



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

Raheemah Shamsid-Deen Hampton
Managing Director
Southeast Region

801 Market Street, Sixth Floor
Suite 6112
Philadelphia, Pennsylvania 19107

(215) 560-2249/2823
Fax: (215) 560- 6893

REPORT ON THE Fatality OF:

ANDREA CLAYTON

BORN: April 06, 2009

DIED: April 05, 2010

FAMILY NOT KNOWN TO AGENCY

REPORT FINALIZED ON: 01/12/2011

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 1147, Printer's Number 2159 was signed into law on July 3, 2008 by Governor Edward G. Rendell. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child 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.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Philadelphia County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
Clayton, Andrea*	Victim Child	04/06/2009
[REDACTED]	Mother	[REDACTED]
[REDACTED]	Half Sister	[REDACTED]
[REDACTED]	Maternal Aunt	[REDACTED]
[REDACTED]	Maternal Cousin	[REDACTED]

Andrea is also known as Andrea Vereen; [REDACTED]
[REDACTED]

Notification of Child (Near) Fatality:

On 04/05/2010 an oral report was received by Philadelphia County stating that 11 month old Andrea Clayton was napping and when her mother [REDACTED] checked on her around 12:30 pm, Andrea was face down, on her aunts bed, unconscious, not breathing and her coloring was "blue." [REDACTED] called 911 and performed "CPR." Andrea was taken by ambulance to Children's Hospital of Philadelphia (CHOP). Andrea was determined to be in critical condition, certified by [REDACTED] there was no explanation for Andrea's condition and there were no signs or history of trauma. [REDACTED] states that it is unlikely Andrea will survive.

Summary of DPW Child (Near) Fatality Review Activities:

The Southeast Regional Office reviewed the case record including the Social worker's structured notes, medical record from CHOP, and the Philadelphia Special Victim's Unit Interview with Andrea's family. Follow up interviews were conducted with the DHS Social Worker, [REDACTED] of the Philadelphia Medical Examiner's Office and Detective [REDACTED] of the Philadelphia Special Victim's Unit.

Children and Youth Involvement prior to Incident:

There was no Children and Youth Involvement prior to this incident.

Circumstances of Child Fatality and Related Case Activity:

On April 5, 2010, a [REDACTED] was received stating that 11 month old Andrea Clayton was brought into Children's Hospital of Philadelphia (CHOP) by ambulance; Andrea was determined to be in "critical condition." Andrea's mother, [REDACTED], states that she found Andrea "face down", unconscious and not breathing shortly after she returned to the room where she, Andrea and Andrea's sibling, [REDACTED] had been napping. On April 6, 2010, [REDACTED] gave the following account of the circumstances leading up to Andrea's April 05, 2010 death, to Detective [REDACTED] of the Philadelphia Special Victims Unit and [REDACTED], DHS Social Worker. [REDACTED] said that about a week ago she, Andrea, Andrea's sister [REDACTED] and Andrea's father, [REDACTED] were coming back from [REDACTED] sister's house via taxi cab. [REDACTED] said that Andrea was on her lap and [REDACTED] was sitting to her left on the seat of the cab. [REDACTED] said that while the cab was sitting at a stoplight, a "big black SUV hit us from behind" and the cab flew up and hit the car in front of it. [REDACTED] went on to say that the taxi cab pulled off into a nearby "7-11" store parking lot and the driver called the police. [REDACTED] said that the children had no signs of injuries or bruising, but that Andrea's father [REDACTED], was holding his neck and complaining of pain from neck and head injuries. When the ambulance arrived, [REDACTED] was taken to the hospital right away. [REDACTED] said that she had neck and back pain, and stated that the children appeared to be fine. When the second ambulance arrived, [REDACTED] and the children [REDACTED] were taken to Mercy Fitzgerald Hospital where [REDACTED] had been taken earlier. [REDACTED] said that upon arrival at the hospital, she and the children went straight in and she was given [REDACTED] for herself and was sent home. The children were not evaluated and [REDACTED] was not instructed to have the children seen by their doctor. Detective [REDACTED] asked [REDACTED] if Andrea and [REDACTED] exhibited any symptoms of pain or injury over the course of the few days after the automobile accident; to which [REDACTED] responded; the morning after the accident, [REDACTED] was fine, but Andrea had a "black eye" which she described as a "light bruise" under her left eye. [REDACTED] said that later that evening, Andrea drank 8 oz of milk, ate cereal and [REDACTED] baby food after which, while laying on her stomach, she threw it all up and went to sleep. About 2 hours later Andrea woke up, had a 4 oz bottle, went back to sleep; and woke normally in the morning. [REDACTED] said that her cousin, [REDACTED] ([REDACTED] and the children live with [REDACTED] MAU, [REDACTED] mother) was "watching" [REDACTED] in the morning; [REDACTED] states that she awoke around noon at which time [REDACTED] told [REDACTED] that Andrea had eaten. [REDACTED] states that she, Andrea and [REDACTED] "played around" on the couch in the living room then went into [REDACTED]'s" room to watch TV. At around 1 or 2 o'clock (Andrea's normal naptime) [REDACTED] said that Andrea "crawled behind me and fell asleep on the "thick blanket on Aunt [REDACTED] bed." When asked to describe Andrea's position on the bed, [REDACTED] looked at and agreed with a picture drawn by Detective [REDACTED] showing Andrea at the top of the bed on the left side lying on top of a blanket that was not flat. When asked by the Detective if she left the room at any point, [REDACTED] said that about 30 minutes later,

"[REDACTED] came in the room and wanted to watch her program" at which point she left Andrea on the bed asleep and took [REDACTED] into the front room. [REDACTED] said that about 20 seconds later, [REDACTED] called her and when she got to the room, [REDACTED] had Andrea by her arm (dangling) and Andrea was "pale blue." [REDACTED] said that she ran to Andrea and began to give her CPR even though she does not know how to do CPR. [REDACTED] said that Aunt [REDACTED] was "panicking" so [REDACTED] said that she was able to calm her Aunt down and get her to call police. The police told [REDACTED] to tell [REDACTED] to put Andrea on a "cold, flat surface" and do compressions with 3 fingers and to hold Andrea's nose and breathe into her mouth. [REDACTED] said that every time she breathed in and let go of Andrea's nose, milk would come out. [REDACTED] said that "Rescue" came to the home about 5 minutes later and continued to do CPR, then they picked Andrea up and put her in the ambulance. [REDACTED] said that she "chased" after the paramedics and rode in the front of the ambulance which took them to Children's Hospital of Philadelphia (CHOP). [REDACTED] said that the doctors told her that Andrea was "really, really sick and that her brain was swollen." When asked how long Andrea was on the bed before anyone noticed, [REDACTED] said that she thought that Andrea was asleep for 30 minutes, and then after that Aunt [REDACTED] came in the room, [REDACTED] said that she left the room for about 20 seconds before Aunt [REDACTED] called her back into the room. [REDACTED] said at the time she went back into the bedroom, the only people at home were "me, [REDACTED] Andrea, [REDACTED] may have been home, he's disabled but is mobile, and he may have been in his room." When asked if Andrea had ever had any sleeping issues, [REDACTED] said that Andrea snored a bit, but nothing she was concerned about. When asked about the position that Andrea normally slept in, [REDACTED] said that she would put Andrea on her back but that she'd roll over all the time to her stomach or side. When asked if Andrea had any other health issues, [REDACTED] said that in December 2009, Andrea was in bed asleep and kept making whining/crying noises, when [REDACTED] patted her back, Andrea stopped making the noises. A couple of minutes later Andrea began making noises again at which point [REDACTED] picked her up, took her to the bathroom to "wake her up." [REDACTED] said that she splashed water on Andrea's face, but Andrea did not open her eyes, at which point she got Andrea's uncle (Andrea's father's brother [REDACTED]) and his girlfriend to try to wake Andrea. When no one was successful in waking Andrea, they called an ambulance and Andrea was taken to CHOP. [REDACTED] said that by the time Andrea arrived at the hospital, she was more responsive and the hospital could not determine what happened, but they did say it could have been a "breath-spell or a seizure."

On April 6, 2010, [REDACTED], was also interviewed by Detective [REDACTED] Cpl [REDACTED]; [REDACTED] gave the following account of the incident leading to Andrea's death: [REDACTED] said that 04/04/2010 was a typical Sunday afternoon in her home, she said that she fell asleep in a chair in the living room and when she woke up, she went into her bedroom and told [REDACTED] that she wanted to watch her show. [REDACTED] said that [REDACTED] was a little reluctant but that she did get up. [REDACTED] said that she was positioning herself to lie back down but noticed that Andrea did not pick her head up. [REDACTED] said that she lay down beside Andrea and she still didn't move, then [REDACTED] decided to check Andrea; when she found that Andrea was not breathing, she called to [REDACTED] that Andrea was not breathing. [REDACTED]

█████ said that she called to █████ so quickly after laying down next to Andrea, that █████ was still “a shadow in the doorway” of her bedroom. █████ said that after she “tapped” Andrea, determined that she was not breathing and called for █████ she turned Andrea over and started “working on her”, then grabbed her cell phone and called ‘911.’ █████ was asked if she saw anything around Andrea’s mouth when she first “tapped” her to which she answered, “no, I was freaking out, I don’t remember.” When asked if she noticed if there was anything on the blanket, █████ said “it was hot that day, so it (the blanket) was down by the foot of the bed, Andrea was on the sheet, there had been stains on the bed already, I don’t know if it was old or new.” █████ was asked if there were any other adults in the home when the incident occurred, to which █████ answer, “just me, █████ and the 3 kids” (Andrea, █████ grandbaby). When asked, █████ said that she was not at home the day before when Andrea had her vomiting spell.

Note: Mother █████ and aunt █████ reported different stories regarding the positioning of Andrea on the bed █████ stated that Andrea was lying on a thick blanket that was not flat. In contrast, █████ said that the blanket was at the foot of the bed and Andrea was lying on the sheet. Also, █████ did not mention “dangling” Andrea by the arm as █████ states happened; therefore, it is still unclear how Andrea sustained the injury to her shoulder.

Summary of Services to Family:

- █████, the surviving sibling of the victim child Andrea Clayton, was placed in foster care.
- █████ mother of the victim child, was referred to █████ and █████ for a █████ On October 29, 2010, DHS received a memo from █████ stating that his recommendation was that █████ continue seeing her █████ in the █████, but that he saw no indication for the use of █████ at this time. █████ was also ordered to take a drug test which returned “negative.”

Current Case Status:

On 4/6/2010, Andrea was removed from █████.

On 05/06/2010, a █████ was completed showing the status of the Andrea Clayton case as █████ the explanation read in part that the DHS █████ did not result in identifying a █████ or find adequate evidence to support allegations. █████ CHOP, said that there was a fracture around the shoulder that appeared to be intentional but that the injury would not have had an impact on Andrea’s death █████, █████ said that he could not explain Andrea’s death, and there were no signs of trauma.

12/20/2010- Telephone call to █████ to obtain an update on the Medical Examiner’s report; █████ states that the case is still “pending”, but that he hopes to finish with it soon, it is just a matter of him sitting down and reviewing the consultations he’s received from medical experts.

12/20/2010- Telephone call to Detective [REDACTED] to obtain an update on the Law Enforcement case; Detective [REDACTED] states that because she has not received a report from the ME's office, the case is not a police matter.

12/20/2010- Telephone to [REDACTED] DHS worker currently assigned to this case; to inquire of the status of [REDACTED] states that [REDACTED] remains with her Aunt, but her mother, [REDACTED] continues to pursue regaining custody. [REDACTED] states that she is waiting for the outcome of the ME's report and the police report before making a determination that [REDACTED] can safely return to her mother or will remain in out of home care.

12/20/2010- [REDACTED] is currently residing with her mother.

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

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Philadelphia County has convened a review team in accordance with Act 33 of 2008 related to this report.

[REDACTED] Strengths: - DHS conducted a through investigation; and scheduled mother for [REDACTED] in an effort to determine whether/if the mother is capable of caring for the surviving child, [REDACTED]

- Recommendations for Change at the Local Level:
No recommendations at this time.
- Recommendations for Change at the State Level:
No recommendations at this time.

Department Review of County Internal Report:

The Act 33 Review Meeting was held on April 16, 2010. The Southeast Region is in agreement with the findings of the county review.

Department of Public Welfare Findings:

- County Strengths:
None identified.
- County Weaknesses:
None identified.
- Statutory and Regulatory Areas of Non-Compliance
None identified.

Department of Public Welfare Recommendations:

No recommendations at this time.