



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

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**REPORT ON THE  
Near Fatality OF:**



**BORN: 04/18/2011**

**Date of Near Fatality: 09/26/2011**

**Date of Oral Report: 9/26/2011**

**FAMILY NOT PREVIOUSLY KNOWN TO ANY PUBLIC OR PRIVATE CHILD  
WELFARE AGENCY**

**REPORT FINALIZED ON: 6/5/2013**

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.

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. Montgomery County has convened a review team in accordance with Act 33 of 2008 related to this report on 10/24/2011.

**Family Constellation:**

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Victim child	4/18/2011
[REDACTED]	Bio-brother	[REDACTED] 2004
[REDACTED]	Bio-mother	[REDACTED] 1997
[REDACTED]	Bio-father	[REDACTED] 1971
* [REDACTED]	Maternal Grandmother	

\*September 27, 2011, the grandmother of the children relocated from the state of New York and moved in with her daughter to assist bio-mother in the care and supervision of the children.

**Notification of Child Near Fatality:**

On 9/26/2011, Montgomery County Children and Youth Services (CYS) received a call [REDACTED] pertaining to the near fatality of [REDACTED] D.O.B 04/18/2012. The child was taken to the Grandview Hospital Emergency Room (ER) by his father for a seizure episode. On this same date, the child was transferred to Children's Hospital of Philadelphia and was found to have a [REDACTED] with a possible [REDACTED] injury. The child was in the care of his father when he sustained the injuries.

**Summary of DPW Child Near Fatality Review Activities:**

The Southeast Region office obtained the victim child's family case records from Montgomery County CYS for review and discussion with the county's investigating caseworker and the county's quality assurance administrator. The Children's Hospital of Philadelphia, Grandview Hospital ER and shared law enforcement records were also obtained and reviewed in addition to current periodicals concerning the victim child as

well as participation in the county's Act 33, on 10/24/2011, community near fatality review.

**Summary of Services to Family:**

**Children and Youth Involvement prior to Incident:**

The family was not known to the county agency prior to September 26, 2011.

**Circumstances of Child Near Fatality and Related Case Activity:**

The biological father watches the children in the morning while the mother is at work. The child's father called the mother at work telling her that the child went limp, like he was having a seizure on 09/26/2011. The child's mother instructed the father to take the child to Grandview Hospital. The child's mother received information from the hospital doctors that the child's injuries resembled [REDACTED]. The child's mother did research and found videos on the subject and showed the videos to the child's father. The child's father admitted to her, that what he saw in the video is what he had done to his child, but he only shook him twice. During the child's examination at CHOP the child was found to have [REDACTED]. On September 29, 2011 the child's father returned to the Towamencin Township Police Department admitting that he caused the child's injuries via shaking the child and gave a second statement that his involvement caused the injuries that his son [REDACTED] sustained. The child's biological father was arrested and jailed at the Montgomery County Correctional Facility. Montgomery County CYS indicated their [REDACTED] report on the biological father for the injuries that his 6 month old son sustained. The biological father who caused the child's injuries was arrested 09/29/2011 by Towamencin Township Police Department. He was charged with aggravated assault, simple assault, reckless endangerment of a child and endangering the welfare of a child. The victim child's mother filed a protection from abuse order against her children's father. The children's maternal grandmother relocated from New York to Montgomery County to assist her daughter with the care and supervision of the children.

**Current Case Status:**

Both [REDACTED] and his brother are doing well. There are no long term disabilities resulting from the victim child's injuries suffered at the hands of his father. The children remain with their mother with the ongoing support from her family. The father was convicted on 9/19/2012; he is serving his sentence at State Correctional Institution in Somerset.

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

Montgomery County on 10/24/2011 convened a review team in accordance with Act 33 of 2008 related to this report.

Strengths:

The county demonstrated strengths in the dissemination of case record materials and the collaboration with stake holders.

Deficiencies: None

Recommendations for Change at the Local Level: None

Recommendations for Change at the State Level: None

**Department Review of County Internal Report:**

The Department has reviewed the county's report and is in agreement with its findings and recommendations.

**Department of Public Welfare Findings:**

- County Strengths:  
The county's dissemination of case record materials and the collaboration with stake holders.
- County Weaknesses: None
- Statutory and Regulatory Areas of Non-Compliance: None

**Department of Public Welfare Recommendations:**

Montgomery County should team up with hospitals, schools, community centers to provide information to teenagers and young parents about the results of shaken baby syndrome in the neighborhoods and communities. The community could benefit from this new found information.