



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR FATALITY OF

██████████

BORN: ██████/09
Date of near fatality incident: 8/11/10

**The family was known to
Cambria County Children and Youth 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 28, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and near child fatalities that were suspected to have occurred due to 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>
[REDACTED]	Victim Child	[REDACTED]/09
[REDACTED]	Mother	[REDACTED]/87
[REDACTED]	Father	[REDACTED]
[REDACTED]	Mother's paramour	[REDACTED]/88
[REDACTED]	½ Sibling	[REDACTED]/08
[REDACTED]	½ Sibling	[REDACTED]/04
[REDACTED]	Maternal Grandmother	
[REDACTED]	Maternal Great-Grandmother	

Notification of Fatality:

The child was taken to Conemaugh Memorial Medical Center, Johnstown Emergency Room by his mother in the early morning hours of 8/11/10. The mother reported that the child had a low-grade fever and was vomiting. The emergency room physician, [REDACTED], stated that the child had "battle signs." He had bruising on both ears and around both eyes. The child had 20 to 30 unusual lesions that were scabbed over on his legs, arms and upper right back (medical staff were never able to determine the cause of these lesions). The child had a right-ward gaze and was lethargic. A CT Scan revealed that the child had [REDACTED]

[REDACTED]. The mother reported that the child had fallen and hit his face on a toy approximately one week prior. This was the only head injury that she was aware of. The child had a bruise around his eye that was yellowed and fading from that incident. A full body scan was completed that revealed [REDACTED]

The child was listed in serious condition [REDACTED] and was lifeflighted to Children's Hospital of Pittsburgh. [REDACTED]. Cambria County Children and Youth Services received the report on 8/11/10. The mother's paramour was [REDACTED]. On that same date, Cambria CYS contacted Allegheny County CYS and requested that the child be seen, the 24 hour safety assessment be completed, photographs be taken, and

the mother interviewed regarding the child's injuries. Cambria County CYS contacted Indiana County CYS on 8/11/10 when they learned that the 2 siblings were with the maternal great-grandmother in Indiana County. Cambria County CYS requested that Indiana County CYS see both of the children and assess their safety and complete a home check of the great-grandmother's home.

Documents Reviewed and Individuals Interviewed:

For this review the Central Region Office of Children, Youth and Families reviewed the Cambria County Children and Youth Services investigation file including medical records from Conemaugh Memorial Medical Center, Children's Hospital of Pittsburgh. The Central Region Office of Children, Youth and Families communicated with [REDACTED], Cambria County Children and Youth Services [REDACTED] and [REDACTED], Cambria County Children and Youth Services [REDACTED].

Case Chronology:

Previous CY involvement:

Cambria County CYS received an intake on 10/2/09 that was an "information only" referral. The mother had moved to Johnstown from Montgomery County in July of 2009. Her mother followed and moved into the other side of the duplex residence October of 2009. The child had been born on 10/1/09 and was expected to be discharged on 10/3/09. The mother had tested positive for marijuana during previous pregnancies; however, she tested negative at delivery of this child. It was unknown if the mother had used marijuana at all during this most recent pregnancy. [REDACTED]

[REDACTED] The father of the baby was reported to be in Johnstown and was expected to move into the home of the mother. The maternal grandmother lived in the home attached to the house that the mother had just purchased. No allegations of concerns [REDACTED] were reported and no services were being provided to the mother or child. As there were no current allegations of [REDACTED], the case was not accepted for assessment by Cambria CYS.

Circumstances of Child's Near Fatality:

The child's mother stated that she had worked from 5:00 pm to 9:00 pm on 8/9/10. The mother's paramour was watching the victim child and his two year old sibling while she worked. The oldest sibling was with the maternal grandmother next door. The mother reported returning home from work at 9:15

pm. The child was dressed for bed when she arrived. The mother went to kiss the child and he vomited on her. The mother wiped the child's face and put him to bed for the night. The mother reported that she did not change the child's clothing because he had not vomited on those. The mother expressed that she had not had any concerns about the child vomiting because he was currently teething and did sometimes vomit when he was getting new teeth.

On the morning of 8/10/10, the mother reported noticing "scratches" on the child's shoulders when she was changing him. She said the "scratches" looked like blisters. She claimed that she was going to call the child's pediatrician, [REDACTED], about this the following day (Wednesday) because that was the only day that [REDACTED] was in his office. The mother reported being more and more concerned as the day went on because the child vomited every time that she tried to feed him. He was also refusing to drink any liquids. She said that the child would not sleep and she began to notice him favoring his left arm (which he always used to drink his bottle with). The mother reported trying to give the child Pedialyte. He drank very little, vomited it up and then began dry heaving.

The mother reports that her paramour was very agitated and was yelling at her when she decided to take the child to the emergency room. Because of his behavior, the mother called the maternal grandmother and asked her to come over with the other two children while she took the victim child to the emergency room. Once the maternal grandmother arrived, the mother walked with the child to Conemaugh Memorial Medical Center in Johnstown.

Upon arrival at the emergency room, the child was examined by [REDACTED]. [REDACTED] stated that the child had "battle signs." It was reported that the child had bruising to both of his ears and around both of his eyes. He had 20 to 30 unusual "lesions" on both of his legs, arms and upper, right back. He had a right-ward gaze and was lethargic.

A CT scan was completed that revealed [REDACTED]. [REDACTED]. The only head injury that the mother was aware of had occurred approximately one week prior when the child had fallen and hit his face on a toy. The child did have a yellowed bruise around his eye that was consistent with this fall.

A full body scan was completed on the child that [REDACTED]. [REDACTED] listed the child in serious condition. The child was lifeflighted to Children's Hospital of Pittsburgh for further treatment.

The child's attending physician at Children's Hospital of Pittsburgh (CHP) was [REDACTED]. The CT scan completed at Conemaugh Memorial Medical Center was sent for interpretation at Children's Hospital of Pittsburgh. The Radiology Report was read by a radiology resident and [REDACTED] on 8/11/10. [REDACTED]

[REDACTED]

[REDACTED]

It was noted that the child was not moving his right leg as well as his left and continued to exhibit a right gaze preference.

The mother and maternal grandmother were both at CHP with the child. The 2 siblings were taken to the maternal great-grandmother's home in Indiana, PA. Cambria CYS did request Indiana County CYS see the 2 siblings, complete interviews and complete a home inspection of the maternal great-grandmother's home. A safety plan was developed by Cambria CYS that the 2 siblings would remain with the maternal great-grandmother. The mother and maternal grandmother were permitted only supervised contact with the children. The paramour was not permitted any contact with the children. It was noted that the 2 year old sibling did have a bruise on her cheek and bruises on her abdomen. The mother reported that this injury occurred while the paramour was caring for the children. The paramour told the mother that the injury occurred when the child fell on steps. The child did not disclose [REDACTED]. The child was taken to the Indiana Regional Medical Center emergency room for examination. The child was seen by [REDACTED]. No treatment was required. The injury could not be determined to have been caused by an [REDACTED] event and was therefore not [REDACTED]. The doctor stated that [REDACTED] did not find it unrealistic that the child could have suffered this injury due to falling up the stairs and hitting her face.

Allegheny County CYS was contacted by Cambria CYS to complete a 24 hour safety check on the child at CHP, take photographs of the child and interview the mother on 8/11/10.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] report from 8/13/10 stated that from a medical standpoint, the child suffered a forceful impact to the left side of the head which resulted in the skull fracture and bleeding of the scalp. There may have been a second impact to explain the occipital fracture (back of skull); although [REDACTED] believed that both injuries could have been caused by a single significant blow. [REDACTED] stated that the child's brain injury involved shaking actions in addition to the impact injury(s). [REDACTED] described the new arm injury as having been caused by a high force and would have been very serious and painful and caused by inflicted trauma. The older healing left arm fracture (both bones and forearm) would have been painful when they occurred and it was difficult to believe that a caretaker could not have known immediately that the child had been injured. [REDACTED] stated that the child's prognosis was unknown. The child was clearly at risk for permanent brain dysfunction, possible motor weakness, seizures and decreased cognition.

On 8/17/10, the mother's paramour met with [REDACTED] of the Johnstown Police Department and [REDACTED] from Cambria County CYS. The paramour admitted that he had cared for the child on several occasions over the past few weeks. He could not identify the exact day that the following events took place (he thought that it was 8/8/10) but he was able to describe incidents that were consistent to the injuries that the child sustained. He explained that he was caring for the child one day recently and the child had "pooped" everywhere. He said that he took the child upstairs to the bathroom to give him a bath. He placed the child on the edge of the tub to remove his diaper and the child fell into the tub. The child began crying and he attempted to sooth the child but he would not stop crying. He was trying to bath the child and the child continued to scream. He admitted to shaking the child hard out of frustration but the child continued to cry. He also described putting the child in his crib after dressing him and the child still continued to cry. He admitted to yanking the child up out of the crib by his arm.

[REDACTED] because it made him tired and he did not want to be tired around the mother and her children. The paramour was charged with: Aggravated Assault, Simple Assault, Recklessly Endangering Another Person and Endangering the Welfare of a child. The

paramour's probation officer was notified of the charges and he was incarcerated.

The paramour was in placement as a child through Cambria County CYS. He was also involved with probation [REDACTED]. At the time of the incident, the paramour was staying in [REDACTED]. [REDACTED] home was not far from where the victim's family lived. He admitted to being on probation for stealing items from a car and also for having minor children help him do this.

The mother met the paramour in November of 2009. They stood at the same bus stop, began talking, and after 2-3 months of talking began dating in January of 2010. The mother reports that the paramour was very good with her children. She did not start letting him alone to baby-sit them until the beginning of July 2010. She said that she let him start watching the children 2-3 times a week for 5 hours at a time to give her mother a break. Her mother had been the sole babysitter prior to this.

In mid-August, during the time that the [REDACTED] investigation was being conducted, Cambria CYS began to receive referrals regarding the conditions of the mother's home. The victim child was still hospitalized and the 2 siblings remained in the maternal great-grandmother's home. The allegations described garbage, clutter, multiple animals and cockroaches in the home. On 8/19/10, the caseworker went to the home with Code Enforcement and Johnstown Police Department. The home was infested with cockroaches. It was not cluttered but was very dirty. Several of the animals had been relocated prior to the arrival of Cambria CYS at the home (where the family took them was unknown). The animals in the home (2 dogs, 2 cats) were flea infested but did not appear unhealthy so they were not removed from the home. The city posted the home as hazardous and unsanitary. Law enforcement was considering charging the mother with 3 counts of child endangerment (this did not occur due to the mother making improvements to the home). Cambria CYS explained that the home conditions were not appropriate for the children to return to and she would need to improve the conditions before the children could return home. The mother understood this and agreed to Independent Family Services to assist her with improving the home conditions.

On 8/18/10, [REDACTED]

[REDACTED]. The child remained at the Children's Institute of Pittsburgh until 9/14/10. [REDACTED] who transported him to Indiana, PA to reside with the maternal great-grandmother and his siblings. Indiana CYS only completed the courtesy safety assessment and initial contact with the great-grandmother and children. Cambria CYS then began to make the ongoing

contacts from that point on. The Independent Family Service worker also traveled to Indiana to begin providing services to the family. It was recommended that the child receive an Early Intervention evaluation to determine if he was developmentally on target or required any further services. [REDACTED]

[REDACTED]. The Children's Institute of Pittsburgh made the referral for the child in Indiana County before the child [REDACTED] to his great-grandmother's home. He also had several follow up appointments scheduled with various specialists at CHP. An [REDACTED] was completed for the 2 year old sibling by a representative of Professional Family Care Services on 9/14/10. She was found to be developmentally on target and required no further services. [REDACTED]

[REDACTED] The provider was waiting for guidance on when the child may return to Cambria County before deciding where services would be provided.

On 8/25/10, a preliminary hearing was held for the paramour. All of the charges were waived to trial. To date, no trial date has been set. Cambria CYS concluded the [REDACTED] investigation on 10/07/10 with a finding [REDACTED]. The family was accepted for ongoing services on 10/07/10 also. A Family Group Decision Making Meeting (FGDM) was held on 10/30/10. Due to the improvements that the mother made to the home and the supports provided by the attending members, all 3 of the children returned to the mother's home on that date. The case was considered high risk and weekly contacts by Cambria CYS were occurring in addition to contacts by IFS workers. The objectives from the FGDM meeting regarding safety, home conditions, getting all of the children caught up with immunizations and the various services for family members (such as IFS, [REDACTED]) were incorporated into the initial Family Service Plan for the family.

Current / most recent status of case:

A Family Service Plan Review was completed with the mother on 4/6/11. The goals for the review continued to be to ensure that the children were not [REDACTED]; the family participated with Independent Family Services (IFS) for parenting, [REDACTED] and a homemaker to assist with housing issues. Also, the mother was [REDACTED]. The mother has obtained employment [REDACTED] and is working at least 40 hours per week. The mother's participation with IFS services continued to be sporadic. She often missed and cancelled appointments for various reasons. The home conditions continued to be an issue. The mother's ability to keep the home clean and uncluttered was inconsistent. The cockroach issue had improved but not eliminated. There was a concern that this issue

would never be completely eliminated because the maternal grandmother was still living on the other side of the double house and it was not felt that she was working to eliminate the cockroaches on her side of the building.

On 4/18/11, the mother and her children relocated to Blair County. A referral was made on that same date to Blair County CYF to ensure continuity of services. This was a positive move for the family in regards to the home conditions and the cockroaches but concerning because the case had to be transferred to Blair CYF and they would need to make new referrals for services to continue with the family.

At this time, the mother's paramour remains incarcerated in the Cambria County Prison due to the above listed charges for the injuries to this child. At the time that the family relocated, weekly visits to the mother's home continued to be occurring due to a continued rating of high risk. The high risk rating is due to the mother's inconsistent cooperation with service providers, mother's ability to provide appropriate home conditions for the children and a concern of the mother's history of choosing men with domestic violence tendencies. The ongoing services that were being provided at the time that the family moved were Independent Family Services. This agency was providing [REDACTED] and homemaker services. [REDACTED]

[REDACTED]. The victim child is currently only receiving medical supervision from his pediatrician as he has been cleared by all of the medical professionals in Pittsburgh. He should continue to be monitored to ensure that he meets all developmental thresholds as he grows but currently appears to be developmentally on target.

Services to children and families:

- FGDM conference was held on 10/30/10.
- Independent Family Services has been providing parenting, [REDACTED] and homemaker services up until the mother moved to Blair County on 4/18/11.
- [REDACTED]
- All 3 children's immunizations were scheduled and received and are now up to date.
- [REDACTED] received physical therapy at the Children's Institute in Pittsburgh after his discharge from Children's Hospital of Pittsburgh.
- He continued out-patient consultations with [REDACTED] Department at CHP until 1/5/11.
- Ages and Stages assessment for 2 year old sibling.
- [REDACTED]
- Referral to Blair County Children and Youth Services when family relocated.

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

- The Near Fatality Team met on 9/2/10 and again on 11/4/10. The team included representatives from: District Attorney's office, CASSP, MHMR, ER physician, service providers, Cambria CYS caseworkers, supervisors, and director, OCYF program representative
- Team noted the diligent job that the caseworker was doing to monitor and provide services to this family.

County Recommendations for changes at the Local Levels as identified by Fatality Report:

- None

Recommendations for changes at the State Level:

- None

CERO Findings:

- Agency responded immediately to the report.
- Obtained all necessary records and completed interviews appropriately.
- Safety of the children and services provided were appropriate.

Statutory and Regulatory Compliance issues:

- None