



REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 07/20/2016
Date of Incident: 10/31/2016
Date of Report to ChildLine: 10/31/2016
CWIS Referral ID: [REDACTED]

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

Lackawanna County Office of Youth and Family Services

REPORT FINALIZED ON:
04/26/2017

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))

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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.

Lackawanna County has convened a review team in accordance with the CPSL related to this report. The review team was convened on 12/07/2016.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Mother	[REDACTED]/1996
[REDACTED]	Mother's Paramour/Jaydon's Father	[REDACTED]/1992
[REDACTED]	Half-Sibling	[REDACTED]/2013
[REDACTED]	Half-Sibling	[REDACTED]/2015
[REDACTED]	Victim Child	07/20/2016
* [REDACTED]	Father of Carter	[REDACTED]/1996
* [REDACTED]	Father of Isaiah	[REDACTED]/1989
* [REDACTED]	Maternal Aunt	[REDACTED]/1995

*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 Northeast Regional Office of the Office of Children, Youth and Families (NERO) communicated with Lackawanna County Office of Youth and Family Services (OYFS) via phone upon receipt of the report to review the initial referral and allegations.

The NERO participated in the Act 33 meeting on 12/07/2016. A site record review was conducted by the Department of Human Services (DHS) NERO. In person interviews were conducted with the assigned Child Protective Services (CPS) caseworker and supervisory staff. Background information was secured regarding prior case involvement. Current case documentation was secured and reviewed.

Children and Youth Involvement prior to Incident:

There were 2 previous referrals reported to NERO by the county agency. These included the following:

09/10/2016-Report received that the two older siblings, were found walking down [REDACTED] Street without adult supervision. Children were seen in the home with minimal concerns and caseworker obtained medical records with no concerns. The family was referred to parenting and the case was closed on 10/25/2016.

10/20/2016-Report received stated that victim child's siblings were again found walking down [REDACTED] Street without supervision and the victim child's sibling was carrying a knife. Since the maternal aunt was the caregiver of the children during this incident, the agency found the allegation to be invalid as the mother and father of siblings were not in the caretaking role at the time of the incident. The family was again referred for parenting and the case was closed on 10/31/2016.

It should be noted additional referrals were found by NERO regarding this family and are addressed later in this report.

Circumstances of Child Near Fatality and Related Case Activity:

OYFS received a referral on 10/31/2016 when the victim child was brought to Moses Taylor Hospital presenting with seizure like activity. The victim child was life flighted to Hershey Medical Center (HMC) that night. It was then determined the victim child had symptoms of [REDACTED]. Dauphin County visited the victim child at Hershey Medical Center and sent Lackawanna County a safety assessment and picture of the child. The mother met with caseworkers at OYFS on 11/02/2016. The mother told caseworkers that she did not know that her paramour shook and slapped the victim child and said he was acting "normal" until Monday when he was drooling, not eating, and staring into space upon which the mother then took child to the hospital. The mother's paramour admitted in a written statement to Scranton Police that he slapped and shook victim child causing the injuries. The victim child was admitted to Hershey Medical Center on 10/31/2016 and was discharged on 11/22/2016. Exams were completed on the victim child and it was determined he had [REDACTED]

The victim child attends follow-up medical appointments at Hershey Medical Center. The victim child has gained sight in his one eye but may be blind in his other eye. The victim child was referred to [REDACTED] for services by Hershey Medical Center.

Lackawanna County caseworker visited the victim child's siblings at their home on 11/01/2016. The mother was at Hershey Medical Center with the victim child and the maternal aunt was watching the siblings. The maternal aunt informed caseworker that she and the mother had noticed [REDACTED]. Caseworker observed the [REDACTED] and scheduled an emergency Children's Advocacy Center (CAC) interview after consulting with supervisor. The victim child's siblings were brought to the CAC where one of the

siblings was interviewed and both children were provided with a medical exam. It was then determined that the siblings both had bruising on their bodies. The physician ordered a skeletal exam for one of the victim child's siblings to be completed on 11/02/2016. The siblings were brought back to their home by the maternal aunt. On 11/02/2016, the victim child's sibling was brought to Community Medical Center by the mother for a skeletal survey. The skeletal exam revealed no healing fractures on the sibling.

Upon discharge, on 11/22/2016, the victim child was placed in the kinship home of the maternal aunt. The resource parent received training on the care of the victim child prior to taking him home from the Hershey Medical Center. After discharge, Hershey Medical Center sent skilled nurses to the maternal aunt's home two times per week for two weeks to monitor the victim child.

The siblings were placed on 11/02/2016 into a kinship care resource. Due to personal issues the first kinship provider was experiencing, the siblings were then moved to the kinship home of the victim child on 12/22/2016.

[REDACTED] The mother's paramour was not present for either court hearing. A paternity test was ordered to be completed on [REDACTED] to determine paternity of [REDACTED], [REDACTED] to determine paternity on [REDACTED], and [REDACTED] to determine paternity on [REDACTED]. Caseworker attempted to reach out to victim child's father with no success.

The mother's paramour was indicated on three separate allegations; Engaging in Per Se Acts-Forcefully Shaking a child < 1 year of age, Causing Bodily Injury To Child Through Recent Act/Failure to Act-Slapping/Striking, and Engaging In Per Se Acts-Forcefully Slapping a Child < 1 Year of Age. There are pending criminal charges on the AP and he remains incarcerated at Lackawanna County Prison. The mother is not facing charges in regards to any of the allegations.

Case is currently open with Lackawanna County OYFS. On 11/21/2016 a Family Team Conference was held and the service plan was created. The mother's paramour was not in attendance at the Family Team Conference. The natural mother's goals are parenting, mental health, and to sustain safe and stable housing. The mother was referred to parenting services and supervised visits at the county's visitation center. The mother's first visit was 11/23/2016 with VC's siblings; the mother was visiting the VC at HMC a couple times per week and it being supervised by HMC nurses. The kinship provider has now begun providing line of sight supervision visits between the mother and the children.

Caseworker obtained medical records from Geisinger Community Medical Center on all children. One of the medical records on victim child's sibling revealed when he was 5-7 months old he was allegedly shaken by the mother's paramour. Caseworker provided this information to law enforcement who said this had never been investigated and has opened a new case. A Family Service Plan has been

created and adopted by the court system. The kinship provider supervises line of sight visits between the mother and the children. Children have been in placement for 4 months. Primary goal is reunification.

Summary of 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:

Lackawanna County OFYS immediately went to the home and assessed the safety of all children in the home. The staff also worked diligently to obtain all relevant medical information and to ensure the coordination of the victim child's medical treatment. Criminal investigators and the child welfare staff worked diligently together during the investigation.

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

No recommendations for change were provided in the county's near fatality report.

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

No recommendations for change were provided in the county's near fatality report.

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

No recommendations for change were provided in the county's near fatality report.

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

No recommendations for change were provided in the county's near fatality report.

Department Review of County Internal Report:

The NERO received the county report and requested clarification on October 31, 2016. The NERO had conversations regarding the report on October 31, 2016 and December 7, 2016. The NERO also conducted an extensive file review on multiple occasions. The NERO received the final report on March 20, 2017.

Department of Human Services Findings:

County Strengths:

NERO has determined that Lackawanna County Office of Youth and Family Services commenced the CPS investigation of the victim child's case in a timely and thorough manner. The county agency has followed all established protocols for referral to law enforcement agencies and collaboration established by statute and DHS regulations. Site record review by NERO has validated that there has been extensive collaboration and information sharing on the part of medical personnel and county child welfare personnel regarding this case.

County Weaknesses:

NERO has determined through the extensive case review that the county agency failed to identify five additional General Protective Services intake referrals that were investigated regarding this mother and mother's paramour when the mother was under 18 and residing in the home of her parents who had an ongoing case. NERO found these referrals in the agency's case management system. The referrals included:

11/21/2013-Report was received that the victim child's older sibling who was 7 months old at the time was shaken by the mother's paramour. Allegations of domestic violence between the mother and the mother's paramour were also made at this time. The mother was told to take the child for a computerized axial tomography (CAT) scan which she did and the intake was closed as nothing was noted on the CAT scan.

01/07/2014-Report was received of domestic violence between the mother and the mother's paramour. Both denied the domestic violence. Report was closed.

04/22/2014-Report received that the mother and grandmother were using drugs together. The mother and grandmother fail to appear for a drug screen at the office. No further documentation found as to whether drug and alcohol concerns were addressed. Report was closed.

05/12/2014-Report received that the victim child's sibling is being beaten by his uncles in the home and was forced to put a rope in his mouth like a dog. Family denies the allegations and report is closed.

07/01/2014-Report received that the mother has no formula for the victim child's sibling. No documentation that the mother and child were seen following this report and report was closed.

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

Several statutory and regulatory areas of non-compliance were found during the extensive file review which examined the 09/12/2016, 10/20/2016, and 10/31/2016 intakes. The agency will receive citations in the following areas for non-compliance:

3490.232(g) Interviews with child and the person(s) responsible with child.

3490.232(i) The county agency shall provide or arrange appropriate services to assure the safety of the child during the assessment period.

3490.234(b)(1-2) Written notice to family within 7 calendar days of date of acceptance or not accepted.

3490.235(b) If accepted for services, FSP is needed within 30 days if emergency placement is taken and continued placement is necessary
3130.66(a)

3490.235(f) Documentation the supervisor reviewed the FSP within 10 days of completion.

3490.321(f) The county agency shall rate each father in subsection(e) and provide documentation in the record to support the identified level of risk and assure the child's safety.

3490.321(g) At the time of the report of suspected abuse or GPS allegations, the county agency shall make an initial determination of risk.

3490.321(i) The agency shall assess risk as often as necessary to assure the child's safety.

3490.321(j) The agency shall assess safety and risk of the child when circumstances change in the child's environment at times other than required in this section.

3130.61(7)(d) Family , child, representatives and service providers are provided the opportunity to participate in the development and amendment of the plan.

3130.67(b)(2)(i-viii) Placement amendment to the service plan shall include Health & Educational Info (names & addresses of health and educational providers; grade level; performance; school record; Assurances that the child's placement in foster care takes into account proximity to the school in which child is enrolled at the time of placement; record of immunizations; known medications; id of known physical, mental or emotional issues of the child).

3130.67(ii)(8) Anticipated duration of stay (in months).

3130.67(14) the schedule for visit between the child and parents, including frequency, location and participants as required by 3130.68(a) (relating to visiting and communication policies).

3130.88(d)(e) A child's birth parents must be provided a copy of the protections for children in foster care under section 3 of the bulletin within 30 days of the child entering placement.

Department of Human Services Recommendations:

During the previous intakes that were reviewed on this family, the county agency documented that a referral was made for parenting services; however, the agency closed both intakes prior to determining whether the parents actually engaged in the services. It is the recommendation of NERO that intake cases not be closed until the county agency can confirm that families have engaged in the service for which they were referred.

NERO recommends that county agencies conduct a thorough search of their case management records to ensure that all prior referrals regarding families are identified and reviewed prior to making decisions on a case.