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REPORT ON THE NEAR FATALITY OF:



Date of Birth: November 4, 2010
Date of Near Fatality Incident: January 10, 2011

**The family was known to
Erie County Children and Youth Services.**

Date of Report: August 9, 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]	Victim Child	11/04/2010
[REDACTED]	Mother	[REDACTED] 1983
[REDACTED]	Father of [REDACTED]	[REDACTED] 1979
[REDACTED]	Non-Victim Child	[REDACTED] 2002
[REDACTED]	Non-Victim Child	[REDACTED] 2005
[REDACTED]	Father of [REDACTED]	Unknown
[REDACTED]	Caretaker	[REDACTED] 1958

Notification of Child (Near) Fatality

Date of Near Fatality Incident - January 10, 2011

Date of Oral Report to Erie County Office of Children & Youth – January 10, 2011

It was reported that the father was assaulting the mother who was holding the victim child. The father, when punching the mother in the face, struck the victim child in the back of the head. The child was initially taken by ambulance to a local hospital emergency room in Erie, Pennsylvania from the police response to the domestic violence call.

The subject child was subsequently transported to [REDACTED] [REDACTED] listed as being "Class 1 (the most serious) and Stable". It initially appeared that the victim child had sustained a [REDACTED]. The physician certified the child as being in serious condition.

The mother accompanied the child to the hospital. The mother's right eye was swollen shut and she had a [REDACTED]. The father was incarcerated in the Erie County Jail and charged with two counts of aggravated assault, one count of unlawful restraint and one count of terroristic threats.

Summary of DPW Child Near Fatality Review Activities

The Western Region Office of Children, Youth and Families participated in the County Internal Near Fatality Review Team meetings, which were held on May 6, 2011 and May 23, 2011, regarding the county's involvement with the family prior to the incident, after the incident, case status and recommendations. The current and past case records pertaining to the family were provided and reviewed.

Summary of Services to Family

There was no active case and no child welfare involvement or services with the family at the time of the reported near fatality incident.

Children and Youth Involvement Prior to Incident

The mother, 29 years old, was known to Erie County Office of Children and Youth as a child. She, [REDACTED], was placed in foster care because of drug and alcohol issues, domestic violence and possible sexual abuse. [REDACTED]
[REDACTED]

The most recent intake was a general protective services referral two months prior to the date of incident. This referral was received on November 9, 2010, and had been determined to be unsubstantiated.

The mother contacted 911 emergency services and stated that the child, then five days old, had become limp and she was performing rescue breaths. The hospital recommended that the child be admitted for observation. The mother refused, which necessitated the referral to Erie County C&Y. It was prepared to request a Court Order, but the parental consent was subsequently obtained. It was explained that the mother was distraught over the recent house fire and this emergency experience. Both crises occurred within days of each other and, reportedly, the mother was told the child was fine and there was no need for him to be hospitalized. She was then told that the child would have to be hospitalized as a precaution. The victim child was [REDACTED] from the hospital the following day. Upon the completion of the investigation, it was determined that there were no concerns regarding the other children in the home and the physician at [REDACTED] had no medical concerns for the child.

At the time of this referral, there were no signs or indications that domestic violence was present in the home. Erie County Office of Children & Youth interviewed several collateral contacts, including school officials, the mother and the other children. It was noted in the Erie County C&Y case record that the family was receiving [REDACTED] [REDACTED] stemming from a house fire that had occurred only days prior to the ER event with the victim child. All of the family's belongings were lost in the fire. The family had been living [REDACTED]

Additionally, the mother stated that the victim child was being followed at [REDACTED] for a [REDACTED]. The caseworker contact summaries note that the child's appointment at [REDACTED] was scheduled for the following week and that all prior appointments had been kept. The child was hospitalized and was under treatment from birth as he had been diagnosed with an unknown [REDACTED] that was present at birth.

At a home visit on November 10, 2010, the Erie County C&Y caseworker gave the family infant clothing of which the mother was reportedly appreciative. The in-home safety assessment decisions of November 12, 2010 and November 22, 2010 were that the children were safe. The risk assessment level was identified as low. Erie County notified the mother of the case closure upon completion of the agency's evaluation determining that it was not necessary for the family to receive ongoing services at that time. The case was unsubstantiated.

Circumstances of Child Near Fatality and Related Case Activity

During a domestic violence episode on January 10, 2011, the father assaulted the mother by punching her repeatedly in the face. The mother was holding the nine-week old infant in her arms while being beaten. It was believed that the father struck the child in the back of the head as well. Police and emergency medical personnel responded to the mother's residence specific to the domestic violence altercation. The victim child was taken to a local hospital emergency room covered in blood. Within an hour, the child was transported to [REDACTED].

The child was listed on the chart as being Class 1, most serious but stable and the hospital physician certified the child as being in serious condition. Initially, it appeared that medically the victim child [REDACTED] from blows to the head from the father and that the child had a [REDACTED]. However, later it was determined that this was not the case and in fact the neurological follow-up appointments revealed that the CT was negative for bleeding to the brain. The child was [REDACTED] from [REDACTED] two days later.

The mother's visible injuries were reported to be a shut, swollen right eye and a [REDACTED]. Reportedly, the history of domestic violence between the mother and father was unknown to Erie County prior to this incident. [REDACTED]

The [REDACTED] was arrested, jailed and charged with two counts of aggravated assault, one count of unlawful restraint, one count of terroristic threats and child endangerment. It was also revealed that the [REDACTED] has an extensive criminal history with dispositions of unreported, withdrawn and guilty pleas. The criminal summary lists a total of 61 charges against the father that include robbery, theft, assault, burglary and drugs, 32

arrests, probation and parole as well as a 2008 Department of Corrections admission. The arrest dates span from June 1996 to January 2011.

The mother's two other children, five and eight years old, were in the care of the maternal great aunt during the mother and victim child's [REDACTED]. Erie County C&Y made an in-home contact with the other children on January 10, 2011. A preliminary safety assessment was performed at that contact and calls to [REDACTED] for updates of the victim child's condition were made. Also, the non-victim child's father was contacted in order to establish options for a safety plan. Erie County provided family demographic information regarding [REDACTED] to Allegheny County Office of Children, Youth and Families for a child protective services courtesy visit to see the victim child and to obtain photographs of the child's injuries. Contacts between Erie County C&Y and the Erie Police Department were ongoing as well.

Erie County C&Y made an unannounced home visit to meet with the mother and victim child on January 12, 2011, immediate to the victim child's [REDACTED] from Children's Hospital of Pittsburgh. It was reiterated with the mother that she should file for a Protection from Abuse order against the father and that, under the circumstances, there could not be contact with the father and the victim child during the CPS and criminal investigations. The mother was encouraged to contact a community domestic violence shelter in Erie County and [REDACTED] was recommended for the older boys due to their exposure to domestic violence, as well as their hearing the assault and seeing the aftermath evidenced by her injuries.

Erie County C&Y filed the status determination for the child protective services investigation on January 20, 2011 as indicated, naming [REDACTED] as the perpetrator. Erie County C&Y accepted the case for services on January 25, 2011 and the agency provided Family Preservation Services to the family. The mother also expressed concern about the victim child's sibling's recent behavior in school.

The preliminary hearing for the father was scheduled for February 2, 2011. The mother was reminded of her needed attendance and testimony at the hearing. Erie County C&Y offered transportation and babysitting assistance to the mother, and arrangements for that date were discussed with her.

The record documents announced and unannounced home visits by Erie County C&Y, as well as the completion of child assessments, social histories and follow-up with [REDACTED] regarding the victim child. There had not been any new allegations, the children appeared developmentally on target and the mother was following through with the medical needs of the victim child. She appeared able to meet the needs of all three of her children and to understand her protective role. The Family Service Plan reflected this and the children remained safe in the living situation. The father remained incarcerated.

Being unsure of testifying against the father, the mother visited him in jail. She was resistant to contact with the community domestic violence shelter in Erie County, refused assistance from the Erie Family Center and the Crime Victim Center.

Current Case Status

Erie County C&Y closed their case on October 19, 2011. There were no child safety issues as determined by the Safety Assessment process. The mother was reminded of her protective role of her children. The case did not involve court activity. From the referral to [REDACTED] the victim child was assessed and determined that services were not needed. The victim child is healthy and doing well with no delays, nor were there concerns of residual effects from the injuries sustained from the near fatality incident.

Expressing that she did not want to "deal with or relive" the abuse, the mother refused all referrals to the community domestic violence shelter in Erie County, assistance from the Erie Family Center and the Crime Victim Center.

The father remains incarcerated in [REDACTED] but has not yet been sentenced. He faces a minimum of six months and a maximum of five years in prison. One aggravated assault charge was dropped to simple assault to which the father pled guilty. The father pled nolo contendere for the second aggravated assault charge. One count of unlawful restraint and terroristic threat charges were dropped and the father pled guilty to endangering the welfare of a child and the one charge of terroristic threat.

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

Act 33 of 2008 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

- The intake casework staff was thorough in their assessments on both referrals
- The ongoing casework staff's diligence in trying to implement services for the mother and the continued effort to build a cooperative relationship with her for her three children.

Deficiencies

There were no deficiencies identified by the county.

Recommendations for Change at the Local Level

There were no recommendations for change at the local level identified by the county.

Recommendations for Change at the State Level

There were no recommendations for change at the state level identified by the county.

Department Review of County Internal Report

The Department received the county's report on June 21, 2011. The Department is in agreement with the self-assessment completed by the county related to this child near fatality report. Feedback was provided verbally to the county regarding this agreement on June 21, 2011.

Department of Public Welfare Findings

County Strengths

Erie County C&Y responded immediately to the report at intake and the county worked collaboratively with the hospitals, law enforcement and Allegheny County Children, Youth and Family. The CPS status determination was completed within 30 days. The case documentation was excellent and contained details relevant to the case. Safety and Risk Assessments were completed as required. The caseworker efforts made to engage the mother with services and establish a rapport were persistent. Announced and unannounced visits to the family home were purposeful and focused on Family Service Plan goals and objectives related to the safety of the children and the mother.

County Weaknesses

The Department did not identify any weaknesses in the review of this case.

Statutory and Regulatory Areas of Non-Compliance

There were no statutory or regulation violations related to this case.

Department of Public Welfare Recommendations

The Department does not have any recommendations related to this child near fatality case.