



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 09/30/2011
Date of Incident: 06/10/13
Date of Oral Report: 06/10/13

FAMILY NOT KNOWN:

Chester County Department of Children, Youth and Families

REPORT FINALIZED ON:
04/15/14

This report is confidential under the provisions of the Child Protective Services Law and cannot be released.
(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. Chester County has not convened a review team in accordance with Act 33 of 2008 related to this report as the report was unfounded.

Family Constellation:

<u>1. Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
2. [REDACTED]	Victim Child	09/30/2011
3. [REDACTED]	Mother (AP)	[REDACTED]/1994
4. * [REDACTED]	Father	[REDACTED]/1997
5. [REDACTED]	Maternal Aunt/Babysitter (AP)	[REDACTED]/1996
6. [REDACTED]	Maternal Grandmother	[REDACTED]/1966
7. [REDACTED]	Maternal Grandfather	[REDACTED]/1969
8. [REDACTED]	Maternal Aunt	[REDACTED]/1998
9. [REDACTED]	Maternal Uncle	[REDACTED]/1999

*Note: The child's father lives in Mexico.

Notification of Child Near Fatality:

On 8/10/13 the Chester County Children and Youth Agency received a CPS report [REDACTED] with the following information. [REDACTED] called with concerns for 22 month old [REDACTED] who had been admitted to the hospital after nearly drowning in a pond on the family property. The child's condition was stable upon arriving at the hospital however he was being kept overnight for observation with the expectations of being released the next day. Both the child's mother, [REDACTED] and the child's aunt, [REDACTED] were named as alleged perpetrators after it was learned that both were responsible for the child subsequent to the incident and that it did not appear that an adequate supervision arrangement was in place.

Summary of DPW Child Near Fatality Review Activities:

The Southeast Regional Office of Children, Youth and Families obtained and reviewed current CPS investigative information including [REDACTED] as well as the Chester County Children and Youth Agency case file. Also included were medical records detailing the child's [REDACTED] where the child was treated after the incident, medical follow-up from the child's pediatrician, [REDACTED], and information obtained from the case file that detailed an interview with all family members that was conducted by the caseworker and a police officer from the [REDACTED] Police Department.

Children and Youth Involvement prior to Incident:

The family had no previous Children and Youth involvement.

Circumstances of Child Near Fatality and Related Case Activity:

The mother of the child and the child's maternal aunt were home on the day of the incident which occurred on 6/10/13. The mother was preparing food and deferred primary responsibility for the supervision of the toddler to the aunt. Each thought the other was watching the child. The child somehow slipped by. Upon not immediately observing the child both began a search for him and found him 5 minutes later in a man-made pond on the property in front of the house. The child was fully submerged. The aunt pulled the child out and the child was not breathing. The aunt started CPR and was unsuccessful. The mother summoned a neighbor and called an ambulance. The neighbor came and successfully performed CPR and was able to revive the child prior to the arrival of the

ambulance. The child was taken to the AI DuPont Hospital in Wilmington, Delaware. Upon admission the child was initially determined to be in critical condition and was [REDACTED] despite being conscious and alert. The child was certified as a near-fatality by [REDACTED], the emergency room physician who also had concerns regarding the supervision the child was being given at the time of the incident. The child spent a short time in the [REDACTED]. [REDACTED] The Chester County Children and Youth caseworker visited the mother and child at the hospital on 6/10/13. The child appeared to be a normal healthy child with age appropriate behavior who reacted positively to his mother. The mother was interviewed and appeared to be bonded to the child, appropriately concerned and was assessed to have good parenting abilities. The child was [REDACTED] on 6/11/13 to his mother. The hospital medical staff recommended that the child see his pediatrician before 6/14/13. Although the incident appeared accidental in nature, it was felt that the mother and aunt were not adequately supervising the child who could freely mobilize himself around the home and property and showed a keen interest in the pond.

Current Case Status:

The Child Protective Services investigation was determined to be "Unfounded" by Chester County Children and Youth Agency on 06/24/2013. The case was not accepted for services as safety and risk assessments conducted on 6/11, 6/19 and 6/24/13 determined the mother to have appropriate parental capacities and the child to be at a low level of risk for maltreatment. A follow up medical examination at [REDACTED] determined the child to be doing well with no further medical issues or concerns. Mother and son continue to reside with the grandparents in the family home. The grandparents appear to be caring and supportive. The pond was drained to ensure the safety and well being of the child. Mother appears to understand the need to provide an appropriate level of supervision to her son at all times. The police declined to press charges and view the incident as accidental. Further intervention appeared unwarranted and the case was closed on 6/24/13.

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

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. The CPS investigation conducted by the Chester County Children and Youth Agency was determined to be unfounded on 06/24/2013, completed in 30 days therefore a Multi-Disciplinary Review was not warranted.

- **Strengths:**

The child appeared to be healthy, well cared for and developmentally age appropriate.

The child did not suffer any obvious or serious after effects (mentally, emotionally, physically or medically) as a result of the incident.

The mother appeared to have appropriate parental capacities.

Mother and child reside with and have the direct support of appropriate extended family members.

- **Deficiencies:**

Mother is young, under-educated and not employed.

Although accidental, the child was not being adequately supervised at the time of the incident and had easy access to the pond which created a dangerous situation to occur.

- **Recommendations for Change at the Local Level:**

The family should secure the pond so that a child cannot easily access it. (Update) The pond was drained by the family as a result of the incident and to facilitate the child's safety.

- Recommendations for Change at the State Level:

The Department recommends that the County develop a media campaign in cooperation with the local Recreation Department to educate citizens in the area about child safety concerns related to the natural surrounding landscape including small ponds, creeks, forestry, etc.

Department Review of County Internal Report:

The Department has received the County's report dated 6/25/13 and is in agreement with their findings.

Department of Public Welfare Findings:

The CPS investigation was completed within 30 days fulfilling all regulatory requirements [REDACTED]. All indications regarding the County's CPS investigation, medical reports and a police investigation state that the incident was accidental in nature and not as a result of an intentional attempt to harm the child.

- County Strengths:

The child did not need placement as a result of the report. An appropriate safety assessment was conducted and determined mother's parental capacities to be at a low level for maltreatment thus allowing the child to continue to be successfully maintained at home.

A decision made by the family to drain the pond to prevent any future dangers from occurring.

- County Weaknesses:

The Department did not note any deficiencies.

- Statutory and Regulatory Areas of Non-Compliance:

The Department has no further observations or recommendations other than those already contained in the report.

Department of Public Welfare Recommendations:

The Department has no further observations or recommendations other than those already contained in the report.