



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE**

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

**Elaine Bobick  
Director  
Western Region**

**11 Stanwix Street, Suite 260  
Pittsburgh, PA 15222**

**(412) 565-5728  
Fax: (412) 565-7808**

**REPORT ON THE NEAR FATALITY OF**



**BORN: July 17, 2008  
Date of NEAR FATALITY: May 21, 2010**

**The family was known to Allegheny County Children Youth and Family  
Services.**

**The family was not known to other public/private social service agencies.**

This report is confidential under the provisions of the Child Protective Services Law and cannot be released.

(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.

(23 Pa. C.S. 6349 (b))

**Reason for Review:**

Senate Bill No. 1147, now known as Act 33 was signed by Governor Rendell on July 3, 2008 and went into effect 180 days from that date, December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and near child fatality as a result of suspected child abuse. DPW must conduct child fatality and near fatality review and provide a written report on any child fatality or near fatality where child abuse is suspected.

**Family Constellation:**

| <u>Name</u> | <u>Relationship</u>               | <u>Date of Birth</u> |
|-------------|-----------------------------------|----------------------|
| [REDACTED]  | Victim Child                      | 07/18/2008           |
| [REDACTED]  | Father                            | [REDACTED] 1982      |
| [REDACTED]  | Mother                            | [REDACTED] 1977      |
| [REDACTED]  | HHM with father                   | [REDACTED] 1983      |
| [REDACTED]  | Fathers child with another mother | [REDACTED] 2003      |
| [REDACTED]  | Fathers child with another mother | [REDACTED] 2005      |

**Notification of Fatality / Near Fatality:**

On May 21, 2010, Allegheny County Children Youth and Family Services (ACCYFS) received a call from Children's Hospital In Pittsburgh (CHP) concerning the near fatality of [REDACTED]. It was reported that she had major head trauma and that the child was transported to CHP via ambulance. The child was in the care of her father and the father's paramour when the injury occurred. Neither the father nor paramour had an explanation on how the injuries occurred to the child.

The child was staying with her father at his current girlfriend's house. The father stated he put child down for a nap at 10 a.m., and shortly after left the home. His girlfriend was sleeping due to her pregnancy. The father stated that he left the house for 30-45 minutes. Everyone was asleep and when he got back he found the child on the floor unresponsive. The father attempted to revive her by calling her name and trying to get her to stand up. When that didn't work he woke up his girlfriend and put the child in a tub of cold water and called 911 at 1:04 p.m. There is no reason on why he did not notify 911 before stated time. The child was brought by ambulance to CHP and rushed into [REDACTED].

[REDACTED] The father's explanation was not consistent with the injuries. When the father was asked why it took so long to call 911, he said they would have told him to try and revive her. [REDACTED] certified that child was in critical condition and it was unknown if the child will live the following 24 hrs. The child was also having seizures. Also reported were multiple bruises to the scalp and

face, [REDACTED]

### Documents Reviewed and Individuals Interviewed:

The Department of Public Welfare's Office of Children Youth and Family Services Program Representative reviewed the case file provided by ACCYFS for the May 21, 2010 Intake referral for the Child Protective Services report. The file included the referral and demographic information, risk assessment, on-going dictation, as well as copies of releases of information obtained, and other correspondence. Also reviewed were [REDACTED] medical records. An interview was conducted with the Caseworker and Supervisor of Allegheny County Children and Youth Services. The Department attended the internal review conducted by ACCYFS on July 15, 2010

### Case Chronology:

On May 21, 2010, Allegheny County CYS received a call from CHP in Pittsburgh concerning the near fatality of [REDACTED]. It was reported that she had major head trauma and that the child was transported to CHP via ambulance. The child was in the care of her father and the father's paramour when the injury occurred. Neither the father nor paramour had an explanation on how the injuries occurred to the child.

The caseworker (CW) arrived at the hospital at 6:30pm on May 21, 2010. The CW met with the [REDACTED] who informed the CW that the child had just been released from [REDACTED] and was currently in the [REDACTED]. No visitors were allowed access to the child. The CW was introduced to the father and spoke to him in private. The father stated that he was not sure what happened to the child. He informed the CW that he fed the child breakfast and brushed her teeth and laid her down for a nap then he had left the home for approximately 30-45 minutes to go to the store and left shortly after putting his daughter down for a nap. The child was left in the home with his paramour who was sleeping. When he returned home he called for the child and the child did not respond so he went to her room and found her lying on the floor unresponsive. The father stated he tried to shake the child awake without success. He also stated he then picked the child up and rocked her trying to wake her, after continued unsuccessful attempts to wake the child he awakened his paramour. The father said that the child was breathing but it was labored and her heartbeat was irregular. The father also stated his paramour attempted to administer chest compressions to regulate her heartbeat but was unsuccessful. The father then filled the tub with a small amount of cold water and laid the child into the bath and splashed water on her but she did not respond. The father then called the paramedics who instructed him to lay the child flat and lift her neck to open her airway, father stated when he tried lifting the child's neck, the child was stiff through her back, the child's arms were limp, but the child's legs were

kicking, then the child became unresponsive again. The fire department arrived first then the paramedics arrived and questioned the father as to why he took so long to contact them. The father stated his previous contact with 911, unrelated to this case, he was instructed to try everything he could to stop the injury and call back if the injury continued. The father also informed the CW that the child had been living with him since March 2010. He also stated he had no concerns on how his paramour cared for the child.

The CW spoke to the mother. She stated she has allowed the child to live with the father on and off for the last several months. She stated she had no concerns regarding the father or father's paramour ability to care for the child, saying the child is verbal and never expressed any concerns with either party. While at the hospital, the CW developed and reviewed a preliminary safety plan for the child with both parents. Both parents were in agreement with the plan and therefore signed it. Due to the fact that the mother was not involved in the incident in which the child was injured, the plan stated that child would be released to her mother's care contingent upon the completion of the safety assessment of her home, and that all supervision by the father would be supervised by her. The assessment occurred on June 25, 2010, and no issues were noted with the mother.

The report from [REDACTED] of CHP [REDACTED] stated that the child arrived at CHP before 2:00 pm on 5/21/201. The child required [REDACTED], as she was unresponsive and unconscious. The child presented with bruising to the forehead, a swollen area to the back of her head and [REDACTED]. [REDACTED] stated a [REDACTED] revealed that the child had a [REDACTED]. [REDACTED] "The child was taken for [REDACTED] [REDACTED] reported that the child would have died without medical treatment, also that the injuries are consistent with "violent shaking" and a possible impact and that the injuries to the child were caused by an adult who subsequently failed to seek medical treatment and that based on her assessment the child was a [REDACTED].

The Pittsburgh Police Department was also notified and [REDACTED] responded and interviewed the father and the father's paramour. The report stated that the father gave the same account to the police as he did to the CW and hospital. The father's paramour did not have an explanation for the child's condition. The Def. planned to interview both the father and paramour again at a later date.

On June 17, 2010 the CW spoke with the [REDACTED] of the [REDACTED] at the [REDACTED] who stated the child came to the unit on 06-04-2010, and that the child is doing very well as she is walking, talking and feeding herself with some assistance. The hospital was looking to discharging the child around 06-23-10, but there were some concerns as to the caregiver's ability to care for her once she is returned home, given the fact that the child is "fragile" because of

the fact that a portion of her skull was removed. The mothers' cousin was going to be the secondary caregiver, and both she and the mother received training at the facility on proper care of the child. The child was [REDACTED] on 06-28-10 to the care of the mother. Allegheny County Children Youth and Family Services continued to monitor the case.

**Previous CY Involvement:**

This following information was obtained per ACCYFS database information. The mother was involved with ACCYFS as a child and was in placement from 1987-1989, 1989-1995 which included an [REDACTED] placement at [REDACTED] and [REDACTED]. There has been no identified [REDACTED] since 2006.

This following information was self reported by the father who stated the he was involved as a child with the child welfare system in Missouri where he was in placement for 3 years.

As a parent, there was an [REDACTED] received by ACCYFS on 9/30/2009 concerning the father and the two children he has with another woman. ACCYFS completed an assessment and determined that the allegations could not be [REDACTED] therefore the case was closed in December 2009.

The father had a 4<sup>th</sup> child as his paramour delivered a baby on 06-04-2010. After the birth of the child, the mother disappeared with the infant, and could not be located. After further investigation, the agency was able to locate the child and given the current allegations and the fact that both the father and his paramour where being investigated for the injury to [REDACTED] the safety assessment revealed that the agency could not assure safety of the child so they obtained an Emergency Placement Order on 07-07-2010, placing the child with the mother of the father's two other children. The infant remains in her care and the parents' visitation was to be supervised by the caregiver.

**Circumstances of Child's Fatality:**

On May 21, 2010, Allegheny County Children Youth and Family Services received a call from CHP concerning the near fatality of [REDACTED]. It was reported that she had major head trauma and that she was transported to Children's via ambulance. The child was in the care of her father and the father's paramour when the injury occurred. Neither the father nor paramour had an explanation on how the injuries occurred to the child.

The child was staying with her father at his current girlfriend's house. The father stated he put the child down for a nap at 10am, and he left the home shortly after. His girlfriend was sleeping due to pregnancy. The father stated that he left the house for 30-45 minutes. When he returned home, everyone was asleep and

he reported that he found his daughter on the floor unresponsive. The father attempted to revive her by calling her name and trying to get her to stand up. When that didn't work he woke up his girlfriend and put the child in a tub of cold water and called 911 at 1:04pm. The child was brought by ambulance to CHP and rushed into [REDACTED]

[REDACTED] The father's explanation was not consistent with the injuries. When the father was asked why it took so long to call 911, he said they would have told him to try and revive her. [REDACTED] certified that child is in critical condition and it was unknown if the child will survive the next 24 hrs. The child was having seizures, and it was also reported there were multiple bruises to her scalp and face; she had an [REDACTED]

**Current / most recent status of case:**

- The [REDACTED] report was submitted on July 19, 2010 as [REDACTED] as the father was arrested and charged with Endangering the Welfare of a Child, and Reckless Endangering Another Person, and the paramour has been charged with Aggravated Assault, Endangering the Welfare of a Child, and Reckless Endangering Another Person.
- The case was transferred to an on-going CW on July 8, 2010 and the agency continued to monitor the child's progress and her mother's ability to meet her needs. The agency referred the child for daycare services for medically fragile children which includes early intervention services. Based on the child's progress and mother's ability to meet her needs, the case was closed by ACCYFS on September 30, 2010. The mother has continued the child's medical care through CHP.
- The mother filed and was granted a Protection from Abuse Order against the father on behalf of the child, dated July 29, 2010, which is effective until July 29, 2013.
- The father and paramour are currently incarcerated awaiting criminal trial, which has a court date of 12-09-2010.

**County Strengths and Deficiencies as identified by the County's Internal**

**Review:**

**Strengths –**

1. ACCYFS responded to the CPS report by sending a cw to the hospital within a few hours of the report. The cw completed very thorough interviews with the father, his paramour, the mother, treating physician and hospital social worker. The cw also collaborated with the county detective who also responded to the hospital. The caseworker had on-going supervisory conferences to discuss the information.

2. ACCYFS completed an assessment of the mother's ability to meet the child's needs, and conducted the safety assessment at the mother's home.

Based on the safety assessment findings a safety plan was implemented for [REDACTED] post-hospital [REDACTED] that included the child being released to her mother's care, and the mother being in agreement to not allow the father to have unsupervised contact.

3. ACCYFS completed the intake assessment in a timely fashion and transferred the case for on-going monitoring and provided the following services to the family which includes the following:

Alliance for Infants – to provide occupational, physical and speech therapy  
Family Group Decision Making – to ensure ongoing medical care for child, addressing MH needs for mother, identify supports for mother  
Touching Families – to provide concrete goods, identify supports for mother  
A Child's Way – to provide medical daycare  
MATP – to provide transportation to daycare  
Child Care Partnership- request submitted for 100 respite days  
Mother given referrals to WPIC and [REDACTED]

4. CYF instituted safety plan for father and his girlfriend's newborn by instituting Inua Ubuntu at time of birth of their newborn (Inua Ubuntu: cultural and community-based intervention designed to address disproportionality in Allegheny County's child welfare system; Inua Ubuntu focused on African-American males, with the goals of reducing the rate at which African-American males are accepted for services by CYF and of reducing the number of African-American males in out-of-home placement in the county)

Safety plan for the newborn: Safety could not be assured for child while in the care of his father and mother (father's paramour); Emergency Custody Authorization ordered 7/07/2010 that the baby be placed with the mother of the father's other 2 children, and the newborn's half siblings.

#### Deficiencies-

The county did not identify deficiencies, but did identify Challenges as the following;

- 1) Cultural consultant services to be implemented as a component to the safety monitoring and assessment of the newborn. The staff stated at the Review that they did not have the specific details on the circumstances surrounding [REDACTED] injuries. ACCYFS addressed this issue by implementing the service immediately after the review and they also instituted strategies to ensure full communication of risk factors and safety concerns to all providers.

**County Recommendations for changes at the Local (County or State) Levels as Identified by way of County's Fatality Report:**

The county submitted the following as system recommendations;

- 1) Review of Joint Protocol between Allegheny County Children, Youth and Families and the Allegheny County Office of the District Attorney related to joint investigations [REDACTED]
- 2) Review of reporting requirements mandated by the Pennsylvania Crimes Code §5106, Failure to Report Injuries by Firearm or Criminal Act (law enforcement concerned about timeline by which hospital notified law enforcement of alleged abuse)- review completed with local children's hospital

**Statutory and Regulatory Compliance issues:**

The Department has not found there to be any Statutory or Regulatory compliance issues.

**Western Region Findings:**

After reviewing the case record, interviewing the caseworker and supervisor, attending the internal review meeting the Western Region has not identified any concerns regarding the Allegheny County response to the [REDACTED] report initiated on May 21, 2010 and concurs with the Allegheny County's Internal Review.