



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

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



**Date of Birth: 8/13/2013**  
**Date of Incident: 8/13/2013 to 10/20/2013**  
**Date of Oral Report: 10/20/2013**

### **FAMILY NOT KNOWN TO:**

Dauphin County Social Services for Children & Youth

### **REPORT FINALIZED ON:**

12/31/14

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. Dauphin County Social Services for Children & Youth (DCSSCY) convened a review team in accordance with Act 33 of 2008 related to this report on 10/25/2013. The Central Region Office of Children, Youth and Families (CROCYF) Human Services Representative participated on this review team.

**Family Constellation:**

| <u>Name:</u> | <u>Relationship:</u>       | <u>Date of Birth:</u> |
|--------------|----------------------------|-----------------------|
| [REDACTED]   | victim child               | 08/13/2013            |
| [REDACTED]   | mother                     | [REDACTED] 1992       |
| [REDACTED]   | father                     | [REDACTED] 1988       |
| [REDACTED]   | brother                    | [REDACTED] 2009       |
| [REDACTED]   | brother                    | [REDACTED] 2011       |
| [REDACTED]   | maternal grandmother       | [REDACTED] 1969       |
| [REDACTED]   | maternal great-grandmother | [REDACTED] 1945       |
| [REDACTED]   | maternal aunt              | [REDACTED] 1995       |
| [REDACTED]*  | paternal grandmother       | [REDACTED] 1965       |

\* [REDACTED] home was utilized for placement of the victim child's siblings in order to assure their safety during the initial phase of the near fatality investigation.

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

On 10/20/2013, the victim child was brought to Hershey Medical Center, by ambulance, due to lethargy and vomiting. Upon examination it was found that the child had a [REDACTED]

[REDACTED] The child [REDACTED] was deemed failure to thrive.

[REDACTED] The child was admitted [REDACTED] in serious condition. The date of incident was between the child's birth on 08/13/2013, and the day he was admitted to the hospital.

DCSSCY received this Near Fatality Report, [REDACTED] on 10/20/2013.

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

CROCYF obtained and reviewed the DCSSCY case record pertaining to the family which included the Child Protective Services Report, Family Service Plan and Review, [REDACTED] Police Report, medical records and the agency caseworker's dictation. Communication with agency staff included: Caseworkers, [REDACTED] as well as attendance at the Act 33 meeting on 10/25/2013.

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

DCSSCY had no prior involvement with the family.

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

On 10/20/2013, the agency received a report from [REDACTED] expressing concern for [REDACTED] and her child, [REDACTED]

The victim child came to the emergency room after two episodes of vomiting and lethargy. The victim child had [REDACTED]

The victim child [REDACTED] was deemed failure to thrive. He was admitted [REDACTED] in serious condition. [REDACTED]

It was unknown at the time of the report who was caring for the child when the child was injured. There were reportedly various family members who watched the victim child during the week. The day before the report, he was in the care of his paternal grandmother. However, the father was the primary caregiver for the children while the mother worked.

In order to assure the safety of the two remaining children living in the home, they were moved to the home of their paternal grandmother. The victim child remained safe in the hospital. Both of the victim child's siblings were seen at Hershey Medical Center and each had a full skeletal survey completed. No issues were noted.

The agency interviewed the mother on 10/20/2013, who related she had taken the victim child to a physician on 10/15/2013, due to his episodes of vomiting. She was told the child had a virus that was causing the vomiting. The mother said she works at [REDACTED] five days a week. She said that the victim child's father is a stay at home dad. The mother said the father told her about dropping the child into his playpen onto a floppy pillow. The other family members were interviewed and all denied causing harm to the child.

The father was interviewed and said that a month before the report he laid the child down on the middle of the bed on his back so he could use the restroom. The father said he was out of the room for five minutes, heard the child crying and returned to find the child on the floor on his

back. He claimed the child either rolled or scooted himself off the bed. The father could not remember the date of this incident. The father said that on 10/18/2013, the child was "motionless for a few minutes" and "vomited when on his back". Also on 10/18/2013, the father said the child slipped out of a blanket and fell onto a floppy pillow in his playpen and hit the right side of his head on the playpen. He said the child was motionless for three or four minutes but then was fine. On 10/20/2013, the father was in the kitchen and could hear the child vomiting in the bedroom. The child had vomit coming out of his mouth and was again unresponsive. The father reported that "maybe it was a mishandling" and "not everyone knows how to handle a baby." The father also stated "Maybe I grabbed him the wrong way"... "I don't know"... "maybe I picked him up too roughly when I was trying to take care of one of the other kids and get things done so the mother doesn't think I am lazy." "I may have shaken him and squeezed him too hard." "I am busy all day and I do get frustrated." The father did not deny doing harm to the child. He could just not remember when it was. The father was the sole caregiver of the child during each incident of non-responsiveness in the child.

The Child Safety Team at Hershey Medical Center that treated the child [REDACTED] [REDACTED] It was determined that the only way the child could have suffered the injuries is from violent shaking over a period of time.

On 12/04/2013, the agency determined the ChildLine report [REDACTED] as Indicated and listed the father as the perpetrator.

#### Current Case Status:

The agency notified the [REDACTED] Police of the Near Fatality Report pertaining to the victim child on 10/21/2013. Trooper [REDACTED] of the [REDACTED] Police charged the father with Aggravated Assault and Endangering the Welfare of a Minor. He was arrested and incarcerated on 10/25/2013. On 10/28/2013, he posted bail and was released from jail with the requirement he have no contact with his children. The father's preliminary hearing was before [REDACTED] on 12/12/2013. After being continued numerous times, his criminal hearing was scheduled for 10/10/2014.

On 10/28/2013, the victim child's youngest sibling was medically examined at Hershey Medical Center for possible physical abuse. [REDACTED]

On 11/12/2013, the victim child [REDACTED] to the care of his mother. The victim child's mother, maternal grandmother and paternal grandmother had all been going to the hospital to be trained in how to care for the medical needs of the victim child. [REDACTED] He was reported to be sleeping well [REDACTED]. The victim child's father is staying with his father in [REDACTED] PA. The victim child's mother states that the father has not been in the home and the agency caseworker documented that he has not been there during any of her home visits.

The victim child's oldest sibling was interviewed on 11/19/2013, [REDACTED] as a possible witness in his father's mistreatment of the victim child. He said that "my daddy pissed me off because he keeps hitting me". He said his daddy grabbed his neck and it felt as if bones were coming out of his mouth and he smacked his butt because he wanted him to pick up his toys. On 11/26/2013, ChildLine was called on the sibling's allegations [REDACTED] There were no marks on the child and he did not report any pain or impairment. It was recommended that the sibling have [REDACTED] He had a full medical examination at Hershey Medical Center. [REDACTED]

On 12/04/2013, the family was accepted for service by DCSSCY. Family Group Conference meetings began on 1/30/2014, to develop a plan of support for the mother. The group came up with strengths: the father was cooperating with the agency; the mother is strong willed and gets things done; the family has been through a lot but is keeping it together. The victim child's mother has worked so hard she has been promoted to a manager position at [REDACTED]

A Family Service Plan was developed on 2/13/2014. This plan was not developed within the required 60 days of accepting the family for services. However, appropriate services for the family had been agreed upon by family members.

[REDACTED] The family has pulled together in helping the mother care for her children. She has taken the victim child to all of his medical appointments and has been cooperative with the service providers coming to her home. The mother, caseworker and supervisor signed this Review.

[REDACTED] The victim child [REDACTED] continue. He is responding to family voices and turning his head to sounds. He will smile when his brothers are talking to him.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The victim child's teeth are coming in and he is able to eat baby food and formula.

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

- Strengths:
  - The agency implemented safety plans to ensure the safety of the victim child and his two brothers. The victim child was hospitalized and his two siblings went to live with their paternal grandmother until their safety within their mother's home could be assured.
- Deficiencies:
  - No deficiencies were identified.
- Recommendations for Change at the Local Level:
  - No recommendations were identified.
- Recommendations for Change at the State Level:
  - No recommendations.

**Department Review of County Internal Report:**

On 8/21/2014, CROCYF notified the DCSSCY administrator, [REDACTED] the report of the victim child was reviewed. As a result of the preliminary review, CROCYF concur with the recommendations of the Dauphin County ACT 33 team. CROCYF found the report to be thorough and presented a complete description of the case involvement.

**Department of Public Welfare Findings:**

- County Strengths:
  - The agency immediately notified CROCYF of the Near Fatality Report.
  - The agency convened the Near Fatality Review Team within 5 days of the Report.
  - The agency collaborated with staff from Hershey Medical Center and kept current on the child's medical progress.
  - The agency maintained contact with the serviced providers who provided social and medical services to the family.
  - The agency developed a Family Service Plan which met the needs of the family.
- County Weaknesses:
  - The agency did not develop the Family Service Plan within 60 days of the date the agency accepted the family for services.
- Statutory and Regulatory Areas of Non-Compliance:
  - Chapter 3130.61: Family Service Plans  
The county agency shall prepare, within 60 days of accepting a family for service, a written family service plan for each family receiving services through the county agency. The agency accepted the family for services on 12/04/2013, but did not complete the Family Service Plan until 02/13/2014.  
A copy of the LIS in included in this report.

**Department of Public Welfare Recommendations:**

CROCYF completed interviews and obtained copies of the family record as required. The agency provided appropriate services to the family during the investigation and ensured the safety of all the children in the family. The family is currently active with DCSSCY.