



REPORT ON THE FATALITY OF:

Lyana Elliott

Date of Birth: 01/15/2015
Date of Death: 03/08/2015
Date of Report to ChildLine: 12/12/2016
CWIS Referral ID: [REDACTED]

FAMILY KNOWN TO COUNTY CHILDREN AND YOUTH AGENCY AT TIME OF INCIDENT OR WITHIN THE PRECEDING 16 MONTHS:

Luzerne County Children and Youth

REPORT FINALIZED ON:

06/05/2017

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.

Luzerne County did not convene a review team. The investigation was [REDACTED] within 30 days; therefore, the county was not required to convene a review team.

Family Constellation:

| <u>First and Last Name</u> | <u>Relationship</u> | <u>Date of Birth</u> |
|----------------------------|---------------------------------|----------------------|
| Lyana Elliott | Victim Child | 01/15/2015 |
| [REDACTED] | Biological Mother | [REDACTED] 1985 |
| [REDACTED] | Biological Father | [REDACTED] 1985 |
| [REDACTED] | Full Sibling | [REDACTED] 2014 |
| [REDACTED] | Full Sibling | [REDACTED] 2016 |
| ** [REDACTED] | Maternal Half-Sibling | [REDACTED] 2009 |
| ** [REDACTED] | Father of Maternal Half-Sibling | [REDACTED] 1970 |

** 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 Northeast Regional Office of Children, Youth and Families (NERO) reviewed the family case file. The county agency was not required to convene an Act 33 review team meeting due to the investigation being [REDACTED] within 30 days.

Children and Youth Involvement prior to Incident:

Northumberland County Children and Youth received five referrals regarding this family; however, it should be noted that none of the five referrals were received by the agency prior to the child’s death. The referrals were received prior to the incident being reported as alleged child abuse on 12/12/2016. The referrals were received by the agency on 11/18/2015, 02/17/2016, 02/18/2016, 05/16/2016, and 06/13/2016.

The first referral received on 11/18/2015 alleged that the mother and father are not caring for the child (victim child’s full sibling), that they reside in a one bedroom apartment with no bathroom and no stove or refrigerator in the room. It was also

alleged that the parents use drugs, [REDACTED] parents are always high and they drive with the children in the car. Face to face contact with the mother and child was not made until 12/07/2015 due to initially no one answering the door at the home and then a miscommunication between the mother and caseworker on the date of a scheduled home visit that mother believed was to occur on 12/01/2015 and the caseworker had scheduled for 12/02/2015. After a second home visit was conducted unannounced, [REDACTED] and the case was closed on 01/14/2016.

The second referral was received by Northumberland County Children and Youth on 02/17/2016. The caller was concerned because the child (victim child's full sibling) hadn't been seen in a few days; the child was not with the person she was allegedly with. [REDACTED] a caseworker verbally confirmed that a relative had been caring for the child.

Northumberland County Children and Youth received their third referral for this family on 02/18/2016 alleging that the child (victim child's full sibling) had come downstairs from the apartment above and mother did not come down to get her for 10 minutes. It was alleged that mother appeared disoriented and started nodding with her head down and eyes closed. The referral stated that mother is on [REDACTED] but it was alleged that she was taking too much. Caller was concerned about the lack of supervision of the child. On 04/12/2016, during the course of assessing this referral, the youngest child (victim child's full sibling) was born. [REDACTED] however, the case was closed on 04/28/2016 after what is documented as brief intervention that lowered the risk/safety. The case determination exceeded 60 days due to the county agency waiting to complete a home visit upon the baby's [REDACTED] the hospital which occurred on 04/28/2016.

On 05/16/2016, Northumberland County Children and Youth received their fourth referral regarding this family alleging that the mother ran off with her 1-month-old baby (victim child's full sibling) and took [REDACTED]; the mother was allegedly sleeping and laying on the baby and father woke up to see this. The mother left Northumberland County with her two children and went to reside with the maternal aunt in Luzerne County. Northumberland County Children and Youth made a referral to Luzerne County Children and Youth [REDACTED]

On 06/13/2016, Northumberland County Children and Youth received their fifth referral regarding this family alleging the following: suspicion surrounding the death of the parent's child (March 2015), unstable housing, drug use by both parents, the father is mean to the oldest child and hits her and mother is selling [REDACTED] for drugs. Northumberland County Children and Youth contacted Luzerne County Children and Youth who reported [REDACTED] with the family; therefore, Northumberland County Children and Youth [REDACTED]

Luzerne County Children and Youth received two prior referrals regarding this family. It should be noted that only one referral was received prior to the victim child's death; the other referral was received on 05/16/2016 which was after the fatal incident but prior to the incident being reported as alleged child abuse. For the purpose of this report, the details of both reports will be included.

The first referral was received by Luzerne County Children and Youth on 12/25/2014 [REDACTED]. The referral source reported that the mother has two children and one on the way; due in March 2015. The mother was alleged to be using several different kinds of drugs including marijuana, [REDACTED] and pain medications that have caused mother to get into car accidents over the past several months. The caller reported that the mother will nod off when driving and, by the looks of the car, the referral source can see where mother has hit guardrails. The referral source also stated that [REDACTED] the mother and father sell [REDACTED] for drug money and the father uses Heroin. The referral source further reported that there is a 5 year old in the home; his father pays child support but caller alleged that mother spends the money on drugs. The family reportedly was going to be evicted on 01/10/2014. Also reported on 12/25/2014 [REDACTED] was that the mother robbed her grandparent's home the day before and the police came out. The referral source further stated that the mother is using [REDACTED] and marijuana. The referral source reported that there were two children in the home; ages 8 months and 4 years. The referral source stated that the mother's paramour (father of victim child) was also in the home and that he was caught jumping the border from Mexico with drugs on him and that he was an indicated perpetrator. The on-call caseworker searched the Megan's Law registry, the inmate look-up and reviewed the agency case information system (CAPS). There was no record for either the mother or father. During the course of assessing this referral, the victim child of this report was born and the maternal half-sibling went to reside with his father. The victim child was born premature at 29 weeks gestation and stayed in the hospital until 02/26/2015 [REDACTED] to her parents' care. During the assessment period, the mother and father cooperated with urine screens. Luzerne County Children and Youth closed the case on 02/23/2015, 3 days prior to the child's [REDACTED] the hospital, citing no evidence of child abuse or neglect. Unfortunately, the child died on 03/08/2015. An autopsy was completed on 03/09/2015. The autopsy revealed that the child had a heart condition at the time of death and died from natural causes. At the time of the child's death, the father was [REDACTED] and the mother and her children were residing with a friend and several others.

On 05/16/2016, Luzerne County Children and Youth received a referral alleging that the mother and father got into a domestic dispute the day prior in Northumberland County and that Northumberland County Children and Youth had received a referral on the family. It was alleged that the mother is [REDACTED], that she also takes [REDACTED] and that she is breast feeding the baby (victim child's full sibling). It was also alleged that mother abuses her medication, puts the baby in bed with her and falls asleep and that the mother is keeping the baby addicted to drugs by breast feeding him. The referral source reported contact with the Northumberland

County Children and Youth worker and stated that the police were called an hour prior to making the referral to do a safety check on the children. The Luzerne County Children and Youth screening worker contacted Northumberland County Children and Youth who reported that the mother had her sister pick her up; mother and her two children relocated to [REDACTED]. In Luzerne County, the mother cooperated with a urine screen which resulted in positive results for several different [REDACTED]. Luzerne County Children and Youth opened the case on 06/28/2016 due to both parents needing parenting assistance and both parents having a history of substance abuse and unstable housing. Services provided to the family included the [REDACTED].

[REDACTED] The father was uncooperative during the intake period refusing to participate in a drug screen or provide the address where he was living; although, he reported he was residing with a friend. Although father confirmed that he was [REDACTED] in the past, he stated that it was due to being homeless and having nowhere else to go. He reported to the caseworker that he was not currently [REDACTED] and would not sign releases for the caseworker. He did agree to participate in parenting [REDACTED] due to the loss of their daughter in 2015 but refused to participate in [REDACTED] or urine screens. On 06/13/2016, the mother reported that father was [REDACTED].

[REDACTED] A review of the father's criminal history revealed a history of numerous drug related charges. The case was still open when Luzerne County Children and Youth received the near fatality referral on 12/12/2016.

Circumstances of Child Fatality and Related Case Activity:

On 12/12/2016, Luzerne County Children and Youth received a referral [REDACTED] [REDACTED] alleging that the mother was responsible for the death of her child back in March 2015. It was alleged that the mother fell asleep and suffocated the baby after abusing [REDACTED]. [REDACTED] made the allegations that were reported [REDACTED]. The investigation determined that the victim child was born premature at 29 weeks gestation and was home from the hospital for only 10 days prior to her death. It was reported that there were no problems noted; that mother fed the victim child and put her to sleep. When mother went to wake the victim child up for her next feeding, the victim child was deceased. An autopsy was completed. The victim child presented as an infant with premature features externally. The examination of the heart demonstrated a significant atrial septal defect. The cause of death was determined to be complications from a cardiac anomaly. The manner of death was determined as natural. The investigation file was unable to be reviewed as a part of this review due to the file being damaged by fire and water after the Luzerne County Children and Youth office was vandalized by fire bombing. There is no criminal investigation pending as the victim child's death was ruled natural.

Luzerne County Children and Youth received 2 additional referrals on 02/13/2017 and 02/18/2017 regarding this family. The first referral was regarding the maternal half-sibling, who has resided with his biological father since the birth of the victim child in January, 2015. The maternal half-sibling has remained with his biological father since that time. The referral source alleged that the maternal half-sibling is experiencing symptoms of sexual abuse including forcing bowel movements and smearing it on the wall and that his father also reported sexualized behavior by his son. Although the caseworker made a home visit to the home to discuss the referral with the maternal half-sibling's father, no further action was deemed warranted. The caseworker verbally reported that she spoke to the maternal half-sibling, who did not disclose abuse. This report [REDACTED] closed 05/08/2017.

On 02/18/2017, Luzerne County Children and Youth received a referral [REDACTED] regarding an incident that occurred in mother's home. Both mother and father reported that they had a friend over and the friend overdosed on Heroin in the home. Both mother and father denied knowledge of the friend using Heroin in the home stating that his drug use occurred in the bathroom. Although the caseworker conducted a home visit on 02/22/2017 with mother and the children, there is no mention in the case notes regarding this referral. The caseworker verbally reported that she discussed the incident with the mother. Mother was sent for a urine screen; no substances were detected other than [REDACTED]

The family continues to reside in Luzerne County and the case remains open to Luzerne County Children and Youth. The parents have had an unstable relationship; currently they are reportedly not residing in the same home. The caseworker continues to visit the home to assess the siblings' safety. Current services are focused on the family's ability to maintain stable housing, income,

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

- Strengths in compliance with statutes, regulations and services to children and families;

The case was [REDACTED] in less than 30 days; therefore, neither an Act 33 team meeting nor written report was required.

- Deficiencies in compliance with statutes, regulations and services to children and families;

The case was ██████████ in less than 30 days; therefore, neither an Act 33 team meeting nor written report was required.

- Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse;

The case was ██████████ in less than 30 days; therefore, neither an Act 33 team meeting nor written report was required.

- Recommendations for changes at the state and local levels on monitoring and inspection of county agencies;

The case was ██████████ in less than 30 days; therefore, neither an Act 33 team meeting nor written report was required.

- Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse.

The case was ██████████ in less than 30 days; therefore, neither an Act 33 team meeting nor written report was required.

Department Review of County Internal Report:

The case was ██████████ in less than 30 days; therefore, neither an Act 33 team meeting nor written report was required.

Department of Human Services Findings:

- County Strengths:
 - 1) Upon receipt of the referral from Northumberland County Children and Youth on 05/16/2016, the Luzerne County Children and Youth intake caseworker immediately contacted Northumberland County Children and Youth and began the assessment. The assessment appeared thorough, the family was linked to services quickly and the case was opened for ongoing services. The intake worker was responsive to the family's needs and communicated with numerous collateral contacts.
 - 2) Both Northumberland County Children and Youth and Luzerne County Children and Youth cooperated in the sharing of information necessary to determine the needs of the family. Northumberland County Children and Youth was responsive to requests from the Northeast Regional Office in providing requested written documentation.

- County Weaknesses:

■ During the course of Luzerne County Children and Youth assessing the referral received by the agency on 12/25/2014, the victim child was born premature at 29 weeks. Given the extent of the allegations made in the referral, it appears that closing the case 3 days prior to the victim child's ■ was premature. Although determined to be due to natural causes, the victim child died 10 days after her ■

2) During an announced home visit on 03/27/2017, the mother was not feeling well, mother reported ■
■
Although the Luzerne County Children and Youth worker provided mother with ■
■ the next attempted home visit wasn't until a month later which was met with 2 unsuccessful attempted home visits and an attempted phone call to mother. The caseworker did not speak with mother until 05/04/2017, 5 weeks later, which resulted in scheduling a home visit for 05/09/2017. Given the history of drug use, age of the children (1 and 3) ■
■ the case appeared to warrant more intensive casework supervision during this time period.

3) Case note documentation following the referrals on 02/13/2017 and 02/18/2017 were not clear on how the referrals were addressed. The 02/15/2017 case note failed to reflect that the child was interviewed independently and the child's statements. The 02/22/2017 home visit case note following receipt of the 02/18/2017 referral does not reflect how the referral was assessed. Case note documentation must accurately reflect case assessment and planning; specifically when addressing allegations and when speaking with children alone regarding allegations.

- Statutory and Regulatory Areas of Non-Compliance by the County Agency:

There were no Statutory or Regulatory areas of non-compliance identified as a result of this review.

Department of Human Services Recommendations:

- 1) The Department recommends that the county agency's Act 33 chairs participate in the Act 33 Review Team Training that is currently being developed by the Department when it becomes available.
- 2) Case note documentation must accurately reflect case assessment and planning; specifically when addressing allegations and when speaking with children alone regarding allegations.