



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR DEATH OF



BORN: December 01, 2009
Date of near death incident: October 14, 2011

**The family was not known to Allegheny County Children, Youth
and Family 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 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, the Department of Public Welfare (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. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report.

Summary of Review**Family Constellation:**

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	12/01/09
[REDACTED]	Mother	[REDACTED]/86
[REDACTED]	Mother's Boyfriend	[REDACTED]/84
[REDACTED]	Sibling	[REDACTED]/08
[REDACTED]	Sibling	[REDACTED]/07

Notification of Child Near Fatality

On 10/15/11, at 4:45am Allegheny County Children, Youth and Family Services CYF received notification of the report from [REDACTED]. The victim child, [REDACTED], had been brought into [REDACTED] with trauma related injuries which included [REDACTED].

[REDACTED]. It was noted that the mother's boyfriend babysat the children from 1:45pm until 9:30pm when the mother returned from work. The mother later, 12:41 AM, called 911 when the child started to vomit blood. The victim child was transported to the hospital at 1:09 AM, and was determined to be in critical condition. Per a determination by [REDACTED] the injuries were considered to be the result [REDACTED], and the report was initiated by the hospital. Both the mother and her paramour were named as [REDACTED] and [REDACTED] investigation was initiated on 10/15/2011. Law Enforcement notifications were also made at that time.

Summary of DPW Child Fatality Review Activities:

The Western Region Office of Children, Youth, and Families reviewed all records pertaining to the child's family. Additionally, an Internal Child Death Review meeting was conducted in Allegheny County.

Summary of Services to Family:**Children and Youth Involvement prior to Incident:**

The family had no previous involvement with Allegheny County Children and Youth Services

Circumstances of Child's Near Fatality:

The circumstances surrounding this incident are somewhat unclear as the mother was inconsistent in her accounts of the events preceding the child's near fatality. In her initial account to hospital staff and the CYF agency, mother stated that her boyfriend watched her three children while she was working. After work, the mother said she bathed the victim child at about 9:45pm. She then went downstairs when she heard another one of her children calling her. The mother reported that while she was downstairs she heard the victim child fall out of the bath tub. Upon returning upstairs, she said that she found the victim child lying on the floor, apparently choking. After coughing for a while, the victim child appeared to be okay, and was put to bed. A few hours later, the victim child started vomiting blood and the mother called 911. At 12:40 AM paramedics arrived at home and the victim child was taken to the hospital at 1:09 AM; upon examination in the emergency room he was observed to have [REDACTED]

[REDACTED]. The victim child was reported to be in critical condition, but was expected to survive. The mother and her boyfriend were [REDACTED] for [REDACTED].

During an additional interview, the mother recanted her original account of what happened and admitted to an interviewing detective that she had lied; stating that she was not at home when this incident occurred. According to the mother, it was the paramour who in fact put the child into the bath tub. He reportedly left the bathroom momentarily, and heard a splash and a bang then came back and noticed the victim child inhaling water. The paramour picked up the victim child, and then fell with the victim child in his arms. The paramour then placed the victim child on his bed, and tried to administer Heimlich and CPR. At that point, the child vomited blood, food, and saliva, and was breathing.

The mother noted that other traumatic events involving the victim child supposedly occurred that same day. They included the child "falling up some steps, and having a television fall off of a shelf and onto his head."

According to CYF timeline, this incident occurred at about 9:45pm. EMS was not called until three hours later. The mother stated that she was monitoring the child, and thought he was alright.

It should be noted that the mother's boyfriend /paramour was being paid through [REDACTED] to baby-sit the mother's children at the time of the incident.

Current Case Status:

Allegheny County, Office of Children, Youth, and Families assumed [REDACTED] of the victim child's two older siblings upon receipt of the report on 10/15/12, and they were [REDACTED] with a family friend who had been a caregiver of the mother when she was a child.

The victim child remained in the hospital through 10/27/11, at which time he was transferred to the [REDACTED].

The [REDACTED] investigation was concluded on 12/06/11, and it was determined that there was substantial evidence of non-accidental trauma. Consequently, both [REDACTED] were [REDACTED].

On 02/03/12, the victim child was discharged from [REDACTED] and was [REDACTED]. The victim child continues to receive [REDACTED] services in the [REDACTED] setting, and there currently are no major concerns with his physical health. The case continues to be active with Allegheny County CYF.

On May 4, 2012, the paramour was formally arraigned on charges of Aggravated Assault, and Endangering the Welfare of Children. He is scheduled for trial on June 22, 2012.

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

- Strengths: None identified in report
- Deficiencies: None identified in report
- Recommendations for Change: None made
- Recommendations for Change at the State Level: None made

Department Review of County Internal Report

The county report, along with related notes, is sufficiently thorough, and adequately addresses issues surrounding the near fatality of this child. While the report does not offer any recommendations specific to reducing significant child injuries inflicted by paramours / boyfriends; it recognized the pertinence of this reoccurring phenomenon, it also offers a detailed and systematic analysis of the chain of events involved in this incident. The county report accurately identifies improvements in communication that could mitigate delays and assist in assuring the safety all children in the affected family. The agency rightfully concludes that it could not have prevented this near death occurrence.

Department of Public Welfare Findings:

- County Strengths: The County's timeliness in convening their Emergency Response Team for the near death review is viewed as strength as is the diversity in the make-up of the team itself. The use of a detailed timeline illustrating each occurring step in this incident was extremely helpful, as were other comprehensive case notes that were forwarded to this department.
- County Weaknesses: None identified
- Statutory and Regulatory Areas of Non-Compliance: None identified

Findings and Recommendations

After reviewing the case record and the Western Regional Office of Children, Youth and Families has concluded Allegheny County Children, Youth and Families followed appropriate protocol in regards to the investigation of this fatality. No areas of statutory or regulatory non-compliance were identified. As they were not involved with the family at the time of the near death, it is concluded that the agency could not have prevented this near death incident.