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REPORT ON THE FATALITY OF:

Leon Nice

Date of Birth: June 27, 2011

Date of Fatality: August 09, 2011

**FAMILY WAS NOT KNOWN TO:
Lackawanna County Children and Youth 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, 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. Lackawanna County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Mother	[REDACTED] 1991
[REDACTED]	Father	[REDACTED] 1988
Leon Nice	Full Sibling to Child/Victim	[REDACTED] 2010
[REDACTED]	Victim Child (Deceased)	06.27.2011
[REDACTED]	Maternal Grandmother (Resides in Virginia)	[REDACTED] 1954
[REDACTED]	Maternal Grandfather (Resides in Virginia)	[REDACTED] 1951
[REDACTED]	Paternal Uncle to Children	[REDACTED] 1984
[REDACTED]	Spouse of [REDACTED]	[REDACTED] 1986

Immediately upon arrest of the [REDACTED], the biological mother of child/victim relocated to a household in [REDACTED] with her son. This arrangement was temporary and part of the safety plan developed for the family during the completion of [REDACTED] investigation. Maternal grandmother also temporarily resided with this family and served as a support to her daughter.

Notification of Child Fatality:

On 08.09.2011 Lackawanna County Children and Youth received [REDACTED] alleging that Leon Nice (06.27.2011) while in the care of his biological father "was shook...resulting in child's death. Father admitted to the police and is in custody. Father was watching children while mother worked."

The Department of Public Welfare, Northeast Regional Office of Children, Youth and Families (NERO/OCYF) completed a Preliminary Report on 08.10.2011 determining that Lackawanna County Children and Youth had no record of involvement with this family. The county agency completed a safety assessment on the sibling of the Child/Victim and determined that the biological mother and the sibling of Child/Victim would benefit from extended family support and temporarily relocated with paternal uncle in [REDACTED].

Summary of DPW Child Fatality Review Activities:

The Department of Public Welfare, Northeast Regional Office of Children, Youth and Families reviewed the entire [REDACTED] case file, pediatric records on both Child/Victim and sibling, court petitions relating to [REDACTED] filed on behalf of sibling of Child/Victim, documentation from the [REDACTED] Police Department and the Lackawanna County District Attorney's Office, various safety assessments completed by county children and youth agency, medical documentation regarding Child/Victim's [REDACTED], various documents secured from ancillary agencies from the Commonwealth of Virginia, caseworker documentation of contacts with family/relatives, all related [REDACTED] correspondence to parents relating [REDACTED]

notices relating to various [REDACTED] and relating Family Service Plans/Permanency Plans as well as correspondence from provider agencies currently working with family.

Supervisory 10 day review logs and all related planning documentation were reviewed during site record review on 08.22.11.

Lackawanna County Children and Youth's Act 33 review documentation was also reviewed.

OCYF/NERO interviewed assigned [REDACTED] caseworker and supervisor as well as administrative staff at Lackawanna County Children and Youth responsible for the completion of the internal death review. In addition, OCYF/NERO also interviewed supervisory and administrative personnel from [REDACTED] Children and Youth relating to the service planning and availability of services for biological mother and sibling of Child/Victim while they resided in [REDACTED].

Summary of Services to Family:

Children and Youth Involvement prior to Incident:

Lackawanna County Children and Youth had no record of prior activity with this family.

Circumstances of Child Fatality and Related Case Activity:

At the time of the initial referral the biological father acknowledged that he was the sole caretaker for both Leon Nice and the sibling of Child/Victim while the biological mother worked out of the home. The biological father allegedly admitted to shaking the Child/Victim and also dropping the child in an effort to stop child from crying. The biological mother returned from work at 17:10 and observed the biological father performing CPR on the child. A subsequent call was made to Emergency Services (911) at 17:17 by the family. EMT personnel transported Child/Victim to Emergency Room at Moses Taylor Hospital in Scranton, Pennsylvania where he was pronounced dead.

Autopsy findings revealed that Child/Victim suffered blunt force trauma to head, and this was determined to be the cause of death.

Case Chronology:

08.09.2011

[REDACTED] report received by Lackawanna County Children and Youth Services alleging Leon Nice suffered sustained [REDACTED] while being cared for by his biological father which resulted in the child's death. Case assigned [REDACTED] investigation on this date with biological father listed as [REDACTED]

08.09.2011

Lackawanna County casework staff meets with biological mother and sibling of Child/Victim at family residence. Safety assessment completed. Biological father [REDACTED] was taken into custody and will not return to household. Collateral interviews also conducted with law enforcement agencies conducting criminal investigation and [REDACTED] working with family on this date.

08.10.2011

[REDACTED] worker reviewed current information with supervisory staff at Lackawanna County Children and Youth. The sibling of the Child/Victim was transported to [REDACTED] for complete [REDACTED] assessment including long bone scans and [REDACTED] completes social summary on biological mother and secures background data regarding family functioning, parenting, medical history and family demographics.

Lackawanna County [REDACTED] caseworker and supervisory staff conduct collateral interviews [REDACTED] staff and review information relating to family supports for biological mother. Collateral contacts also determine that preliminary reports from the Coroner's Office conclude that information from biological father is not consistent with medical

findings. According to information secured from the biological father the Child/Victim sustained the injuries from a candle stick falling from a shelf above the crib area.

08.10.2011

caseworker and supervisory staff conduct case review. Safety assessment document received and reviewed. determined. Additional information to be secured from extended family members. prepared and forwarded C/Y 104(law enforcement referral), and release of information letters. Lackawanna County Children and Youth completed criminal background checks and clearances on all household members where biological mother and sibling of Child/Victim will reside.

08.10.2011

Collateral contact by Lackawanna County Children and Youth supervisory personnel with Department of Public Welfare, Northeast Regional Office of Children, Youth and Families. Information provided for completion of Preliminary Death Report regarding Leon Nice.

08.15.2011

caseworker met with biological mother and sibling of Child/Victim at home of paternal uncle. Safety assessment completed. Information secured from biological mother regarding incident under investigation. Lackawanna County Children and Youth also interviewed maternal grandmother. She is willing to temporarily reside in area to support her daughter and grandchild. Background data and demographic information secured from maternal grandmother at this time. Family is providing support to biological mother. No safety issues present. The will continue pending review of case with law enforcement agencies.

08.15.2011

Collateral contact by caseworker with staff. Medical findings relating to sibling of Child/Victim reviewed with staff. There was no evidence of abuse/neglect. Review of scans evidenced no prior

08.15.2011

Collateral contact by . Current status of case reviewed with law enforcement agency. Discussion centered upon C/Y's legal mandate to interview biological father as per Child Protective Services Law. Lackawanna County Children and Youth's investigation to be reviewed by all involved law enforcement agencies.

08.18.2011

Lackawanna County Children and Youth Services and requested incident report relating to Child/Victim's death. Copy of records authorized for inclusion into agency case file. Caseworker secured copy of incident report.

08.18.2011

caseworker had collateral contact with casework staff regarding conjoint planning for biological mother and sibling of Child/Victim temporarily residing with paternal uncle in .

08.22.2011

Collateral contact by Lackawanna County Children and Youth caseworker with Police Department regarding background history on biological father of Child/Victim and other family members.

08.24.2011

Collateral contact with . Review of child welfare agency's request to interview biological father of Child/Victim at . Biological father has retained legal counsel. All requests have to be coordinated through private legal counsel and District Attorney's Office.

08.24.2011

caseworker and supervisor complete 10 day case review. Current status of case reviewed. Involvement of Children and Youth in arranging for supportive services in the community discussed. Long term planning for mother and sibling of Child/Victim also discussed. Maternal grandmother has offered to assist mother through the process.

08.25.2011

Caseworker met with biological mother and sibling of Child/Victim at paternal uncle's home in [REDACTED], [REDACTED] County. Maternal grandmother also present during caseworker visit. Child determined to remain safe in present setting. Maternal grandmother reiterates her willingness to be a support for her daughter and grandson. Lackawanna County caseworker reviewed current case plan with all parties. [REDACTED] has been recommended as well as a formal parenting assessment. Biological mother agreeable to all aspects of agency service planning.

08.26.2011

Collateral contact by [REDACTED] with paternal uncle. Discussion centered upon long term plan for biological mother and sibling of Child/Victim and family's willingness/capacity to provide long term living arrangement. Home visit set up to interview at length.

09.01.2011

MDT of [REDACTED] case conducted at Lackawanna County Children and Youth Services. Agency administrative staff, assigned [REDACTED] intake and supervisory staff, District Attorney personnel and [REDACTED] Police Department Detective as well as CAC personnel present for case consultation. Primary issue relating to mother's defense of biological father to agency staff and extended family members reviewed. [REDACTED]

09.01.2011

Supervisory/caseworker case review. MDT findings reviewed and safety assessment of sibling of Child/Victim to be completed. There are serious questions being raised regarding biological mother's bonding to sibling of Child/Victim and [REDACTED]. There are also issues raised regarding the nature and extent of the paternal uncle to support biological mother and child within household. A decision is made [REDACTED]

09.02.2011

[REDACTED] Information relating to [REDACTED].
Permanency goal continues to be return to biological mother.

09.02.2011

Lackawanna County Children and Youth case aide and assigned caseworker conduct supervised visit between biological mother and sibling of Child/Victim. Collateral in-person contact also made with maternal grandmother. Agency service planning reviewed. Maternal grandmother requested consideration as Kinship Care resource. Agency to prepare Interstate Compact Request and packet to be forwarded to the Commonwealth of Virginia.

09.07.2011

[REDACTED]. Collateral in person contact by agency casework staff with paternal grandparents and maternal grandmother. Background information secured for review of paternal grandparents as resource for sibling of Child/Victim. Visitation schedule also developed for all involved parties on this date.

09.07.2011

Collateral phone contact by Lackawanna County caseworker with biological mother of Child/Victim. Contact focused on discussion of available [REDACTED] resources in area and transfer of [REDACTED]

09.08.2011

Supervised office visit between sibling of Child/Victim, maternal grandparents, biological mother, paternal grandparents and friend of family. Following visit agency personnel reviewed procedures and regulations governing Kinship Care and transfer of custody protocols. All involved parties expressed request for consideration.

09.09.2011

Collateral contact by Lackawanna County caseworker with supervisory staff in [REDACTED] regarding assistance in service linkage for family and case management assistance.

09.09.2011

Lackawanna County Children and Youth [REDACTED] caseworker completed internal criminal background searches on proposed caregivers for sibling of Victim/Child. Case reviewed with agency paralegal and diligent search procedures commenced.

09.09.2011

Caseworker reviewed case with supervisory staff. Interview with biological father needs to be authorized by District Attorney's Office. Status determination of case to be reviewed. All paperwork preparing case [REDACTED] to be reviewed prior to staffing of case. Permanency case plan to be prepared by assigned caseworker.

09.12.2011

Case aide supervised visitation between biological mother and sibling of Victim/Child at agency visitation center.

09.17.2011

Collateral contact by Lackawanna County Children and Youth caseworker with paternal grandfather and paternal uncle. Information shared regarding preparation of home studies for resource home for sibling of Victim/Child. Home visits scheduled in [REDACTED]

09.17.2011

Lackawanna County Children and Youth caseworker had collateral contact with legal counsel for biological father. Agency requested permission to interview [REDACTED]. Plan developed so that legal counsel will be present for interview. The agency conducted an interview [REDACTED] during which time the father maintained that injuries were related to a candlestick falling on Child/Victim.

[REDACTED] commenced comprehensive assessment of mother/[REDACTED] social summary following visit. Testing scheduled for a later date. Appointments scheduled on this date.

09.20.2011

Collateral contact with [REDACTED] Police Department. Autopsy results reviewed. Information contained in autopsy evidenced [REDACTED]. Copy requested for [REDACTED] case file.

09.21.2011

Collateral contact with biological mother. Permanency plan reviewed. Additional demographic data secured by [REDACTED] caseworker for case preparation. Visitation schedule prepared and reviewed with biological mother.

09.22.2011

Supervisory case review [REDACTED] caseworker. Current status of investigation reviewed. Current results of family resource search reviewed. Autopsy reports still not secured. Preparation for upcoming [REDACTED] also discussed.

09.27.2011

Lackawanna County caseworker had collateral contact with [REDACTED]. Upcoming [REDACTED] discussed. [REDACTED] requested all pertinent documentation relating for family home studies and bonding assessment.

09.27.2011

Supervised visitation between biological mother and sibling of Victim/Child at Lackawanna County Children and Youth Services. Following visit agency completed [REDACTED] paperwork and testing [REDACTED]

09.29.2011

Supervised visit between biological mother, sibling of Victim/Child and Lackawanna County Children and Youth personnel at agency visitation center.

10.03.2011

Collateral contact between Lackawanna County Children and Youth [REDACTED]. Current Family Service Plan reviewed with legal staff. Plan for upcoming [REDACTED] discussed. Copy of plan forwarded to [REDACTED].

10.04.2011

Supervised visitation between biological mother and sibling of Victim/Child at Lackawanna County Children and Youth Services.

10.04.2011

Collateral contact with paternal grandfather regarding status of resource home assessment.

10.05.2011

Supervisory case review with assigned [REDACTED]. Status of investigation reviewed. Autopsy report still not completed. Criminal proceedings have been continued. Documentation for completion of [REDACTED] investigation reviewed. Case to be [REDACTED] based upon review of data supplied by criminal investigators/coroner, medical findings and interviews with biological mother. The mother verbalized that the biological father provided multiple explanations for the etiology of injuries.

10.07.2011

Lackawanna County [REDACTED] and submitted [REDACTED] [REDACTED] mother. Case prepared for assignment to Ongoing [REDACTED] Unit.

10.13.2011

Act 33 agency death review of case. Participants include advisory board member, representative from District Attorney's Office, agency administrative and supervisory personnel and a representative from private provider agency. Discussion centered on expanding the information sharing between C/Y agency and law enforcement agency relating to the agency's inability to evaluate actual home conditions at the onset of the investigation due to the law enforcement agency need to secure the crime scene.

10.13.2011

Northeast Regional Office of Children, Youth and Families received formal request from Lackawanna County District Attorney's Office of "Certification Not to Release Child Fatality Review Report". Documentation incorporated into Child Fatality case file.

Current Case Status:

Following the initial interview with biological father and his admission to shaking and dropping the Child/Victim, the biological father has indicated that the Child/Victim was injured by a candle that fell from a shelf above the Child/Victim's crib. The biological father remains incarcerated [REDACTED] Correctional Facility awaiting trial for homicide.

Lackawanna County Children and Youth initially assessed the sibling of the Child/Victim to be safe in the care and custody of his biological mother while they resided in the home of relatives in [REDACTED]. At this juncture the case was accepted for ongoing protective services. A conjoint plan was developed by Children and Youth agencies in [REDACTED] and Lackawanna County to provide intensive in-home [REDACTED] to biological mother and sibling of Child/Victim. This regimen of services was immediately set in place following the death of Child/Victim.

[REDACTED] were provided from 08.09.2011 until 08.31.2011. However, following more extensive interviews and assessment of the mother/child relationship, it was determined that the biological mother was in need of [REDACTED]. There was also concern raised that the biological mother was becoming [REDACTED]

██████████ on this date and placed into foster care. An assessment of family members was commenced at this time with a view of placing sibling of Victim/Child with maternal grandparents. An Interstate Compact request was prepared for review by child welfare officials in the Commonwealth of Virginia. However, subsequent information was secured by the county agency to review a family resource within closer proximity of the biological mother. Lackawanna County Children and Youth has approved the paternal grandparents as a Kinship resource for the sibling of the Child/Victim. As the paternal grandparents reside in ██████████ County, the county agency is better able to implement a Permanency Plan ██████████ that includes ongoing and significant contact between the child and his biological mother, ██████████.

As of this writing, Lackawanna County Children and Youth Services continues to provide foster care services to sibling of Victim/Child and permanency planning remains focused on remediating the issues relating to sibling of Child/Victim's biological mother. The county agency will recommend that sibling of Victim/Child be placed with the paternal grandparents with the long term plan of re-unification with the biological mother. ██████████

Currently, Lackawanna County Children and Youth Services have linked ██████████ ██████████ with both services being provided through the same social service agency. Visitation will be supervised by the paternal grandparents and the county agency. Frequency and duration of visitation will be coordinated with the social service providers and the county agency contingent upon ██████████ factors and biological mother's response to ██████████.

The biological father continues to be incarcerated at ██████████ Correctional Facility awaiting trial on homicide charges relating to the death of Leon Nice. No trial date has been set.

County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child (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. Lackawanna County has convened a child fatality review team in accordance with Act 33 of 2008 related to this report.

Lackawanna County Children and Youth Services evidences a very good working relationship with the law enforcement agencies involved in the investigation of this case. There is ample documentary data contained in the Child Protective Services intake case record to support an ongoing pattern of communication and information sharing.

An agency internal Death review was conducted on the Leon Nice fatality on 09.01.11. Participation on the review team included agency supervisory and administrative personnel as well as representatives from the advisory board and Lackawanna County District Attorney's Office. The findings of the Child Death review panel parallel the findings of the Northeast Regional Office of Children, Youth and Families critical case review. A sound, cooperative pattern of case investigation and analysis has occurred. The working relationship between the agency personnel and criminal investigative team is collegial and consistent. There was one area where the agency felt that improvement could be made and that was in terms of agency casework staff having the ability to physically evaluate the actual crime scene. Lackawanna County Children and Youth casework staff believed that their inability to physically observe the actual home conditions at the time of the incident precluded agency personnel from formulating a definitive position on the overall capacity of the parents to maintain the physical conditions of the household. There was discussion during the Child Death Review of the competing needs of both the child welfare agency and law enforcement agency in this area. The Lackawanna County District Attorney's Office sealed the crime scene due to evidentiary considerations. There was an agreement to assess this area further in an attempt to address the Children and Youth agency's needs.

Department Review of County Internal Report:

The Department of Public Welfare, Northeast Regional Office of Children, Youth and Families (OCYF/NERO) reviewed the written findings of the Lackawanna County Children and Youth Services Internal Death Review with administrative personnel at the county agency on November 30, 2011. The findings submitted by the county agency to the NERO/OCYF were accepted as the agency findings comported with the analysis completed by the Northeast Regional Office.

The agency completed the [REDACTED] investigation in a timely and thorough manner. There was a consistent pattern of caseworker and supervisory case activity relating to information gathering and assessment of all aspects of the incident [REDACTED]

Department of Public Welfare Findings:

The major strengths relating to the investigation of the Leon Nice fatality by the county children and youth are associated with the timely completion of the requisite documentation and agency submissions as mandated by The Child Protective Services law. Agency casework/supervisory documentation were completed thoroughly and within the established parameters of Department of Public Welfare regulations and "Best Practice" guidelines". The agency demonstrated a very good working relationship with the law enforcement agencies conducting the criminal investigation as well as a contiguous sister child welfare agency assisting in delivering services to the non offending parent and surviving sibling.

The Department of Public Welfare, Northeast Regional Office of Children, Youth and Families completed a site case file review and conducted site interviews with all casework, supervisory and administrative personnel responsible for the investigation and arrangement of services for the non-offending parent and sibling of Child/Victim. OCYF/NERO also conducted interviews with casework and supervisory personnel from a contiguous county child welfare agency assisting in the arranging/provision of services to the biological mother of the Child/Victim. There were no areas of Statutory or Regulatory non-compliance involving the Leon Nice Fatality.

Department of Public Welfare Recommendations:

The OCYF/NERO recommends that Lackawanna County Children and Youth continue to promote an atmosphere of collegial and open communication between the law enforcement agency and the Child Protective Services intake units. The county agency is also encouraged to develop a working agreement with the Lackawanna County District Attorney's to enhance the agency's ability to evaluate the physical home conditions of cases similar to this one while assuring that the needs of law enforcement and child welfare are mutually protected. OCYF/NERO recommends that Lackawanna County Children and Youth review their needs with their legal department so that a working agreement can developed between the both agencies.