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REPORT ON THE NEAR FATALITY OF:



Date of Birth: November 27, 2008
Date of Near Fatality Incident: March 13, 2011

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

Date of Report August 8, 2012

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. 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.

Family Constellation

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Child	11/27/08
[REDACTED]	Mother	[REDACTED] 83
* [REDACTED]	Father	[REDACTED] 86
[REDACTED]	Sibling	[REDACTED] 07
[REDACTED]	Half-Sibling	[REDACTED] 03
[REDACTED]	Mother's Paramour	[REDACTED] 90
[REDACTED]	Child's Step-Mother *	[REDACTED] 76
[REDACTED]	[REDACTED] Father*	[REDACTED] 80

*Non-household members

Notification of Child Near Fatality

On March 14, 2011 Erie County Office of Children and Youth received a call that a 2½ year old was admitted to the local emergency room via ambulance after being found unresponsive. The child presented with significant bruising that was old enough to have been caused before the date of incident. The child had bruising to his head, arms and legs as well as bite marks to his ears. The child's mother reported that she had been sleeping when her paramour woke her to alert her that the child had fallen from the top bunk bed after being pushed by his four-year old sibling. The child was transported to [REDACTED] with possible [REDACTED]. He was certified in critical condition however expected to survive.

Upon examination at [REDACTED], the child was found to have multiple areas of bruising, [REDACTED] head [REDACTED]. The [REDACTED] was not typical of a fall and the [REDACTED] was likely the result of a punch or kick to the child's back. The child was also being assessed for [REDACTED].

Summary of DPW Child Near Fatality Review Activities

The Western Region Office of Children, Youth and Families obtained and reviewed all current case records pertaining to the family. The regional office also participated in the County Internal Fatality Review Team meetings on May 2 and May 16, 2011.

Summary of Services to Family

Children and Youth Involvement Prior to Incident

August 2010 - Erie County received a call regarding the older brother. The caller stated that the child had a [REDACTED] and the caller thought it was suspicious as the mother was stating that the child's two-year old sibling had caused the injury by jumping off the couch onto the child's elbow. The agency screened the call out referring the caller to the medical professional to address the concern. There were no referrals from medical personnel made regarding the injury.

Circumstances of Child (Near) Fatality and Related Case Activity

On March 14, 2011 Erie County Office of Children and Youth received a call that a 2½ year old was admitted to the local emergency room via ambulance after being found unresponsive. The child presented with significant bruising that was old enough to have been caused before the date of incident. The child had bruising to his head, arms and legs as well as bite marks to his ears. The child's mother reported that she had been sleeping when the her paramour woke her to alert her that the child had fallen from the top bunk bed after being pushed by his four-year old sibling. The child was transported to [REDACTED] Pittsburgh with possible [REDACTED].

Upon examination at [REDACTED] the child was found to have multiple areas of bruising, a [REDACTED]. The [REDACTED] was not typical of a fall and the [REDACTED] was likely the result of a punch or kick to the child's back.

The agency arranged to have the two older children interviewed at the local Child Advocacy Center to determine events leading up to the trauma. The mother and the paramour were interviewed several times regarding the events leading up to the injury. The paramour's story changed several times, until he openly admitted to hitting the child with a closed fist on the back. He stated that the child was crying so he "tossed" the child in to the air "playfully" and missed him on the way back down and the child hit his head off the bed frame. The paramour also admitted to physical discipline prior to the date of incident. The paramour was arrested for harming the child.

The mother obtained a PFA on the paramour on March 16, 2012. The father of the child sought a PFA on behalf of the two boys regarding the mother for allowing the act of abuse to occur. The PFA was granted for a period of three years on the mother on behalf of the boys after the court determined that the mother was negligent in obtaining knowledge about her paramour prior to allowing him to care for the children and because of her history of having abusive paramours. It was discovered that the mother had filed PFA orders on past paramours for domestic violence. There were also reports of the mother using physical discipline on the children; however, no reports of abuse were made by the children regarding their mother.

The agency and the family created a safety plan that involved the two boys going with their father and stepmother and the older sister going to a relative with supervised visits allowed by the mother. The mother agreed to services being initiated in the home before having the children return to the home.

Current Case Status

The family was open for services on March 30, 2011. This includes both the mother with the oldest child and the father who had custody of the two youngest boys. The mother began parent classes, supervised visitation with the boys and family preservation services. [REDACTED]

[REDACTED] She successfully completed the in-home family service as of the end of August 2011. The agency closed both families October 7, 2011. The mother's paramour was convicted of a Felony 1 Aggravated Assault via a plea agreement on January 11, 2012. He was sentenced to 60-120 months confinement and 36 months probation.

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. Erie County has convened a review team in accordance with Act 33 of 2008 related to this report.

Strengths

- Efforts were made to allow the siblings to visit with each other after they had to be housed in different homes.
- The stepmother of the child was very involved and had a good assessment of the family's needs. She was engaging and helpful in assisting the agency in understanding the father's culture and language barriers.

Deficiencies

- There was a diagnosis of [REDACTED] in 2009 regarding the identified child. There was no record of the reason behind the diagnosis and no report to the agency regarding the concerns from the medical professionals.
- At the time of the meeting there was a request from the regional staff to follow up with the active caseworker to ensure that safety steps were in place to guarantee the children's safety in the future.

Recommendations for Change at the Local Level

- The team felt overall that in order to best understand the full scope of the situation and assist the family, the casework staff needed to be reminded to be thorough in compiling information for each case, i.e. securing releases to obtain all pertinent medical and education information and forms of support for the family.

- The process of transferring cases from intake to ongoing service should be reviewed to create better communication between the casework staff and others involved with each case.

Recommendations for Change at the State Level

No recommendations given.

Department Review of County Internal Report

The Department has reviewed both meeting minutes of the two internal review meetings as well as the final report and concurs with the findings and recommendations made by the review team. The Department had representation on the review team and was already familiar with the substance of the report. The agreement with the team's findings was made known at the time of the final review meeting.

Department of Public Welfare Findings

County Strengths

The Department felt that the agency conducted a thorough assessment and displayed positive collaboration with hospital and law enforcement staff. Significant interviews and correspondence took place during the investigation process which openly supported the final determination of the indicated status.

County Weaknesses

The Department concurs with the above findings of county weaknesses which were made known in the county's internal report.

Statutory and Regulatory Areas of Non-Compliance

No findings of statutory and regulatory non-compliance.

Department of Public Welfare Recommendations

In addition to the mentioned above deficiencies, the Department recognizes some areas of county practice that may benefit from suggested recommendations. At this time, it is the understanding of the Department that Erie County has reviewed the current policies and procedures in place regarding the commencement of local review meetings and has begun to modify the policy to be in compliance with Act 33. With that being said, the Department continues with the following recommendations:

- Per Act 33, a local review meeting must be conducted within 30 days of the start of the child death investigation unless the case was unfounded and ChildLine received the CY-48 within 30 days of the date of the ChildLine referral. The date

of the ChildLine report to the county was March 14, 2011 and the first local review was not conducted until May 2, 2011.

- In January 2012 the mother's paramour plead guilty to a Felony 1 count of Aggravated Assault in respect to the physical abuse of the child. The agency is now responsible to update the final determination from "Indicated" to "Founded" through the submission of a CY-49 to ChildLine.