

Circumstances of Child (Near) Fatality and Related Case Activity:

The victim child came to Children's Hospital of Philadelphia (CHOP) on 04/03/2015 in critical condition. Her chief complaint was shortness of breath. The victim child has [REDACTED]. The victim child has been [REDACTED]. The victim child was admitted to [REDACTED].

[REDACTED] Philadelphia DHS received a Child Protective Services (CPS) report on 04/08/2015 regarding this incident.

The case was assigned on 04/09/2015. DHS visited the victim child in the hospital on this date. Her biological father, who is also the alleged perpetrator, informed DHS that the victim child lived with her mother until late March 2015 when she moved with him. The reason stated for this move was so the victim child would have access to better medical facilities to treat her conditions. The biological father admitted to DHS staff that he sought out herbal treatments to replace her [REDACTED]. The victim child's mother was contacted and stated that when the child lived in her home she watched her take her [REDACTED] on a daily basis. She also stated that she made arrangements with the school nurse for her to monitor the child's [REDACTED] at school.

[REDACTED] DHS staff contacted Luzerne County Children and Youth Services (CYS) and requested a courtesy visit as the mother resided in Luzerne County; however they could not do the visit until the following day. The child remained at CHOP until the following day. On 04/16/2015 [REDACTED] informed DHS staff that [REDACTED] had reported that mother was non-compliant with victim child's care. CHOP offered to develop a [REDACTED] even if the child returned to Luzerne County to live with her mother. DHS staff then contacted Luzerne County CYS to inquire of any past history with the agency. They were informed that there was no prior history. Luzerne County CYS also agreed to assess the home and ensure that the child's concerns were addressed. Later that day DHS staff traveled to the mother's home in [REDACTED], Pennsylvania to assess the mother's home. It was found to be appropriate. The victim child [REDACTED] to her mother's care on April 16, 2015.

During Luzerne County CYS' assessment of this family, they assisted the family with [REDACTED] who was able to come into the home in [REDACTED], PA and give

the child [REDACTED]
[REDACTED] A subsequent email sent from Luzerne County CYC revealed that [REDACTED] service was no longer able [REDACTED]. They developed a safety plan stating that if the family became non-compliant with [REDACTED] that they would notify Luzerne County CYC immediately. As of 08/11/2015 there have been no additional referrals for this family to Luzerne County CYC.

The final status was submitted on 05/6/2015. The CPS report was indicated. Law enforcement was involved with this case but they closed it with no criminal charges pending.

The victim child continues [REDACTED] successfully and [REDACTED] has not made any subsequent referrals to Luzerne County CYC. Although Luzerne County CYC is not open with this family they have called the agency for assistance [REDACTED]. The plan is for this child to remain in the care of her mother and mother's current husband.

Current Case Status:

This case is currently closed with Luzerne County CYC. The CPS case has also been closed with DHS with a determination of indicated. The victim child is currently receiving [REDACTED] [REDACTED] has agreed to notify Luzerne County CYC immediately if mother becomes non-complaint [REDACTED]. The family is not open with any service providers and there are no pending criminal proceedings involved in this case.

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

Philadelphia County Child Fatality Team convened on May 01, 2015 for a review:

Strengths:

- DHS responded to this referral in a timely manner and conducted thorough assessments.
- DHS worked in tandem with CHOP and appropriately notified law enforcement of this incident.

Deficiencies:

- There were concerns about the lack of urgency on the part of Luzerne County Children and Youth Services (CYS) [REDACTED] for the victim child. The case was transferred on 04/16/15 and as of 05/01/15 Luzerne County CYC had only contacted the mother regarding compliance with [REDACTED], but had not contacted any collateral sources to confirm these statements. CYC did agree to immediately contact the primary physician, [REDACTED], the school nurse, and CHOP

medical staff to ensure the child's safety. A General Protective Services report would also be generated to ensure a formal investigation.

- There were also concerns regarding the lack of communication between DHS and Luzerne County CYS. Luzerne County CYS denied that DHS provided them with all pertinent case information and stated that they were not aware of the CPS investigation until receiving an invitation to participate in the Act 33 meeting. DHS contends that they called and relayed pertinent information via telephone along with sending the request for a courtesy visit.
- The team felt that the victim child's [REDACTED] [REDACTED] represented a threat to her safety and well-being. As of 04/24/15 Luzerne County CYS had not identified a safety threat and stated that if a threat had been identified they would have sought an order of protective custody as their agency does not do safety plans.

Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse:

- None

Recommendations for changes at the state and local levels on monitoring and inspection of county agencies:

- None

Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse:

- None

Department Review of County Internal Report:

SERO received the Philadelphia Department of Human Services Child Fatality Team Draft on 07/01/2015. SERO concurred with all of the information in the report and the final draft was received on 07/30/2015.

Department of Human Services Findings:

County Strengths:

- DHS responded to this referral in a timely manner and conducted thorough assessments.
- DHS worked in tandem with CHOP and appropriately notified law enforcement of this incident.
- Luzerne County CYS was able to assess the family in obtaining necessary services and [REDACTED] when needed.

County Weaknesses:

- DHS did not explicitly communicate that the case was a CPS investigation and Luzerne County CYS therefore initially treated it as a courtesy visit only.

- Luzerne County CYS did not carefully examine the courtesy visit request form. While it does not specifically state that the incident is a CPS referral, it does contain the language "alleged perpetrator" and also states that the victim child was in critical condition. A child welfare professional should likely draw the conclusion that this is a serious matter that needs urgent attention.

Statutory and Regulatory Areas of Non-Compliance by the County Agency:

- Both DHS and Luzerne County CYS were found to have operated within statutory and regulatory compliance with regards to this incident.

Department of Human Services Recommendations:

- Philadelphia DHS should continue to conduct thorough investigations and collaboration with law enforcement.
- Philadelphia DHS should continue to thoroughly document pertinent information to all of their cases in a timely manner.
- Philadelphia DHS should provide in explicit detail pertinent case information and be clear and direct as to what they are requesting from outside agencies.
- Luzerne County CYS should review all referrals and requests thoroughly and ask the referral source for clarification of information if necessary.