



REPORT ON THE NEAR FATALITY OF:

██████████

Date of Birth: 06/17/2013
Date of Incident: 03/06/2016
Date of Report to ChildLine: 03/07/2016
CWIS Referral ID: ██████████

**FAMILY NOT KNOWN TO COUNTY CHILDREN AND YOUTH AGENCY AT TIME
OF INCIDENT OR WITHIN THE PRECEDING 16 MONTHS:**

York County Office of Children, Youth and Families

REPORT FINALIZED ON:
09/09/2016

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:

Pursuant to the Child Protective Services Law, 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.

The Child Protective Services Law 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.

York County Office of Children, Youth and Families (YOCYF) has convened a review team in accordance with the Child Protective Services Law related to this report. The county review team was convened on 03/30/2016.

Family Constellation:

First and Last Name:

[Redacted]
[Redacted]
[Redacted]
[Redacted]*
[Redacted]*
[Redacted]*

Relationship:

Biological Mother
Biological Father
Victim Child
Sibling
Paternal Uncle
Paternal Grandmother
Paternal Grandfather

Date of Birth

[Redacted] 1975
[Redacted] 1985
06/17/2013
Unknown
[Redacted] 2000
Unknown
Unknown

* Denotes an individual that is not a household member or did not live in the home at the time of the incident, but is relevant to the report.

Summary of OCYF Child (Near) Fatality Review Activities:

The Central Region Office of Children, Youth and Families obtained and reviewed all current case records pertaining to the [Redacted] family. Follow up interviews were conducted with the caseworker and supervisor on 03/07/2016 and 03/09/2016. The regional office also participated in the County Internal Fatality Review Team meeting on 03/30/2016.

Children and Youth Involvement prior to Incident:

There is no prior history with this family.

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

On 03/07/2016, YOCYF was contacted regarding a Child Protective Services (CPS) report on the near fatality of a two year old child. The mother reported that on the day of the incident, which was 03/06/2016, she returned home from work around 3:00 PM and went to check on the child. She noticed he was warm so she kept him in a t-shirt and diaper. The mother said she did not observe any marks or bruises on the child. She cooked and cleaned while the child's fifteen year old uncle played with the child. Around 7:30 PM the child went to sleep in the mother's bedroom. The child had his own room until the fifteen year old uncle moved in which was 3 months prior to the incident. Upon moving in, the uncle was given the child's bedroom. The mother said she left around 7:55 PM to pick up her daughter from work. The child was left home alone with the fifteen year old uncle because the father was also at work. After picking up her daughter, she drove to the grocery store and then went to her niece's home. She received a call from the child's father at 9:00 PM indicating that she needed to return home because the child was ill. The child's father usually works 10 hour shifts but he was sent home early from work that evening. When the mother arrived home and spoke with the child's father, he reported that the child had been breathing with shallow/labored breaths. The parents questioned the uncle who indicated that the child woke up crying and he provided him with some juice. The uncle denied anything further happening. The parents then took the child to York Memorial Hospital Emergency Room.

When changing the child's diaper at the hospital, it was noticed that that child had bruising on the stomach and back of his body. Further medical examination found that the child had [REDACTED]

[REDACTED] He was then transferred to Hershey Medical Center [REDACTED]

The mother indicated that the uncle had moved to the United States 4 months ago, and has resided with them for approximately 3 months. The mother indicated that she had never observed the uncle being abusive towards the child. She also stated that she never let the child alone with the uncle while the child was awake but would allow him to watch the child if the child was asleep for brief periods of time. She said the uncle was no longer welcome in her home, and that she would be seeking criminal charges.

In an interview with the child's father, he reported that when he arrived home from work around 9:40 PM, he observed the child laying on his stomach on the bed in the father and the mothers' bedroom. The uncle was asleep in his own bedroom. The father reported that the child had labored breathing. The father woke the uncle and asked what happened. The uncle said the child woke up and he gave the child a pacifier. At that time, the father called the mother with his concerns about the child.

YOCYF was notified by the assigned detective that the fifteen year old uncle was criminally charged [REDACTED] On 03/08/2016, YOCYF interviewed the uncle.

The uncle reported that the mother told him she was leaving the home for a brief time but the child's father would be home in five minutes. Both the child and uncle were asleep in separate bedrooms. The uncle then said that the child came into his bedroom and laid his head on his chest and was slapping his cheeks to wake him. The uncle then pushed the child off the bed and the child hit his back. The child then left the bedroom in search of his mother and pacifier. The uncle reported that he picked the child up and shook him one time back and forth and then put the child back in his room. The uncle then proceeded to the bathroom and the child followed. The bathroom was not well lit and the child allegedly hit the uncle and then the uncle hit the child back in the chest. The child then went into another room and started jumping up and down on his car seat. The uncle reported the child fell off the car seat twice and hit his back on some toys. The uncle also reported that the child was jumping on his toys and fell and hit his stomach. The uncle said he took the child back to his room and he noticed the child had labored breathing and fluttering eyes. The uncle denied hitting the child in the face, chest and side. He admitted to punching the child once, pushing him once and shaking him once. The uncle said all other injuries must have come from when the child was jumping on the car seat and toy and falling.

Also on 03/08/2016, YOCYF received an additional CPS referral. The allegations were that approximately a month ago when the father, child, and uncle went to get haircuts, the father went inside and left the uncle and the child in the car. The mother called the father's cell phone and the uncle answered and she could hear the child crying in the background. When they returned home, the mother noticed that the child had a laceration on his lower lip. When asked what happened, the child said the uncle caused the injury and demonstrated a pushing motion to the mother using his two hands. The uncle was asked about the incident [REDACTED]. He denied hurting the child's mouth and said that he doesn't remember the incident.

A probable cause hearing for the uncle was held on 03/09/2016. The uncle was charged with aggravated assault. At that time, the responding officer, YOCYF and the uncle all testified. The uncle testified to hitting, punching, shaking, and pushing the child. The uncle was ordered to remain [REDACTED], and YOCYF was directed to obtain his visa and passport. Later the uncle pled guilty to endangering the welfare of a child and simple assault. He was released to his parents with probation oversight. He moved back to New York State with his parents, and has no access to the child.

The child was [REDACTED] on 03/09/2016. He had follow up appointments scheduled for 03/21/2016 and 04/06/2016, at Hershey Medical Center. He attended those appointments, and then was sent for [REDACTED] follow up with his primary care physician. The child does not have any ongoing medical issues. The case was closed on 04/20/2016.

On 04/28/2016, the allegations, with the uncle as the perpetrator, related to the near fatality were founded.

On 04/20/2016, the allegations related to the 03/08/2016 CPS were unfounded and closed.

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

- Strengths in compliance with statutes, regulations and services to children and families;
 - YOCYF consistently meet the timeframes and statutory requirements under the Child Protective Service Law. This investigation demonstrated a timely and thorough assessment.

- Deficiencies in compliance with statutes, regulations and services to children and families;
 - There are no deficiencies regarding statutory or regulatory issues.

- 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; and
 - There are no recommendations associated with this case that impact changes at either state or local level relating to monitoring/inspection.

- 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:

The Central Regional Office of Children Youth and Families received the completed County Internal Report from YOCYF on 06/21/2016. The Central Regional Office accepted the county submission as an accurate summary of the investigation. The

Central Regional Office accepts and concurs with all the findings set forth in the 06/21/2016 report.

Department of Human Services Findings:

- County Strengths:
 - The county conducted a timely and thorough CPS investigation of the incident. There was consistent and free sharing of case specific data during the investigation process. The Near Fatality and Fatality Reviews are conducted in a timely and consistent manner.

- County Weaknesses:
 - None found

- Statutory and Regulatory Areas of Non-Compliance by the County Agency.
 - There were not statutory or regulatory areas of non-compliance related to the investigation.

Department of Human Services Recommendations:

YOCYF conducted a timely investigation in conjunction with law enforcement officials. The communication among medical professionals, law enforcement and the agency was good. This should continue as routine practice for the agency.