



**pennsylvania**  
DEPARTMENT OF HUMAN SERVICES

**REPORT ON THE NEAR FATALITY OF:**

[REDACTED]

**DATE OF BIRTH:** 06/30/2009  
**DATE OF INCIDENT:** 10/28/2014  
**DATE OF REPORT:** 10/28/2014

**FAMILY KNOWN TO:**

Allegheny County Office of Children, Youth and Families

**REPORT FINALIZED ON:**

7/17/15

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, 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. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report on December 18, 2014.

**Family Constellation:**

<u>Name</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Victim child	06/30/2009
[REDACTED]	Mother	[REDACTED] 1985
[REDACTED]	Father	[REDACTED] 1984
[REDACTED]	Sister	[REDACTED] 2005
[REDACTED]	Maternal Grandmother	[REDACTED] 1960
[REDACTED]	Maternal Grandfather	[REDACTED] 1959

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

On 10/28/2014, Allegheny County Office of Children, Youth and Families (ACOCYF) received a General Protective Services (GPS) report that the police were called to the home. They found the victim child had burn marks that were described as disturbing. According to the reporting source, the victim child's burns were on her legs and buttock. The victim child and her nine year old sister were being transported to Mercy Hospital in Pittsburgh, Pennsylvania which has a burn unit. The reporting source described the father as being slow. The father's story was that he did not know what happened to the victim child due to him being on the computer. When the victim child came downstairs he thought she had something on her skin and then realized that she was burned. There was not a phone in the house, so the father had to go to the neighbors who called 911. The mother was at work. According to the reporting source, there did not appear to be anything in the home that would cause an accidental burn. The house had clothes everywhere and the house smelled of urine. There was no food in the refrigerator.

Later that day ACOCYF received a report of suspected child abuse on the victim child. The victim child was transported via ambulance to the

██████████ at Mercy Hospital by paramedics. The paramedics had been called to the home at 6:18 PM. At the hospital the victim child was found to have second degree burns to 12% of her body surface. There were burns to her ██████████. In addition, there were burns from her ██████████. Also she had burns on her right upper thigh and her left leg. She also had cuts on her right arm and right wrist that were in various stages of healing. The results of the laboratory reports that were done on the victim child indicated that she was malnourished. ██████████ Doctor stated that she believed that the burns were the result of scalding. The reporting source stated that the paramedics had found the father sitting in a hallway with the victim child in his lap. She was naked. The father reported to the paramedics that he had been downstairs making music and the victim child had been upstairs. The father heard her screaming and when he went upstairs the victim child did not have a diaper on and her legs felt hot. The mother was at work when the incident occurred. The father reported that there were no chemicals in the house that would burn the victim child. The mother reported that she does have finger nail polish remover. Both parents stated that the victim child is ██████████. She was admitted to ██████████ the hospital. The ██████████ Police were at the hospital. The victim child has a nine year old sibling who is in the home who was brought to the hospital for a medical exam.

On 11/05/2014, the Children's Hospital of Pittsburgh (CHP), Child Advocacy Center (CAC) physician notified ChildLine that the report should be registered as a Near Fatality report. Children's Hospital of Pittsburgh and Mercy Hospital are affiliated hospitals.

#### **Summary of DHS Child Near Fatality Review Activities:**

The Western Region Office of Children, Youth and Families obtained and reviewed all current and past case records pertaining to the family. The regional office also participated in Allegheny County's Internal Near Fatality Review Team meeting on 12/18/2014.

#### **Summary of Services to Family:**

According to the case file the victim child, her sister and the mother had not received services prior to the incident. ██████████

After the incident the victim child was ██████████ she went to ██████████. On 12/15/2014, the victim child was ██████████ to her maternal grandparents care. ██████████

The victim child receives ██████████ services as well school based ██████████. The victim child is currently

[REDACTED]

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

On 01/22/2010, the agency received a referral that the family was living with the paternal great aunt (PGA) [REDACTED]

[REDACTED] It was reported that the mother was aggressive toward the PGA and may have been abusive toward her. The parents were keeping the children away from the paternal relatives. The home did not have beds for the children. The house was filthy and there was a lack of food in the house. An agency caseworker made a field screen to the home and did not substantiate the allegations the case was not accepted for assessment and was closed.

On 07/2/2012, the agency received a referral from the victim child's primary care physician (PCP) that the mother had missed the last two scheduled appointments. The PCP was concerned that the victim child maybe [REDACTED]

[REDACTED] The PCP had referred the victim child to [REDACTED] for an evaluation. The mother told him that she was taking the victim child for an evaluation on 08/19/2012 but she could not tell him where. The agency conducted a field screen on 07/02/2012 to the family home. The mother told the agency that the victim child had an appointment at [REDACTED] on 08/19/2012. It was noted that during this home visit that the father appeared to have some delays but prepared to care for the children. The case was not accepted for an assessment and was closed.

The victim child did [REDACTED]

[REDACTED]

[REDACTED] There are no records that the victim child received any services or had another medical exam by a PCP. There are no records that the victim child ever returned to the PCP after this evaluation was completed.

According to Allegheny County's records there was one referral on the father as a child that referral was received on 09/09/1988. The case was closed on

06/25/1989. The father reported that his mother [REDACTED] of him and his brother and that his maternal grandmother cared for them.

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

On 10/28/2014 an agency caseworker spoke with [REDACTED] who was at the family home waiting for the ambulance. [REDACTED] told the caseworker that the mother was working at the [REDACTED] when the incident occurred. Her shift started at 3:00 PM. The father did not have an explanation for how the victim child was burned. The father stated that the victim child had come downstairs crying and he observed the burn marks to her legs, arms, and buttocks. Since there was no phone in the home he went to the neighbors for help. [REDACTED] had not found anything in the home that would cause an accidental burn. The bath tub and the sinks in the home were dry and they did not find a pot overturned.

Later that day, an agency caseworker spoke to the hospital social worker who reported that the victim child's affect was flat. The victim child is [REDACTED], the parent reported to the hospital that she does speak but she has not spoken at the hospital. The victim child will be admitted to the hospital. Her sister had a physical exam at the hospital and did not have any injuries or identifiable problems. The victim child's sister was released to her mother's care since the mother was not at home at the time of the incident. The police detective did interview the parents at the hospital and told them that the father could not be in the family home or around the children alone. The maternal grandparents were also at the hospital. The mother and the victim child's sister were to go to the maternal grandparent's home when they left the hospital.

On 10/29/2014, the assigned caseworker went to the hospital's [REDACTED] and met with the unit social worker and doctor. The treating physician was not sure how the victim child sustained the burns but they suspected hot water. The victim child was [REDACTED]. A piece of cotton and tin foil were removed from the victim child's ear during the physical exam. [REDACTED]

[REDACTED] The victim child had right wrist and right ankle bruises and a full skeletal survey and a [REDACTED], and both scans were normal. There was no evidence of acute or healing fractures or other injuries to the skeleton.

The caseworker then interviewed the mother at the hospital. She had observed that the mother was standing and staring at the victim child. She did not offer the victim child comfort. The mother stated that the father did not have an explanation for how the victim child was injured. The father had told her that he and the victim child's sister were downstairs in the living room when they heard her scream and cry. The father then went upstairs and found the victim child in their bedroom. The police found two empty

bottles of [REDACTED] in the residence, which the mother reported she uses to clean out the bathtub. She did not use a cleaner such as [REDACTED] due to the father's asthma. She reported that the victim child's sister would be staying with her parents until the investigation was completed. She was planning on quitting her job to care for the children. The mother understood that the father was not to be alone with the children and she signed the safety plan.

The caseworker then went to the home of the maternal grandparents. They agreed to care for the children when the mother was not available. The home was clean and appropriately furnished. The grandparents stated that they wanted to be paid kinship providers for their granddaughters. They knew that the father was not to have unsupervised contact with the children and they signed the safety plan. Both of the maternal grandparents work and they were not able to identify another relative who could care for the children. The maternal grandparents reported that the mother was the sole support for her family. The father had not worked for 6-7 years and did not have a source of income.

The caseworker then interviewed the victim child's sister. The victim child's sister said that she was nine years old and in the third grade. She attends cyber-school. She said that she was at home that day with her father and sister. They made boloney sandwiches for lunch. The victim child did not eat her sandwich and lay down on the rug in the hallway. The victim child then went upstairs and lay down on their mother's bed. The victim child's sister said that she knew this because when she went upstairs to get her baby dolls she saw the victim child lying on the bed. The victim child's sister said that she went back down stairs to the living room and was playing with her dolls. Her father was in the living room listening to music and drawing pictures. They heard the victim child scream and the victim child's sister said that she ran upstairs and the victim child was standing by their mother's bed. The victim child's sister described the victim child's skin as pink in color and was falling off like torn wall paper. She went on to say that the victim child's skin was hot to the touch and that she thought the sun made the bed hot. She went and got their father who then went to the neighbor's to call for help. He told the victim child not to sit down on the floor and wrapped her in a blanket. The victim child's sister rode with the victim child in the ambulance and she was examined by a nurse.

On 10/30/14, a physician from Children's Hospital of Pittsburgh's (CHP) Child Advocacy Center (CAC) examined the victim child. Mercy Hospital and CHP are part of the University of Pittsburgh's Medical Center. The CAC physician stated that the child had third degree burns of her lower back/upper buttocks as well as second degree burns to her left upper arm and chest. 20% of the victim child's body was burned. [REDACTED]

[REDACTED]

[REDACTED] These burns are consistent with a hot liquid burn most likely hot water. Most likely the victim child was wearing a diaper when the burns occurred. In addition to the burns, the victim child has ligature marks around her wrists and ankles. There was a linear scratch on the left side of her neck under the jaw line. Her hair was matted she was missing hair at the back of her head. There was darkened skin over spine. She had very poor dentition and was behind in her immunizations. [REDACTED]

[REDACTED] The victim child could not have burned herself since she had burns to the central part of her body but not burns to her hands and feet. These burns would have been inflicted by an adult caregiver. The burns would have caused severe pain and temporary if not permanent impairment. The ligature marks around the victim child's wrists and ankles as well as the [REDACTED] skin over her spine and her hair loss on the back of her head are evidence that the victim child was chronically restrained. The father's explanation of tying the victim child's wrists with plastic bags does not fit the injuries. The victim child was also neglected since she did not receive [REDACTED] [REDACTED] Therefore she was not able to develop age appropriately. The victim child and her sister represented as "invisible children" in that they were not seen regularly by adults outside the home.

Later on that day the caseworker spoke to the lead detective on the case. The detective's impression of the father during his interview with him was that father was somewhat delayed. The father was unable to give an explanation of how the victim child was burned. The father jumped around when giving his statement. The detective was not sure if the father was responsible for the injuries but he was the only adult caregiver in the home at the time of the incident. The detective also interviewed the mother who did not appear that concerned about the victim child's injuries. She stated that the victim child had a skin condition even though the mother was told that the victim child was burned. The detective told the caseworker that the victim child's burns were photographed.

On 10/31/2014 the caseworker went to the family home. The family was residing on the second and third floor of the home. The caseworker toured the home. The home was sparsely furnished with no furniture in the living room and dining room except for two plastic chairs in the living room one of which was broke. The carpeting was deeply stained. In the kitchen the refrigerator had several packs of hot dogs and two small packs of meat products. There were a minimal amount of can goods in the cabinets. In the

bathroom which was also on the second floor it took over a minute for the water in to warm up. The caseworker then went to the third floor where the bedrooms were. The children's bedroom had a small cot in it. There was no bedding, dressers, or children's clothing in the room. The parent's bedroom had a small blow-up bed in it. There were no dressers in this room. The third floor smelled of urine. The caseworker then went to the basement and took a photograph of the hot water tank.

The caseworker then interviewed the father. The mother was present during this interview. The father stated that both of the children were in the living room when he went into the kitchen to prepare Ramen noodles for their lunch. The victim child refused to eat and she felt feverish. The victim child lay down on the carpet in the hallway and then went upstairs. The father then said that he sent the victim child's sister upstairs to check on the victim child since she was not doing her school work but was watching cartoons on her computer. He then changed his story and said that he and the victim child's sister ran upstairs when they heard the victim child scream. The father said that the victim child's skin appeared to be falling off her body. He wrapped her in a blanket and carried her downstairs. He then said that the victim child walked down the steps herself and then he wrapped a blanket on her. There was no phone in the house and the downstairs neighbor was not home. The neighbor across the street called 911. Both parents began to cry during the interview and said that they were not lying. As for the ligature marks on the victim child's wrists and ankles, the father stated that both he and the mother would tie the victim child's wrists with plastic shopping bags so she would not punch herself.

The agency consulted with the CHP CAC physician on 11/04/2014 and 11/05/2014. The CAC physician told the agency their findings from the 10/30/2014 exam of the victim child that the distributions of the victim child's burns on her body were diagnostic of physical abuse. They also discussed with the agency their concerns about the parent's neglect of the victim child and her sister. On 11/05/2014 the CAC physician notified ChildLine that the report should be registered as a Near Fatality report.

On 11/6/2014, the victim child's sister had a forensic interview which was held at the CHP's CAC. The lead detective who was present for the interview reported that the mother had repeatedly told him that the victim child's sister had spilled Ramon noodle soup on the victim child which caused the burns. She also said that the victim child picks at her skin. The mother showed a lack of concern about the victim child's injuries and steadfastly supported her belief that the father did not cause the injuries.

The victim child's sister has a speech delay that made her hard to understand. She repeated her prior statements that she did not know how her sister was burned. She was downstairs playing with her dolls when she heard her sister scream. She said when she went upstairs her sister was naked and she saw the burns on her sister's arms. Her father was trying to

wrap a purple blanket around the victim child. Her father was crying and he called for 911. The victim child's sister did state that her mother told her to say "I don't know" and "maybe she rubbed herself." She also said that her mother told her to say that "Mommy and Daddy were nice to her and that they are a good family." The victim child's sister said that they ate hot dogs that day not soup.

On 11/07/2014 the father was arrested on one count of felony of the first degree of aggravated assault, one count of felony of the second degree of Aggravated Assault, and one count of felony of the third degree of endangering the welfare of children-parents/guardian/other commits the crime. He was jailed at the [REDACTED] Jail. Monetary bond was set at \$100,000 which the father could not post. A Preliminary hearing for the father was scheduled for 11/12/2014. This hearing was not held due to the father not passing a psychological evaluation. On 12/10/2014 the father was released from jail on a non-monetary bond. A condition of his release was that he was to have no contact with the children.

[REDACTED] After the victim child had been at [REDACTED] for a week, they reported to the agency that the victim child was very delayed with speech and language skills. [REDACTED]

[REDACTED] The mother had not been to see the victim child. She claimed that she did not know understand the bus routes. The family did not provide clothing for the victim child; [REDACTED]

On 12/12/2014 the agency filed the Child Protective Service Investigation Report with the status of "Indicated".

**Current Case Status:**

Case was accepted for service on 11/18/2014 and assigned to the South Regional Office. The mother was arrested on 11/19/2014 and charged with one count of felony of the first degree of aggravated assault and one count of felony to the third degree of endangering the welfare of children-parents/guardians/other commits offense. The aggravated assault charge was withdrawn. The mother posted bond and there were no bail conditions.

[REDACTED] The victim child's sister was then enrolled in the local school district [REDACTED] Visitation for the children was to be [REDACTED]

scheduled and supervised by the agency. [REDACTED]

[REDACTED] The maternal grandparents were given permission to supervise mother's visits with the children since she did not have a no contact order. [REDACTED]

The Ongoing Service Department began providing service to the grandparents at the beginning of December in preparation of the victim child's [REDACTED]. The victim child was placed in the physical custody of her maternal grandparents on 12/15/2014. Both grandparents work and initially there was difficulty coordinating [REDACTED] for the victim child. An in-home service provider began working with the grandparents to help them navigate the different systems that could provide services to the victim child. This has remained the focus of the case. The grandparents are approved kinship-foster parents for the victim child and her sister. [REDACTED]

Initially, there were concerns that the grandparents were slow to learn the victim child's medical care [REDACTED]

[REDACTED] Once the grandparents learned how to care for the victim child's burns they healed nicely. Learning to deal with the victim child's [REDACTED] has been more challenging to the grandparents. According to the maternal extended family the children were kept away from them when they were living with the father. [REDACTED]

[REDACTED] and are willing to try new techniques to deal with the victim child and her sister. With the help of the [REDACTED] the grandparents learned ways to manage the victim child's behavior as well as established a schedule for each of the girls.

Once the victim child [REDACTED]

[REDACTED] She still would have periods when she would not sleep but they became less frequent. Also her tantrums became less frequent. [REDACTED]

The agency held a family conference with the parents and extended family on 01/05/2015 this meeting was the first step in completing a family plan with the parents. The family teaming meeting was held on 02/23/2015 this is when the family plan was completed. The parents signed the plan. The goal is for the children to return to their parent's care. [REDACTED]

She is also to attend all other scheduled appointments including school meetings. [REDACTED] The mother has continues to be employed. The fact that the there is a no contact court order in place for the father complicated planning for him. The father is to complete his GED and seek employment. [REDACTED]

[REDACTED] All though the father has acknowledged that he had difficulties managing the victim child's behaviors he does not believe that he needs [REDACTED] since he did not do anything wrong. [REDACTED]

The family plan was reviewed on 05/18/2015. The parents did sign the plan. [REDACTED] The mother is cooperating and working on her plan. The father has not [REDACTED] and keeps making excuses on why he is not working on his plan. This has caused conflict between the mother and the father to the point that the mother has moved out of their apartment and now is living with her grandmother. The mother's intention is to regain custody of the children.

### **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. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report.

- Strengths:
- ACOCYF conducted a thorough investigation and placed the victim child and her sibling with their maternal grandparents.
- ACOCYF was not active with the family at the time of the incident. Once the agency received the referral on the family the case was

opened for services. The agency provided [REDACTED] and linked the family to community services. Referrals were made for the [REDACTED] to the family.

- Deficiencies:
- ACOCYF did not identify deficiencies.
- Recommendations for Change at the Local Level:
- The Review Team noted a pattern of risk regarding the girls not being seen by family members or a pediatrician during the previous referral. The team has the following recommendations:
  - The education of pediatricians on how to communicate risk factors to the public child welfare agencies such as a child behind on well child visits and immunizations.
  - The training of ACOCYF on what questions to pose to pediatricians to better assess and understand safety threats and risk factors to the child.
  - ACOCYF should maintain case openings until collateral contacts are made with reporting sources and until the family has confirmed participation in initial appointment of referred services.
- Recommendations for Change at the State Level:
- The Review Team reviewed recent amendments to the PA Child Protection Services Law which appears that will make it easier to work with the medical community. ACOCYF is permitted to contact a child's PCP to receive physical health information on subject children or siblings without parental consent. PCPs who have concerns about active CYF patients are permitted to contact CYF and to receive information.

### **Department Review of County Internal Report:**

The Department received a copy of the County's Near Fatality report on 06/12/2015. The report accurately reflected the issues that were discussed during the Act 33 Meeting. The Department welcomes the fact that the agency acknowledges the fact that the review team made recommendations to address the 2012 referral to the agency that was screened out after a field visit was made to the family but before the victim child's evaluation at [REDACTED]. By not opening the case for a General Protective Services (GPS) Assessment the agency did not know that the parents did not follow through with the

recommendations of the evaluation and that the victim child was not seen by a pediatrician until this referral the agency.

### **Department of Human Services Findings:**

#### County Strengths:

- ACOCYF conducted a thorough Child Protective Services (CPS) investigation. The agency worked collaboratively with the police and the medical community.
- ACOCYF is commended for providing the maternal grandparents with in-home services which helped them to navigate the different systems that are needed to provide services to the victim child. The support provided to the grandparents by the agency and their service providers enabled the grandparents to care for the victim child and her sister. It also ensured that the victim child and her sister are receiving the services that they need.
- The case file contained detailed case documentation. The agency has maintained contact with the numerous service providers.

#### County Weaknesses:

- The agency did not file the Child Protective Service Investigation Report with ChildLine as an "indicated" report until 12/24/2014. When the father was arrested in 11/07/2014 due to charges related to this incident.
- The family plan was not completed until 02/23/2015 which was over 90 days from the date of acceptance which was 11/08/2014.

#### Statutory and Regulatory Areas of Non-Compliance:

- 3490.67(a)-ACOCYF failed to send the Child Protective Service Report to ChildLine within 30 days of the receipt of the report to suspected child abuse. ACOCYF received the report on 10/28/2014, the Child Protective Service Report was filed on 12/24/2014.
- 3130.61(a)- ACOCYF failed to complete the written family service plan within 60 days of accepting the family for services. The family was accepted for services on 11/08/2014, the family plan was completed on 02/23/2015.

### **Department of Human Services Recommendations:**

- ACOCYF needs to review and re-evaluate their use of field screens to prevent a case from being accepted for an assessment. Agency workers need additional training as to the type of cases being assigned for field screens. Cases that are requiring a child to have an

evaluation that may require services for the child's well-being should have a full assessment.

- ACOCYF needs to re-evaluate their use of Family Teaming to develop the initial family service plan with the family. The annual inspection of the agency identified a systemic problem that family service plans are not being completed within 60 days of acceptance which was an identified problem in this case.
- The complexity of the different systems whose services are needed for a special needs child is overwhelming for an average person. ACOCYF provided an in-home service provider to the grandparents in order for them to be able to request the appropriate evaluations, schedule and attend the evaluations and complete the required paperwork. For an average person these tasks are extremely time consuming and a barrier to children receiving the services that they need. More collaborative efforts need to continue to be made to assist families who have children with special needs.
- Cyber Schools should be required to make home visits to children's homes. Children who attend Cyber Schools are not having the contact with adults that children who attend regular schools have. These children are more vulnerable to maltreatment that will take longer to uncover.