



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 1/22/12

Date of near-fatality: 4/20/12

Date of Oral Report: 4/20/12

FAMILY NOT KNOWN TO:

Delaware County Children and Youth Services

Date of Draft Report: 04/22/2013

REPORT FINALIZED ON: 06/07/2013

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. Delaware County has convened a review team in accordance with Act 33 of 2008 related to this report on 5/14/12.

Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
* [REDACTED]	Child	1/22/12
[REDACTED]	Brother	[REDACTED]/12
[REDACTED]	Sister	[REDACTED]/10
[REDACTED]	Mother	[REDACTED]/91
* [REDACTED]	Father	[REDACTED]/86
[REDACTED]	Paternal Grandmother	

Father remains incarcerated at George Hill Correctional Facility.

The child was placed in treatment foster care on 6/11/12.

Mother continues to care for other siblings while residing in the home of the paternal grandmother

Notification of Fatality / Near Fatality:

On 4/20/12, Delaware County Children & Youth Agency [REDACTED] with the following information: On 4/20/12 Mr [REDACTED], was providing care to the child at the paternal grandmother's home at the time of the incident. Grandmother was not home and mother was at work. Father states that he was washing the child in the bedroom and left the room. Father reports that the child must have "scooped" off of the bed while he was in the bathroom. The top of the bed is approximately 16 inches from the floor. The father reported that the child was having a "seizure" when he found her. The child was taken to Taylor Hospital and subsequently transported to CHOP. Medical authorities at CHOP treated the child and as a result diagnosed

the child's injuries as non-accidental trauma. The symptoms suffered by the child were consistent with [REDACTED] and the father's account of what transpired was inconsistent with the child's injuries. The report was registered a near fatality as a result of [REDACTED] perpetrated by the father.

Documents Reviewed and Individuals Interviewed:

The Southeast Regional Office of Children, Youth and Families obtained and reviewed the family case file which included the child's medical reports, police reports, safety assessments and plan, a family service plan, the child's permanency plan and a child abuse investigation with a resultant indicated finding. Follow up interviews were conducted with the Delaware County CYs worker, [REDACTED], supervisor, [REDACTED] and the Unit Administrator, [REDACTED]. The regional office also participated in the County Internal Fatality Review Team Meeting which occurred on May 14, 2012.

Summary of Services to Family:

Previous CY involvement:

Delaware County Children and Youth Agency had no prior involvement with the [REDACTED] Family.

Circumstances of Child's Fatality or Near Fatality:

On 4/20/12 father was providing care to the child at the paternal grandmother's home at the time of the incident. Grandmother was not home and mother was at work. Father states that he was washing the child in the bedroom and left the room. Father reports that the child must have "scooped" off of the bed while he was in the bathroom. The top of the bed is approximately 16 inches from the floor. The father reported that the child was having a "seizure" when he found her. The child was taken to Taylor Hospital and subsequently transported to CHOP. The child was admitted to the [REDACTED]. The child was [REDACTED]. The child was diagnosed with [REDACTED] (child was [REDACTED] for awhile), bruises to both thighs and a bruise on the right eyelid. Child was close to [REDACTED] at one time. The child is expected to have [REDACTED]. The child [REDACTED] from CHOP on 6/4/12 and was placed in a [REDACTED] through Bethanna. The child has an [REDACTED]. The child will need [REDACTED] services which will include [REDACTED]. It is also believed that the child will have issues with [REDACTED] and as a result is being closely followed by an [REDACTED] specialist as well as other medical providers at CHOP. Mr [REDACTED] (father and perpetrator) was arrested on 5/16/12 and charged with simple and aggravated assault, reckless endangerment of another person and endangering the welfare of children. The father is incarcerated at George Hill

Correctional Facility. Bail was set at 100% of \$75,000.00 which he could not make. [REDACTED] was completed on 5/17/12 with [REDACTED]. The investigation relied heavily on the expert medical opinion of CHOP which determined the child's injuries to be of a serious nature and certified the report as a near fatality which occurred as a result of non accidental trauma perpetrated by father.

Current / most recent status of case:

Father remains incarcerated at George Hill Correctional Facility. He has a formal arraignment scheduled for October 4th, 2012.

As of 9/24/12 the child continues to be in [REDACTED]. The child receives ongoing medical care [REDACTED]. The child also has [REDACTED]. The child has had an [REDACTED] and is receiving comprehensive services.

Mother continues to support father and does not believe that he did this to the child. She visits with the child on a bi-monthly supervised basis (at the agency) but has not yet shown an ability to care for a child with such [REDACTED].

[REDACTED] The Agency is actively pursuing relatives, (maternal grandmother) who may be able to be a resource for the child.

County Strengths and Deficiencies as identified by the County's 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. Delaware County has convened a review team in accordance with Act 33 of 2008 related to this report. This meeting took place on 5/14/12 at Delaware County CY's Chester Office.

- **Strengths:**

Delaware County reports that the family was not opened to Delaware County Children and Youth Agency at the time when the near fatality referral was received, nor did the family have any previous CY's intervention. The Agency felt that the CPS investigation was completed in a timely fashion. The requirements of providing written and oral notifications were met. The CY-48 was filed within 60 days. Safety and risk assessments were completed and a safety plan was executed to ensure the safety of the child and other siblings.

- Deficiencies:

Mother continues to believe that the father is not guilty of the abuse.

Mother is unable to care for a child with such [REDACTED] and as a result the child remains in [REDACTED] at this time.

- Recommendations for Change at the Local Level:

Delaware County did not note any needed change at the local level.

- Recommendations for Change at the State Level:

Delaware County did not note any needed change at the state level.

Department Review of County Internal Report:

The Department received and reviewed the county report dated 5/17/12 and is in agreement with the County's findings. As stated earlier, the case was not opened with the Agency at the time of the incident. The Department noted that the County Agency conducted and completed an appropriate [REDACTED] that was well supported by extensive medical documentation from CHOP as well a police investigation that included an arrest and incarceration of the perpetrator.

Department of Public Welfare Findings:

- County Strengths:

The current [REDACTED] investigation involving the child was completed within 60 days fulfilling all regulatory requirements of the [REDACTED] and Chapter 3490. The child was placed in [REDACTED] as a result of the outcome of the investigation and the child's [REDACTED]. An appropriate safety plan was made with the child's siblings involving the non offending parent and grandparent.

- County Weaknesses:

Participants during the MDT discussed the safety of the victim child while at the hospital during parental visitation. The concern was whether the father had unlimited and unmonitored contact while visiting the child. At that point the father had not been charged with the abuse of the child. Discussion centered around ensuring the child's safety especially since a CYS worker could not be at the site on a 24 hour basis. Delaware Co.'s response to this was that due to the observational nature of the hospital room the child was monitored by nursing staff at all

times and dad was never really alone with the child. The police also agreed to arrest dad shortly.

- Statutory and Regulatory Areas of Non-Compliance:

No areas of Statutory or Regulatory Non-Compliance noted.

Department of Public Welfare Recommendations:

The Department is in agreement with the recommendations of the County that have been presented at the Act 33 review. The Department has no further recommendations at this time.