



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR DEATH OF

[REDACTED]

BORN: [REDACTED] **10**
DATE of NEAR DEATH: **06/26/10**

The family was known to Juniata County Children and Youth Services.

REPORT DATED: 11/10/10

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 child near-fatality [REDACTED]. DPW must conduct child fatality and near fatality review and provide a written report on any child fatality or near fatality [REDACTED].

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	[REDACTED] 2010
[REDACTED]	Victim Child's Mother/[REDACTED]	[REDACTED]
[REDACTED]	Victim Child's Father/[REDACTED]	[REDACTED]
[REDACTED]	Victim Child's Half-Brother	[REDACTED]
[REDACTED]	Half-Brother's Father	[REDACTED]
[REDACTED]	Half-Brother's Father's Paramour	[REDACTED]
[REDACTED]	Victim Child's Uncle	Unknown

Notification of Near Fatality:

A report was made [REDACTED] on June 26, 2010, and subsequently called to Juniata County Children and Youth Services. It was reported that victim child became fussy and was crying, so the victim child's father placed his finger inside the victim child's mouth. Victim child's mother reported that the victim child became quiet for about a minute, and then she heard a gagging sound. Victim child was "breathing funny". The mother got the child out of the car. Victim child was gurgling, so his mother bulb suctioned him and got bloody fluid. Victim child was like "jelly" and his eyes were "back in his head" and his coloring was pale. She began to drive again after telling the father that he needed to stimulate the victim child and make him cry. The victim child's father held the victim child out of the car window while mother was driving at approximately 40 miles per hour. When the family got home, an ambulance was called. When the victim child arrived at the hospital, his oxygen level was low. He had bruising on his butt, right knee, left jaw and right temple. Additionally, victim child had a large bruise on his left lower leg. Victim child was transported to Harrisburg Hospital, and then transferred to Hershey Medical Center. [REDACTED]

[REDACTED] Victim child was reported to be in critical condition and is considered a near fatality. State Police were made aware of the incident [REDACTED] and conducted interviews of the victim child's parents on June 26, 2010.

2. Documents Reviewed and Individuals Interviewed:

The Central Region Office of Children, Youth and Families (CROCYF) reviewed Juniata County Children and Youth files on victim child's family, including a referral made prior to victim child's near death report, and the [REDACTED] investigation file. The files included medical reports from Hershey Medical Center, State Police reports and the county agency dictation. The CROCYF spoke with the county agency [REDACTED] regarding the investigation. The CROCYF attended the Children and Youth Agency's internal review meeting held on July 12, 2010.

Case Chronology:

Previous CYJ involvement:

On June 21, 2010, Juniata County Children and Youth Services received a referral [REDACTED] regarding the care that the half-brother was receiving from the victim child's father and mother. The allegations included that the half-brother had been coming to his father's home every other weekend with bruises and scratches on his legs and back, which were reportedly caused by the victim child's father. Victim child's mother denied the allegations, and stated that the half-brother is making up stories. The half-brother also told his dad that the victim child's father had squeezed the half-brother around the ribs so hard that he was unable to breathe. He also came to his dad's house with a busted lip and said the victim child's father had hit him in the face with a stick. The half-brother also reported to his dad that the victim child's father throws the victim child into the air and "flicks him" and leaves marks on him. Victim child's father also picks up the victim child by the foot and hangs him upside down. Victim child's half-brother also told his dad that he was picked up by the victim child's father and was thrown on to the bed. He hit the wall or the headboard and bounced back onto the bed where the victim child was lying and landed on top of the victim child. The half-brother had no marks on him at this time. The half-brother remained with his father.

An agency caseworker did an unannounced home visit with victim child, his mother, his father and his uncle on June 22, 2010. All allegations were denied. Victim child's mother admitted that she occasionally had smacked the half-brother on the bottom, but she had not done that recently. She stated that victim child's father has "fooled around" with the half-brother but he is only playing. She stated that victim child's father has been a good father to the half-brother. Victim child's father indicated that he was not going to do anything with the half-brother anymore, but was just going to leave him alone.

Victim child's mother denied that his father had ever held the victim child upside down by his foot. The agency caseworker observed the victim child who was sleeping, but she did not see him unclothed.

The agency caseworker mentioned [REDACTED] to the parents, but the parents were not interested in becoming involved with the program. Both parents denied any domestic violence.

The agency caseworker did an announced home visit with the half-brother and the half-brother's father and the half-brother's father's paramour. The caseworker looked at the half-brother's stomach and back, and no unusual marks were observed. It was reported that the victim child's father is a drinker, and that he has left the half-brother alone while he goes to the store.

The agency caseworker completed safety assessments on both families. Both safety decisions were "safe". The victim child's father and mother agreed to not use physical discipline on either child.

The agency caseworker did a home visit with the victim child and his mother on June 25, 2010. Victim child was sleeping. The agency worker saw the victim child. He was dressed appropriately and his face and hair appeared clean. The agency worker did not see the child unclothed and did not note any bruises or injuries to the victim child. Mother stated that she and the father "bicker and argue, but there is no physical fighting".

Victim child's mother stated that father is learning to hold the victim child. He is helping to change diapers which is hard because he is not used to dealing with babies. She has no concern regarding his relationship with either child. She does not believe what the half-brother has been saying about the victim child's father and believed he is making the allegations up as he has done in the past. Discipline was discussed, and what is being used seemed appropriate.

No change in identified safety threats or in the safety decision was made as a result of this contact.

The near-fatality [REDACTED] referral on the family was received on June 26, 2010. Safety plans were done on June 26, 2010. Victim child was in the hospital and was not to be left alone with his mother. The Hershey Medical Center and the maternal grandparents were the responsible parties to assure that the safety plan was implemented. Victim child's father was in jail. The half-brother was with his biological father and was to have no contact, other than phone calls, with his mother.

Circumstances of child's near fatality:

According to the victim child's mother during an interview by a state trooper and an agency caseworker on June 28, 2010, she left the victim child alone with his father in the late hours of June 24, 2010 into the early hours of June 25, 2010. She needed to go to the supermarket to get formula for the victim child. When she returned home, the victim child was on his belly with a diaper on and victim child's father said to her "don't ever leave him alone with me again. I beat the shit out of him." Victim child's mother said she did not confront the father at that time about what he said he did, but she mentioned the bruise on the victim child to him at a later time. Victim child's father's response was "ooh baby." Victim child's mother did not tell anyone else about what had occurred, including the agency caseworker who visited her home on June 25 and her parents who came to pick up victim child's half-brother on the same day. During the investigation, victim child's mother stated that she had not seen the bruises prior to the agency worker coming to her home, and later said that she did not recall the caseworker being in her home on June 25. Agency records reflect a visit by the agency caseworker with the victim child and his mother on June 25.

On June 25, 2010, victim child's father went to a friend's house. Between 8 and 9 pm, victim child and his mother went to the friend's house as well. Victim child's father had been drinking and asked to hold victim child. The father put the victim child face down on the ground to see if he could crawl. He also put victim child on the dashboard of his truck, and when the victim child's mother tried to grab him, the father put up his hands up so she could not get the child. The victim child's father also put the child in a pizza box and tried to put a jalapeno pepper in the child's mouth. This was confirmed to the State Police by a person who was at the friend's house.

The victim child's mother stated that the victim child's father had a device on his truck so that he is not able to start his truck if he has been drinking, so she drove home. They left the party at approximately 12:45 am on June 26. Father was sitting in the front of the vehicle, while the victim child was in the car seat behind the mother. She stated that victim child was getting hungry, so the father put his hand back at victim child. She heard victim child gagging and then he was making no noise. She stopped the vehicle, and the victim child was limp and could not hold his head up. She used a bulb syringe to suck out his throat, and she saw blood. Mother stated that she wanted to take victim child to the hospital, but father threatened to slit their throats while they slept since he would go to jail if they went to the hospital. While driving towards home, father was holding victim child. Child was grunting and mother told father to get victim child awake. Victim child's father hit the victim child on the left side of his face, took the victim child's sleeper off and hit him in the side, and then held the victim child out the window as they were driving at 40 miles per hour. The father's right hand was on victim child's back and his left hand was on the child's belly. The victim child's mother said that the father stated he was going to drop the victim child, and the father was laughing. She said the father said that he would drop the victim child out the window if she stopped. While at the house, the father said "just let him die" while [REDACTED] called 911. The ambulance and medics arrived and the child was taken to Harrisburg Hospital. According to the mother, victim child's oxygen level was very low, so he was taken by ambulance to Hershey Hospital.

The agency worker interviewed the victim child's father in jail on July 1, 2010. The agency worker first read him his Miranda Rights. Victim father's account is that he went to his friend's house and had a couple of drinks. Victim child and victim child's mother arrived later. On the way home, victim child's father stuck his finger in victim child's mouth to "calm him down". When they arrived home, the mother got the victim child out of the car and "his mouth was bleeding and he was not breathing right and his

eyes were back in his head". Victim child's father stated that was all that he could remember, but admitted that he was very intoxicated.

Father denied being angry at victim child on the evening of June 24 to early June 25. He denied that he told victim child's mother that he did anything to the victim child. The father could provide no explanation for the bruises.

There were no witnesses to the incident that occurred. The State Police were notified [REDACTED] that the father was suicidal, and thus became aware of the incident involving the child. Victim child's father was charged criminally on June 26, 2010 and committed to prison. Charges included aggravated and simple assault, endangering the welfare of a child, recklessly endangering another person and terroristic threats. Mother was subsequently charged with endangering the welfare of a child and reckless endangerment. Both parents have been released on bail. The county agency completed a Notification to Law Enforcement (CY 104) on June 28, 2010.

Juniata County Children and Youth Services conducted interviews, including victim child's father, mother, half-brother and his father and maternal grandparents. Medical records were obtained from Hershey Hospital. State Police records were obtained. An internal review meeting was held on July 12, 2010, with participation by the agency director, casework supervisor, caseworkers, state health nurse, an advisory board member who is also the Early Head Start director, a licensed psychologist and Central Region Office of Children, Youth and Families (CROCYS).

Current/most recent status of case:

Juniata County Children and Youth Services completed its [REDACTED] report [REDACTED] on July 26, 2010. [REDACTED]

Child had multiple bruising. [REDACTED]

The original safety assessment was done on the victim child in the home of his parents on June 22, 2010. The safety decision was "safe". A safety assessment was done on the same date on the victim child's half-brother in the home of his father and father's paramour, and the safety decision was safe. These assessments were done as a part of the general protective service referral. An action plan stated that "physical discipline will not be used on either child".

A preliminary safety plan was done for the victim child on June 26, 2010 that stated "Hershey Hospital will not allow the mother alone with the child". Victim child's father was in jail. A safety plan was also done for the half-brother on the same day that his father would allow only phone contact with his mother and there would be "no physical contact".

On June 26, 2010, an agency worker requested Dauphin County Children and Youth Services to do a 24-hour safety check on the victim child at Hershey Medical Center. The safety decision made by Dauphin County was that the victim child was safe in his current setting in Hershey Medical Center.

[REDACTED] that the victim child's mother was allowed supervised visits with the child, and the victim child's father was allowed no contact. A safety assessment was done on the victim child and he was listed as safe with the paternal grandparents. Victim child's half-brother was to remain with the half-brother's father with only supervised contact with his mother.

A referral was made to Perry County Children and Youth Services on July 9, 2010. Perry County is the county of residence of the maternal grandparents with whom the victim child was placed. It is also the county of residence for the half-brother and his family. The Perry County caseworker indicated that the half-brother's father has the half-brother [REDACTED] continues to call the agency with questions. The caseworker determined that the grandparents were allowing no unsupervised contact between the victim child and his mother. There is no contact between the victim child and his father. The maternal grandparents were determined to be appropriate and not in need of on-going services. Both children remain in these settings. The case was closed by Perry County Children and Youth Services on September 9, 2010.

Victim child's mother and father waived their formal arraignment on September 8, 2010.

Services to children and family:

Juniata County initially provided intake services to the family from June 22 to June 25, 2010. On June 26, 2010, the agency received the [REDACTED] report on the victim child and the investigation was started. [REDACTED] June 28, 2010, the victim child was placed in a foster home until the court hearing on June 30, 2010. Victim child was placed with the maternal grandparents and a referral was made to their county of residence. Safety assessments and safety plans when necessary were completed.

County strengths and deficiencies as identified by the County's near fatality report:

Strengths identified by Internal Review:

1. The agency was compliant with statutory and regulatory requirements in both [REDACTED] investigations.
2. The agency caseworkers were complimented on how quickly and thoroughly the investigations were done.

Deficiencies identified by Internal Review:
None noted.

County recommendations for changes at the local (County or State) levels as identified in County's near fatality report:

No recommendation for changes at the county or state levels was noted.

Central Region findings:

Juniata County Children and Youth Services responded immediately to the report. The immediate safety of the victim child and his half-brother was assured. The county agency followed the direction of the Child Death Bulletin in holding an Internal Review. The county agency was able to find relatives who wanted to care for the victim child and his half-brother. The county agency worked collaboratively with the State Police in doing interviews. Staff was cooperative and timely in keeping CROCYS informed of the investigation and its results, and responded positively to suggestions. A timely referral was made to the county of residence of the relatives who took custody of the victim child.

CROCYS recommends that the agency do body checks of all young children in the referred home when injuries are reported on children of any age in the referred home.

Statutory and Regulatory Compliance Issues:

No statutory or regulatory compliance issues were noted.