



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE FATALITY OF

Fabian Duque, Jr

BORN: 11/25/92

DIED: 11/9/09

FAMILY KNOWN TO:

Philadelphia Department of Human Services

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 fatalities and near child fatalities as a result of suspected child abuse. DPW must conduct child fatality and near fatality reviews 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>
Fabian Duque, Jr.	Victim Child	11/25/1992
██████████	Deceased	██████████ 1948
██████████	Mother	██████████ 1966

Notification of Fatality:

On 11/23/09 the Department of Human Services (DHS) received a ██████████ report stating that Fabian was shot in the head. Fabian and his father were pronounced dead at the scene on 11/9/09. Police responded to a 911 call of two men asleep in their car in front of the St. Martin of Tours Convent. Fire rescue was at the scene and they discovered Fabian and his father had sustained gunshot wounds to the head. Fabian was a special needs child, diagnosed with Autism and mental retardation

Documents Reviewed and Individuals Interviewed:

For this review the SERO reviewed the Philadelphia Medical Examiner's file, the family's files from service providers Devereux Malvern campus and the complete historical county case file. SERO also attended the County's Internal Fatality Review Meeting regarding this case on December 4, 2009.

Case Chronology:

- **November 1994-** DHS had an ██████████ investigation with Duque family. Reported that mother left her 2 year old child with another 12 year old child over night. The case was ██████████ and services were not needed.
- **June 12-July 15, 2008-** Child was inpatient at Brooke Glen Behavioral health- from the hospitalization the child receiving Intensive Case Management services through PATH (7/29/08 -until time of Death 11/ 9/09) Child also began getting Wraparound services from Resources of Human Development (RHD) from 7/22/08-1/6/09. The services were not through DHS.
- **October 2008-** DHS received a ██████████ report alleging improper discipline by father. This case was ██████████
- **December 2008 through Death of child,** he was in-patient or in an RTF through several Devereux programs. The placements were all through the office of MHI.
 - 12/16/08 to 3/2/09- in patient Devereux Mapleton (77 days)

- During discharge he became aggressive toward family and self and was brought back to Devereux for med adjustment.
- 3/11/09 to 6/22/09 – Inpatient Devereux Mapleton (104 days)
- 6/23/09 to 11/9/09 – RTF Devereux Kanner Center.

Previous CY involvement:

The family became known to the Department of Human Services (DHS) on November 18, 1994 as a result of a [REDACTED] report alleging that [REDACTED], the children's mother, left the children in the care of a 12-year-old overnight. The investigation revealed that Fabian Duque, the victim child, was deaf and physically disabled. This report [REDACTED].

On October 29, 2008, DHS received a [REDACTED] report alleging that Ms. [REDACTED] stated that [REDACTED] father, went to Ms [REDACTED] residence and became upset with Fabian. It was reported that Mr. [REDACTED] hit Fabian with a belt. Fabian did not have any physical injuries and did not report any pain or impairment. Fabian was hospitalized at the Germantown Crisis Response Center becoming aggressive toward family members and would be transferring to an inpatient unit. His length of stay was unknown. The case was investigated and closed. On the Family and Child Tracking System (FACTS), the determination was [REDACTED]; however, on the [REDACTED] report in the file, the determination was [REDACTED].

On December 8, 2008, DHS received [REDACTED] report alleging that Fabian attended Olney High School and was enrolled in special education classes, but that he had not attended school since November 18, 2008. The case was investigated by DHS and [REDACTED] because Fabian was hospitalized at Devereux causing him to be absent from school and counseling appointments. The case was closed.

Circumstances of Child's Fatality:

Fabian's father and mother had joint custody of his son. Fabian was on a scheduled weekend visit when the incident happened. Detective [REDACTED] of the homicide unit stated [REDACTED] was involved in a domestic argument inside of a residence where he used a shotgun to shoot a whole in the floor. [REDACTED] came outside to the family van where his son and a female friend were waiting for him. [REDACTED] then shot his son in the head and the female passenger ran out of the car. [REDACTED] then drove to the block where his ex-wife lives and shot himself in the head. [REDACTED] of Devereux Malvern campus stated that Fabian had been a resident since 6/23/09 when he was transferred from an [REDACTED] of Devereux. Fabian was placed through [REDACTED] and the family had no visitation restrictions.

Current / most recent status of case:

The family case was closed to DHS at the time of this report, therefore no services were being provided. All services provided to the Duque family were provided by Devereux and Community Behavioral Health Through Devereux, the family had been encouraged to participate in Family Therapy. Family therapy was discussed during the admission process and again during Fabian's

ISP. The mother stated that scheduling would be an issue and that she would not be able to be in the same room as the father . Both parents also received invitations to Kanner's Parent Support Groups, but never attended. Ms. [REDACTED] reported very few issues with Fabian during home visits (except for some low level noncompliance) and believed that she did not need family therapy. The father did not provide any information regarding visits. There were no restrictions on visits or phone calls for either parent. This was the case from admission and prior to admission. The mother was in closer contact with the treatment team than the father. The father mostly just came for visits on weekends. After home visits, child showed no sign of the decompensating upon returning and there were no reports of problems while on the visits. The parents would alternate as to which parent would pick him up for the weekend and who would take child back to placement.

Services to children and families:

Fabian was provided Wrap around services through [REDACTED] from 7/22/08-1/6/09. The Child was provided Intensive Case Management from PATH since 7/29/10

Fabian had been inpatient or in the RTF for Devereux almost continuously from 12/16/08 through the time of his death.

County Strengths and Deficiencies as identified by the County's Fatality Report:

- Strengths- The Act 33 Review Team felt that the DHS Social Worker did a thorough job investigating this case despite the resistance of Fabian's mother.

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

- None identified.

SERO Findings:

County Strengths- This Fatality was a Murder/Suicide. The Placing agency Devereux Malvern had no indication that there was any problem with the child and his family. According to the plan in the child's file, the child would see both parents when he was on home pass. His Mother would pick him up for the weekend pass, and his father would return him at the end of the weekend.

Statutory and Regulatory Compliance issues:

- None