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# REPORT ON THE NEAR FATALITY OF

[redacted]

**BORN: [redacted] 2007**

**DATE OF NEAR FATALITY:**
**July 27, 2011**

**FAMILY Not KNOWN TO:**
**Berks County Children and Youth**

**DATED October 24, 2011**

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. The agency held an Act 33 Team Meeting on October 4, 2011, as per regulation.

1. **Family Constellation:**

| Name | Relationship | Date of Birth |
|---|---|---|
| [redacted] | Mother | [redacted]1983 |
| | Father | [redacted]1971 |
| | Maternal Grandfather | [redacted]1963 |
| | Maternal Grandmother | [redacted]1964 |
| | Maternal Uncle | [redacted]1996 |
| | Victim Child | [redacted]2007 |
| | Sibling (twin) | [redacted]2007 |
| | Sibling | [redacted]2004 |

**Notification of Near Fatality:**

Berks County Children and Youth received the [redacted] report on July 27, 2011.
The Date of Incident is July 27, 2011, and the victim [redacted] alleged that the child was running on the sidewalk and fell, hitting her head on the concrete, injuring the left side of the head. [redacted] that the child lost consciousness and it took her about two minutes to awaken the child. The child was brought to [redacted] Hospital Emergency Room by the [redacted]. The child [redacted]. She did present with a [redacted] of the left [redacted] which would need extreme force to break, according to the hospital. The child had a [redacted]. Dr. [redacted] at the point of intake, did report that the injury was suspicious and non accidental. The victim child was subsequently transported to [redacted] Hospital and admitted to the [redacted] unit.

2. Documents Reviewed and Individuals Interviewed: Northeast Regional Office reviewed the entire case record, including the Safety Assessment, the Risk Assessment and all contacts made by the caseworker. An in person interview was conducted with the agency supervisor on this case, the caseworker, and the Intake Department Manager. [redacted], the [redacted] and [redacted] reviewed. Several contacts were made with Berks County Children and Youth Services throughout the period that the case was receiving intake services. An Act 33 meeting was held on this case [redacted] on October 4, 2011.

**Case Chronology:**

07/27/2011 Case referred to Berks County Children and Youth [redacted].

07/28/2011 Caseworker went to the [redacted] Hospital to get preliminary information. The caseworker was accompanied by [redacted] department. They [redacted], as [redacted] speaks Spanish. The father was in [redacted] at the time of the child's injury and could not be contacted. At this contact the mother was interviewed and stated that "[redacted] that she lives with her parents and her [redacted]. Her [redacted] were at the store and her [redacted] at the park. [redacted] child was running in the front yard with her twin sister and 7 year old brother. The caseworker gave [redacted] her [redacted]

[redacted] also relayed that she has been in U. S. for 3 years and has lived at her present address for almost 1 year. 07/28/2011 The caseworker and the Detectives went to [redacted] Reading, where the family lives. The 14 year old [redacted] answered the door and stated that his mother and his sister were away at the hospital. He was caring for the younger siblings. The [redacted] is the only English speaking household member. [redacted] he was at the park that day and did not see [redacted] The caseworker asked to see the area of the fall. [redacted]. The children all presented well and were appropriate with their responses to caseworker and Detective [redacted]

O7/28/2011 Caseworker went back to the hospital with Detective [redacted] to talk to [redacted] and see the victim child. [redacted] the child victim was sleeping. The caseworker explained to [redacted] that it was very important for her [redacted]. She expressed the same story. [redacted] that the victim child fell off the second or third step. The caseworker then told the mother [redacted] was not true and that they were not there to see the accident. The [redacted] that the child fell off the steps, not the porch. [redacted] presenting very appropriately and concerned [redacted]. [redacted] very appropriately when [redacted] was injured and took her immediately to the hospital.

07/28/2011 The [redacted]. The caseworker developed a safety plan [redacted] which did not allow the [redacted] The [redacted] agreed to the plan. The [redacted] was informed and was in agreement to the plan.

07/29/2011 [redacted], the [redacted] called the caseworker with an update on the child's condition. She explained that [redacted] also fine The child will be moved to the [redacted] and be placed near the nurse's station for [redacted].

07/29/2011 [redacted] was contacted by the caseworker. [redacted] that the child could have sustained the injury from falling off 1 or 2 steps depending on how hard she fell. [redacted]. The child has [redacted] healing well.

07/29/2011 [redacted]

07/30/2011 [redacted] to inform her that the child is ready for [redacted] or tomorrow.

07/30/[redacted] ready, according to caseworker. The child will [redacted].

08/10/2011 The caseworker had a home visit with the family at the family's home. [redacted] that the child is doing well and [redacted] of the accident. [redacted] the accident occurred and where she was sitting. [redacted] was running on the sidewalk and turned around and saw that victim child had fallen. [redacted] not see her fall. [redacted] was just laying there and then [redacted] took her to the doctor. Caseworker could not adequately interview [redacted] to agree to safety plan. [redacted] was not home at the time and could offer no additional information regarding the incident. The family is agreeing to work [redacted] services will include [redacted]

08/11/2011 [redacted]

08/18/2011 [redacted]

09/9/2011 [redacted] The caseworker plans another home visit for 9/12/[redacted].

09/12/2011 Home visit. Victim Child's [redacted] Child. Her [redacted]. The worker from [redacted] stated that everything is going well and [redacted] it was an accident. Family is very cooperative. The family is using [redacted] to get to appointments. The caseworker plans to close the case within the next week but the [redacted] until 9/22/2011 to [redacted]. All the children were seen and doing well.

09/16/2011 Caseworker and supervisor determine that the case [redacted]

09/21/2011 [redacted]

09/26/2011 Caseworker and supervisor determine to close case. [redacted]

**Previous Children and Youth involvement:**

The family did not have any previous involvement with Berks County Children and Youth.

**Circumstances of Child's Near Fatality:**

The Victim Child presented at the [redacted] head. [redacted] that the child [redacted] immediately [redacted] testing while at the hospital. She had to [redacted] due to her [redacted] and also [redacted] ultimately [redacted] have suffered her injures as described by [redacted] and determined that the [redacted]. The caseworker interviewed all family members immediately and did a home visit to assess the condition of the children. The family also presented with a [redacted] they spoke only [redacted] were also immediately involved with the family and accompanied the caseworker to [redacted]. No [redacted] The family [redacted] Berks County Children and Youth Services also assisted the family with services and conducted the investigation [redacted]. This family was [redacted] and this created difficulty for [redacted] services improved the overall investigation and the several on site visits that were made by the Children and Youth worker enhanced understanding of how the accident had occurred. [redacted] the child fell off two steps from the porch, hitting her head.

**County strengths and deficiencies as identified by the County's near fatality report:**

**County Strengths:**

Berks County Children and Youth Services responded to this case immediately and began the investigation as soon as the referral was made. There was a language barrier that was very evident early on in the investigation. Even though attempts were made to rectify this issue, the dialect and particular cultural expressions made it difficult to fully proceed with the investigation. The caseworker in this case made every effort to attempt clarity and justification for what was being explained by the mother. A prompt visit to the home not only to assess the safety of the other children, but to get a look at the accident site itself was a good decision. Also contained in the file is evidence of supervisory oversight and review. The teaming of law enforcement and the caseworker was as a good example of how cross disciplines can work together effectively. The agency also completed the investigation within the required time period, contacted law enforcement, sent out the CY-104 within 24 hours of the report, and did a home assessment immediately. The caseworker teamed with law enforcement for the initial contact with the family

and the alleged perpetrator and made an attempt to see the child, the subject of the report. The Safety Assessment was completed and it was determined that the children could remain at home with a safety plan in effect. This safety plan was developed, signed and delivered to all parties, including the hospital. The hospital staff were helpful and willing to contact the caseworker as progress was made and tests were completed.

The agency provided supportive services to the family in the form of [redacted] and efforts were made to be sure that they were assigned a Spanish speaking person with cultural experience and knowledge to assist the family. The family was very cooperative and appreciative of the services and assistance provided.

The child did remarkably well with her injury and was determined to not be in a condition that would require ongoing treatment. The family was responsive to all medical suggestions and follow-up appointments were kept. All Family members shared a concern for the injured child and the children in the home appeared to be developmentally on target. They accepted the Safety Plan and abided by its requirements and allowed casework and supportive services to follow them into their home while the investigation continued.

County Weaknesses:

The agency held an Act 33 Team Meeting on October 4, 2011, as per regulation. There was discussion around areas of casework services that were discussed. The team also noted that the documentation of the pediatric care the child needed was not contained in the record.

**Statutory and Regulatory Compliance Issues:**

**None**

**Department of Public Welfare Findings:**

**County Strengths and Weaknesses:**

The recommendations are part of the final evaluation that was conducted by the Act 33 Review Team held at Reading Hospital on October 4, 2011.

1. The caseworker did not document any contact with the family from the date of discharge on 7/31/2011 until 8/10/201. This was too great a period of time to transpire until the visit was made to the home to see how the child was adjusting. The agency should have made better effort to get out to the family home to assess the child and the family and how they were adjusting.

2. 2. The children in the home did not recieve any developmental assessment other than the caseworker indicating that they all appeared to be on target. The agency should make greater effort in establishing how they are coming to that decision, either by use of screening tool, like Ages and Stages or examples of how they are demonstrating appropriate behaviors and skills.

3. A more complete review of how well the family is doing is indicated. Again, some examples of how they demonstrate that they are functioning and coping with the stress in the family would enhance the casework notes and contacts.

4. The Data Collection Tool and the Act 33 meeting review were received past the required dates, as per Act 33 requirements.