



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

**REPORT ON THE FATALITY OF:**

**Brian David**

**BORN: April 5, 2006**

**DIED: July 4, 2013**

**DATE OF ORAL REPORT: July 8, 2013**

**FAMILY NOT KNOWN TO:**

**Elk County Children and Youth Services**

**REPORT FINALIZED ON:**

**January 17, 2014**

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. Elk County has 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>
[REDACTED]	Father	[REDACTED] 1981
[REDACTED]	Mother	[REDACTED] 1976
Brian David	Victim Child	April 5, 2006
[REDACTED]	Sibling	[REDACTED] 2004
[REDACTED]	Half-Sibling	[REDACTED] 1999

**Notification of Child (Near) Fatality:**

The incident occurred on July 4, 2013. The incident was reported to Elk County Children and Youth Services (ECCYS) on July 8, 2013. The report to the county indicated that the father had fatally shot the child and his sister, [REDACTED] and then shot himself. All three were found dead by the children's mother.

Even though the incident occurred on July 4, 2013, the incident was not reported to [REDACTED] until July 8, 2013.

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

The Western Region, Office of Children, Youth, and Families immediately contacted Elk County CYS upon notification of the report. The assigned caseworker and supervisor were interviewed as part of the review. In addition, the region attended the Child Death Review Team meeting at the Elk County CYS Office on July 18, 2013. Trooper [REDACTED] from the Pennsylvania State Police was in attendance at the meeting and was able to provide additional information regarding the police investigation. It was determined at

the meeting that this family had no prior involvement with the agency, nor any other social service agency including law enforcement, prior to the deaths of both children.

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

The family had no prior history with Elk County Children and Youth Services.

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

On the evening of July 4, 2013, while the mother was at work, the children, Brian and his sister [REDACTED] were left in the care of their father. Between 5:30 pm and 9:00 pm, the father had victim child, Brian and his 8 year old sister [REDACTED] go into his bedroom and sit on his bed to watch a movie. While the children were sitting on the bed, the father entered the room with a 45 Caliber and a 9 mm handgun. The father fatally wounded both Brian and his sister. Brian had been shot at close range seven different times. He had six gunshot wounds to his chest area and one gunshot wound to his head. His sister, [REDACTED] had been shot nine times with eight gunshot wounds to her chest area and one defensive gunshot wound to her arm. The father then shot himself in the head. He died from this self-inflicted gunshot wound.

The children's mother was at work at the time of the incident. She spoke to the children at approximately 4:30 pm and attempted to contact them again at approximately 8:30 pm to let them know she was on her way home from work, but no one answered her call. The mother found the children shot in the father's bedroom. The mother's oldest child, [REDACTED] was not home at the time of the shootings due to spending the night at a friend's house. [REDACTED] has a different father than the victim child and his sister, [REDACTED]

As per the Pennsylvania State Police, the mother and father resided together, but lived separate lives. They had been together as a couple for approximately 11 years, but never married. They allegedly had been having relationship problems for the past two to three years. There were no alleged reports of domestic violence. According to the mother, the father was passive in nature and there was no indication he would have caused harm to his children. The mother had repeatedly asked the father to leave the residence, but he ignored her requests. She served him an eviction notice which stated he needed to vacate the premises by July 5, 2013. The mother had filed for custody of Brian and his sister, [REDACTED] and a court hearing was scheduled for July 17, 2013.

#### **Current Case Status:**

Following the shootings, the 12 year old half-sibling, [REDACTED] became so distraught she was taken to [REDACTED] and her mother, presently reside at the home of the maternal

grandmother in ██████████, Pennsylvania. The Elk County CYS caseworker met with both the mother and ██████████ in their home and offered support and ██████████ services.

On July 29, 2013, Elk County Children and Youth Services ██████████ the father as a ██████████. The agency closed the family's case on August 5, 2013. The mother was provided with information pertaining to ██████████ and domestic violence services and was given names and telephone numbers for services in the area if needed in the future.

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

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- Strengths:

Elk County held a Child Death Review Team Meeting on July 18, 2013. The meeting consisted of representation from the County CYS office, Drug and Alcohol Services, and Mental Health Services. In addition, the Pennsylvania State Police, the County Sheriff's Department, and the Coroner's Office were in attendance. The agency held a comprehensive meeting that touched upon all human services agencies within the county to ensure that nothing could have been done to prevent this tragic incident.

- Deficiencies:

The team determined there were no deficiencies in compliance with statutes, regulations, or services to this family.

- Recommendations for Change at the Local Level:

None recommended

- Recommendations for Change at the State Level:

None recommended.

**Department Review of County Internal Report:**

The Western Region, Office of Children, Youth and Families received the County Internal Report on July 29, 2013. The Department is in agreement with the County's findings.

**Department of Public Welfare Findings:**

- County Strengths:

The Department is in agreement with the strengths identified by the county in its internal report.

- County Weaknesses:

None were identified by the Department

- Statutory and Regulatory Areas of Non-Compliance:

None identified by the Department

**Department of Public Welfare Recommendations:**

The Department is in agreement that this incident was a tragic event and that the Elk County Human Service Agencies would have intervened if there were any indication that the father would physically harm his children.