



REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 12/25/2015
Date of Incident: 03/23/2016
Date of Report to ChildLine: 03/23/2016
CWIS Referral ID: [REDACTED]

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

Allegheny County Office Children, Youth and Families
Fayette County Children and Youth Services

REPORT FINALIZED ON:
Completed by State Reviewer
9/9/16

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.

On 04/14/2016, Allegheny County convened a review team related to this report in accordance with the Child Protective Services Law.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	12/25/2015
[REDACTED]	Mother	[REDACTED]/1994
* [REDACTED]	Father of child	[REDACTED]/1987
* [REDACTED]	Former Paramour of Mother/ Alleged Perpetrator	[REDACTED]/1991

* 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:

For this near fatality review, the Department reviewed the case record from Allegheny County, participated in the Act 33 meeting held on 04/14/2016, and gathered collateral information from both Fayette and Washington Counties, as the mother resided in Fayette County at the time of the incident and then reportedly moved to Washington County.

Children and Youth Involvement prior to Incident:

Neither Allegheny County Office of Children, Youth and Families (ACOCYF) nor Fayette County Children and Youth Services (FCCYS) had any involvement with the victim child prior to this report. The victim child has a sibling, but that child resides with her father in Fayette County.

Circumstances of Child Near Fatality and Related Case Activity:

In the early morning of 03/23/2016, a person observed the perpetrator "carelessly and dangerously" swinging around a baby carrier in which the victim child was strapped. The incident occurred outside in the city of Pittsburgh, so the witness contacted the Pittsburgh Police. Once on scene, the police requested Emergency Medical Services (EMS) to evaluate the victim child.

After the victim child was examined, a General Protective Services (GPS) report was made to ChildLine at 3:48 AM regarding the child. The reporting source was a mandated reporter who responded to the incident. At the time of the GPS report, the victim child was dressed only in a "onesie" and was covered with a "very thin" blanket. She was lethargic, cold to the touch, and her eyelids were blue. The perpetrator was found to be under the influence of "an illicit substance" at the time of the incident.

The victim child was transported to [REDACTED] and further evaluated. The treating physicians at CHP found the victim child had suffered a cerebral hemorrhage of unknown origin and was admitted to the Intensive Care Unit. According to the case record, a Child Protective Services (CPS) report was made at 4:37 AM and a caseworker responded to the hospital to begin the investigation. During a discussion between the call screening supervisor and the caseworker that responded to the hospital, the responding caseworker informed the supervisor that the treating physician stated that the victim child was in critical condition due to suspected child abuse. As a result, at 2:11 PM on 03/23/2016 ACOCYF's call screening supervisor then called ChildLine to "certify" the CPS report as a near-fatality.

Later on 03/23/2016, the responding caseworker was able to interview the victim child's mother. The mother reported she and the victim child live in Fayette County. The mother said she was contacted by the police and she responded to the hospital immediately, arriving at [REDACTED] at approximately 5:00 AM. According to the mother, the victim child was visiting with the perpetrator, who is the mother's ex-paramour. The victim child was to be returned to her already, but the perpetrator had not done so. The mother reported that the perpetrator wanted to take the child to his mother's home because his mother missed her. The mother took the victim child to downtown Pittsburgh, where she met the perpetrator and placed the child in his care. According to the mother, the victim child was "fine" at that time. The police told her that the perpetrator had been arrested and was in the Allegheny County Jail.

The mother stated she and the perpetrator dated for approximately four months, but had been broken up for about one month. Even though they were no longer in a relationship, the mother stated the perpetrator came over daily for that month after their break-up to care for the victim child while she worked. However, the day of this incident was the first time she permitted the perpetrator to have the child outside of her home. Prior to this, she had no concerns for his care of her child. She stated the perpetrator had contacted her to apologize, but stated he could not remember what happened that night.

ACOCYF then contacted FCCYS and learned the mother and the victim child were not known to them. FCCYS was advised of the investigation.

In a conversation with the certifying physician on 03/23/2016, it was reported that the victim child had suffered "violent shaking injuries" and the child was in substantial pain.

Over the next several days, the investigating worker made collateral contacts with the responding police officers, EMS, biological father of the victim child, the

perpetrator's mother, and the perpetrator. Of note were the interviews of the perpetrator's mother and the perpetrator.

The perpetrator's mother said her son and the victim child were with her at her home on 03/22/2016 from around 3:00 PM until the perpetrator left her home with the child around 2:00 AM to go to his cousin's home, who lived nearby. According to the perpetrator's mother, he did not appear to be intoxicated or "high off of any drugs."

The perpetrator was interviewed on 03/29/2016. He stated that he was at his mother's on 03/22/2016 from around 3:30 PM until 11:00 PM when he took the victim child to meet his sister in downtown Pittsburgh. He stated he chose not to leave the victim child with his mother because his mother was asleep at that time. He maintained that while he was downtown, six people (four males / two females) "ran up on him" and he felt threatened. As a result, he claimed that he "snapped out" and "flung" his arm twice. He denied swinging the arm with the victim child in the carrier. He also denied striking or injuring the victim child in any way and said the child was "awake happy and smiling" while in his care. He also denied being under the influence of any substances when the incident occurred.

Since the mother and her child were residing in Fayette County, ACOCYF contacted FCCYS on 03/29/2016 to request a courtesy assessment of the family.

On 04/06/2016, a phone interview with a witness to the incident was conducted. The witness reported that the witness and their best friend were walking on the North Shore of Pittsburgh when they encountered the perpetrator and observed him "swinging the car seat like a bag" and in a manner where the car seat nearly went over his shoulder. They said that the perpetrator was being "rough" with the car seat. They attempted to intervene but were assaulted by the perpetrator. They did observe the victim child and said that the child "didn't look right." After being assaulted, these persons contacted 911 to report the incident.

Information gathered from a conversation with one of the treating physicians revealed that the victim child had retinal hemorrhages that were consistent with a head injury, but no fractures. At one point, the victim child was on seizure medication and had a breathing tube, however, she was weaned off of both prior to discharge. The victim child was diagnosed with hypothermia; however, the physicians ruled that out as a cause for the child's injury. Upon her discharge on 04/07/2016, the victim child was having difficulty with vision from her right eye, as she was not responding to stimuli on that side. The physicians believed it was due to the location of her hemorrhage and it was unknown if this issue would be permanent. The physicians stated that follow up vision appointments would be required.

On 04/22/2016, ACOCYF completed their investigation by submitting their report to ChildLine with an "Indicated" status. The mother's ex-paramour was named as the perpetrator and found to have caused bodily injury through a recent act of physical abuse.

On 04/25/2016, FCCYS referred the mother and child to Washington County Children and Youth Services (WCCYS) because the mother had moved into the

maternal grandmother's residence in Washington County and Fayette County wanted to ensure that the mother would follow through with the victim child's medical care after discharge.

On 05/19/2016, ACOCYF contacted Washington County Children and Youth Services (CYS) for an update on the victim child and mother. At that time, the mother had obtained her own housing near her mother and sister to use them as supports. Washington County CYS was still assessing the family's need for continued services, but had referred in-home services to ensure mother was meeting the victim child's medical needs and keeping appointments.

Washington County CYS accepted the family for services on 06/17/2016, as the victim child continues to need medical care related to the incident and mother has expressed guilt for allowing the perpetrator to take the child. An in-home service provider is still working with mother to address her mental health needs and to help her access transportation for the victim child's appointments.

The perpetrator has been charged with Aggravated Assault (Felony 1), Aggravated Assault – Victim Less Than 6 and Defendant 18 or older (Felony 2), and Endangering the Welfare of a Child (Felony 3). He is currently incarcerated in the Allegheny County Jail and is awaiting trial.

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;
ACOCYF noted the following strengths:
 - ACOCYF intake immediately responded to the GPS and CPS reports and conducted a timely and thorough investigation. Of note was the immediate and cooperative referral process between Allegheny and Fayette Counties' child protection agencies, as well as between Fayette and Washington Counties.
 - ACOCYF Intake supervisor provided information related to early intervention services in each of the counties so that resources could be accessed wherever mother and child resided.
- Deficiencies in compliance with statutes, regulations and services to children and families;
ACOCYF did not document any deficiencies in their 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;
The following recommendation was included in ACOCYF's report:
 - The perpetrator was suspected to have been under the influence of a substance at the time of the incident. The police were made aware of this in the initial call. However, the perpetrator was not tested on the scene.

- The team recommended that law enforcement consider developing a protocol for testing subjects in cases where drug use is suspected.
- The team also shared that the District Attorney's office will now be recommending substance use testing in all rollover/unsafe sleeping cases.
- Recommendations for changes at the state and local levels on monitoring and inspection of county agencies; and
The following recommendation was included in ACOCYF's report:
 - A discussion was held regarding another county's ability to refuse to complete a courtesy "assessment" upon request and how this could be a disservice to the child and family.
 - It was recommended that the Commonwealth review the language in the regulations related to courtesy assessments and under which circumstances counties could refuse a request from another county.
- Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse.
The following recommendation was included in ACOCYF's report:
 - ACOCYF commended the collaboration between all three counties, as they felt it was critical.
 - The team recommended continued cooperation/collaboration in this case and future cases as warranted.
 - The team also recommended review and reinforcement of the joint investigative protocol put into place by the D.A.'s office and Allegheny County DHS CYF.

Department Review of County Internal Report:

The county's internal report was reviewed and found to meet the requirements of the Child Protective Services Law. The county's strengths, deficiencies and recommendations were appropriate.

Department of Human Services Findings:

- County Strengths:
The Department also found the quick response of ACOCYF to be a strength, as well as the willingness of the other two county agencies to cooperate and work collaboratively in the interest of the victim child's safety.

In addition, the investigating caseworker conducted meaningful interviews to gather information to make an educated decision with the determination. These interviews were done with persons who witnessed or responded to the incident, as well as the perpetrator's mother (who observed the victim child prior to the incident). The worker also had good communication with the medical professionals that treated the victim child to obtain information to help complete their investigation.

As always, the required meeting was well organized, well attended and informative.

- County Weaknesses: and
There were no weaknesses noted.
- Statutory and Regulatory Areas of Non-Compliance by the County Agency.
No finding of statutory or regulatory non-compliance.

Department of Human Services Recommendations:

1. ACOCYF should continue their prompt responses to cases of child abuse and their thorough gathering of information to support their findings. In addition, when other counties are involved, they should continue the collaborative approach used in this case.
2. The recommendations made by ACOCYF regarding on-the-spot testing of subjects suspected to be under the influence of a substance is prudent. The District Attorney's office appears to be open to considering that practice.
3. The recommendation related to exploring the language in the regulations regarding courtesy assessments also seems beneficial to child safety.

