



REPORT ON THE FATALITY OF:

Andrea Zimmerman

Date of Birth: 05/07/2014

Date of Incident: 09/20/2016

Date of Report to ChildLine: 09/21/2016

CWIS Referral ID: [REDACTED]

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

Lancaster County Children and Youth Agency

REPORT FINALIZED ON:

02/25/2017

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.

Lancaster County completed their investigation and filed the report with ChildLine as [REDACTED] on 10/11/2016 which is before the 30th day of the investigation. A review team did not need to be convened.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
Andrea Zimmerman	Victim Child	05/07/2014
[REDACTED]	Mother	[REDACTED] 1990
[REDACTED]	Father	[REDACTED] 1991
[REDACTED]	Sibling	[REDACTED] 2012
[REDACTED]	Sibling	[REDACTED] 2015
* [REDACTED]	Maternal Aunt	[REDACTED] 1993

*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 Fatality Review Activities:

The Central Region Office of Children, Youth and Families (CERO) obtained and reviewed all current case records pertaining to the [REDACTED] family. CERO staff conducted interviews with the following Lancaster County Staff: Intake Caseworker, Intake Supervisor and Intake Director. These interviews occurred on 09/23/2016.

Children and Youth Involvement prior to Incident:

Lancaster County Children and Youth Agency (LCCYA) has not experienced prior involvement with the victim child or her family.

Circumstances of Child Fatality and Related Case Activity:

On 09/20/16, Lancaster County Children and Youth Agency received a report of a child fatality due to suspected abuse. It was reported that the Victim Child was killed when she was struck and pinned to a barn by a van driven by her [REDACTED]. [REDACTED] stated that she saw three of the children playing in front of the barn and thought she would scare them in a joking manner by blowing on the van horn and leaving the driveway and driving on the grass. She reported she applied pressure to the brakes but they did not work. It was then that she struck the victim child

and hit the barn. She got out of the van, saw that the victim child was pinned against the barn, and backed up. The other two children were able to move out of the way and were not hit by the vehicle. This occurred at [REDACTED] sister's home. The victim child's family was there as they were all canning tomatoes. The mother ran out of the home and stayed with the victim child. A passenger in the [REDACTED] van ran into the home and called 911. The child was pronounced dead at Lancaster General Hospital.

[REDACTED] Police immediately questioned [REDACTED] and the passenger in her car. Lancaster CYA visited with the family and assured the safety of the other children in the family. The mother of the victim child stated that she saw [REDACTED] driving down the driveway, waved to her, and then saw her drive around the barn. She then heard screaming and went outside. [REDACTED] had told her that she applied the brakes and nothing happened. The mother also reported that [REDACTED] has since been able to use the brakes normally.

The agency did not speak with [REDACTED] or the passenger in her vehicle or the other children involved. It does not appear that any attempts to do so were documented in the agency file.

Lancaster County CYA filed their investigation report with ChildLine on 10/11/2016 with a status of [REDACTED]. The agency investigation deemed this to be an accident as [REDACTED] applied pressure to the brakes and they did not work, resulting in the death of the victim child. The agency indicates that they were informed by the police that no charges were being filed. The case was closed with no additional services.

On 12/19/2016, [REDACTED] Police filed charges against [REDACTED] as a result of the incident. The police department had impounded the van and had the van checked for any mechanical issues that would have led to brake malfunction. No mechanical issues were found. [REDACTED] is being charged with misdemeanor Involuntary Manslaughter, and three counts of misdemeanor Recklessly Endangering Another Person. [REDACTED] is currently awaiting a Status Conference on these charges.

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

Lancaster County CYA did not convene a review team as the report was [REDACTED] before the 30th day. As such, a County Child Near-Fatality report was not completed.

Department Review of County Internal Report:

Lancaster County did not provide a County Internal Report due to the case being [REDACTED] before the 30th day.

Department of Human Services Findings:

- County Strengths:

- The agency responded quickly and worked with the family to assure safety of the other children, while allowing them space to grieve the loss of their child.
- County Weaknesses:
 - The agency did not speak directly with [REDACTED] who was driving the van, the passenger in the van, or the other children that were present during the incident.
 - It does not appear that there was detailed communication between the police department and the agency as the agency believed no charges were being filed, and [REDACTED] was charged several months later.
- Statutory and Regulatory Areas of Non-Compliance by the County Agency.
 - 3490.55(d) – In completing the investigation, the agency worker did not speak with the alleged perpetrator, the passenger in the vehicle, or the other children that were present. There was no documentation of attempts found in the agency file.
 - 3130.21(b) – The Preliminary Safety Assessment worksheet completed on 09/21/2016 was not signed by the caseworker or supervisor until 10/11/2016.

Department of Human Services Recommendations:

DHS offers the following recommendations to practice as a result of the findings of this review:

- The agency needs to assure that all subjects of the investigation are interviewed, or attempts to interview them are documented. While it is understood that the caseworker had to approach the family at a difficult time, information that could have been gathered from these interviews may have led to different outcomes in the investigation.
- The agency should continue to engage local law enforcement agencies to assure collaboration and sharing of information. The agency reports that they were led to believe that the law enforcement investigation was completed, but later found that it had been continuing, and it was possible that additional information was gathered that would have benefited the agency investigation.