



REPORT ON THE FATALITY OF:

Howard Nicholson

DATE of BIRTH: 02/14/2012

DATE of DEATH: 02/16/2012

DATE OF ORAL REPORT: 05/15/2012

FAMILY NOT KNOWN TO:

Allegheny County Children, Youth and Family Services

REPORT FINALIZED ON: 05/22/2013

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. Allegheny County 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>
Howard Nicholson	Child Victim	02/14/2012
██████████	Biological Mother	██████████ 1990
██████████	Biological Father	██████████ 1984
* ██████████	Half-sister	██████████ 2009
* ██████████	Half-sister	██████████ 2005
* ██████████ (██)	Father of ██████████	██████████ 1976

* Indicates non-household members

Notification of Child Fatality:

This incident was initially referred to Allegheny County Children, Youth and Family Services (CYF) on February 16, 2012 (the day of the incident) by the ██████████ report. The incident was originally being viewed as a tragic accident; however, the ██████████ reviewed the circumstances surrounding the incident. As a result, ██████████ on May 15, 2012 as the ██████████ believed that the mother was ██████████ in caring for the victim child, which ultimately resulted in his death. As such, the report was ██████████ as a child fatality on May 15, 2012.

Summary of DPW Child Fatality Review Activities:

As part of the fatality review, the Department was provided with and reviewed the brief case notes from the investigating ██████████ worker. In addition to a review of this

documentation, the Department participated in the county's child fatality review meeting held on July 26, 2012.

Children and Youth Involvement Prior to Incident:

Although the Allegheny Co. CYF did not have any prior history with either parent, there was prior history with the mother as both a child and a parent in Somerset County. CYF obtained Somerset County's case history with the mother and included it in their file.

Somerset Co. CYS began having contact with [REDACTED], the mother, in April of 2005 when she was 14 years old. At that time, she had been residing with her maternal grandmother since she was 5 due to her own mother having substance abuse issues. Her mother resided out of state and she had lived with her when she was 13 but returned because her mother was unable to handle her behavior. While in her grandmother's home, [REDACTED] was skipping school and was possibly in a relationship with a 21 year old male. [REDACTED] grandmother obtained [REDACTED] and CYS closed the referral.

Later in April 2005, the grandmother called in to report that she just found out [REDACTED] was pregnant and due in September 2005. If she chose to keep the baby, the grandmother was stating she and the child would have to live elsewhere. In July 2005, the grandmother had concerns about [REDACTED] when she became a mother and agreed to allow her and her baby to reside in her home. As a result the case was accepted for service in August 2005. The case remained opened for a brief period, during which [REDACTED] gave birth to her first child [REDACTED]. During this period, [REDACTED] was assessed as a parent, found to provide appropriate care and linked with services. While [REDACTED] was in school, her grandmother cared for [REDACTED] began parenting classes and agreed to continue even though the agency closed the case.

In 2006, Somerset Co. CYS received two allegations regarding [REDACTED] behaviors and relationship with her grandmother. There were no allegations regarding her as a parent.

From July 2007 through March 2008, [REDACTED] was involved with Somerset Co. CYS for continued behavior issues as well as [REDACTED]. According to the records provided, there were no allegations regarding [REDACTED] care of [REDACTED] during this time. In March of 2008, [REDACTED] signed custody of [REDACTED] over to her grandmother and she was going to have visitation. [REDACTED] continued to reside with [REDACTED] grandmother in Somerset County.

In March of 2009, [REDACTED] gave birth to a second child, [REDACTED] from her relationship with [REDACTED] resided with [REDACTED] after [REDACTED] birth.

Later in 2009 (no date provided), [REDACTED] was [REDACTED] by her maternal uncle, who was a juvenile at the time (age not provided). At the time of the incident, she was being cared for by her maternal great grandmother. Following the incident, the mother had assumed custody of [REDACTED] once again. As a result, this was not a [REDACTED] investigation, as the male child was not a household member or caretaker of [REDACTED]. Thus, it was investigated by the PA State Police. [REDACTED] continued to be in the custody and care of her mother, [REDACTED] from that point forward.

In 2011, Somerset Co. CYS received a report that [REDACTED] were once again residing with [REDACTED] grandmother, who was also the legal guardian of the juvenile that [REDACTED]. By the time Somerset Co. CYS was able to make contact with the family, it was learned that [REDACTED] had relocated to Pittsburgh, Allegheny County. [REDACTED] reported that she left [REDACTED] due to domestic violence and [REDACTED] had custody of his daughter [REDACTED]. A custody order for [REDACTED] was put in place through Family Court in Somerset County. There were no other contacts from any CYS agency until the fatal incident.

Circumstances of Child Fatality and Related Case Activity:

At 9:32 AM on February 16, 2012, Allegheny County 911 received a call from the mother reporting that her infant son had been attacked by a dog inside her residence. Paramedics arrived on-scene first and immediately transported the child to [REDACTED]. McKeesport Police responded to the home and spoke with the mother, who reported that she had gone upstairs for approximately 2 minutes to use the restroom, leaving her son in the living room. When she came down the steps, she observed one of her four dogs (a Husky) "over top" of her son's face. When she moved the dog away from the child, she observed his injuries. The mother stated that she immediately called the child's father and 911. The police obtained a search warrant and began searching the home while the mother and father were at [REDACTED] with the child victim.

When the police responded, they documented that at time of the incident, there were four dogs in the home, two of which were locked in the basement. McKeesport PD contacted animal control. When the animal officer arrived, they observed the two dogs. The Husky had blood on the right side of his muzzle and also on the fronts of his legs. The police observed a mattress on the living room floor that had an "infant tub" on it. Inside the tub, were a pillow and blanket, with the pillow having blood stains. Opposite the pillow on the mattress were a bib and a tube of ointment. The tube had blood on it. The police also observed what they believed to be "suspected brain matter" and the infant "container" had a large piece of the child's skull inside. Blood was also observed on the sofa, which was next to the "container."

After responding to the home on February 16, 2012 and gathering evidence, the [REDACTED] contacted Allegheny Co. CYF to make a [REDACTED] report.

The officer that called informed the worker that the mother and child were currently en route to [REDACTED] via Stat MedEvac helicopter. Although the child involved in the incident was deceased, the mother indicated to the officer that she has two other children, ages 3 and 6, who reside with their father and visit with her at the residence on weekends. The victim child's father reportedly has three other children with whom he has infrequent contact. When the police responded to the home, they found it to be in a condition that caused them to have concerns for young children. There was little room to walk in the living room, dog feces on the floor in one of the upstairs bedrooms, and the other bedroom (which included furnishings for children and appeared to be a playroom) had feces on the floor and cat litter. In addition to these concerns, the officer reported there were beer cans strewn about the home and "clothes and food in piles everywhere." The officer advised the agency that the husky and pit bull dogs were taken to the kennel, while two other dogs remained in the home. These dogs were secured in the basement at the time of the incident.

The assigned CYF worker contacted [REDACTED] and spoke with the social worker. The social worker advised the caseworker that the child was pronounced dead shortly after arriving at the hospital and the mother was inconsolable. At the time of this phone call, [REDACTED] did not feel she had sufficient information to [REDACTED]. The father had left for work early in the morning prior to the incident.

CYF documentation shows that on February 16, 2012 the Allegheny County Police interviewed both parents regarding the incident. In the father's interview, he reported leaving for work around 5:30 AM. He called the mother at 9:15 during his break and was on the phone with her when she discovered the victim. He immediately left work and went home. The father stated that they had just purchased the dog that attacked the child. They found the dog in a Craigslist ad "the previous Saturday" and paid \$100 for him. One of the dog's front legs was in a cast from trying to jump over the fence in the family's backyard. Although they only had the dog approximately one week, the father reported no previous incidents of aggression.

The mother told the police that she fed the baby at approximately 9:00 AM and put him in the "basket" next to the bed. The mother stated that the family was in the process of moving and they were sleeping in the living room. She wrapped the baby in a blanket and set him in the "infant basket" which she described as being similar to a car seat. The mother went upstairs to the bathroom, with one of the dogs (the pit bull) following her into the bathroom. The other two dogs were in the basement. Mother also reported that father called her on his break at 9:15 and she was on the phone with him when she found the child. When she went back downstairs, she found the dog "Nico" standing over the basket. Mother reported that she screamed and ran towards the child, who was bleeding from the head and face. She contacted 911. The mother denied being on any medications or drinking the night prior to or the morning of the incident. She also denied any prior aggressive behaviors by the dog and stated that the dog was on

antibiotics and pain medication for a broken paw suffered by trying to jump the fence.

The police contacted the treating veterinarian, who confirmed the parents' story of the injury, but stated the medication he gave for the dog would not have led to increased aggressiveness. He also stated the dog did not show any sign of aggressiveness when treating its injuries. However, the veterinary assistant reported that the mother advised her to muzzle the dog because the dog "snapped at her" and mother wasn't sure if he would do it again. The mother did not indicate when the dog did this, however.

Since Allegheny Co. CYF was aware that the mother had two other children located in another county, CYF contacted Somerset County CYF and requested a "safety check" of those children. CYF specifically requested that Somerset County CYF not mention the death of the child to the children in their county. They then contacted [REDACTED] father, and advised him of the situation. There was a joint custody order in place, however, the father stated he was going to obtain full / primary custody through the court and would contact Allegheny Co. CYF should the children return to the mother's home.

At 6:22 PM on February 16, 2012 the agency received a [REDACTED] report from [REDACTED] which was reported [REDACTED]. The hospital was already aware that CYF and the police were involved. The death was caused by [REDACTED].

On February 17, 2012 CYF received notification from Somerset Co. CYF that they had made contact with mother's two other children residing in their county. They had no concerns with [REDACTED] care of the children, nor did [REDACTED] report any concerns to them regarding [REDACTED] care of the children.

On February 21, 2012 the police informed CYF that they were charging the mother with the following dog law violations, only to be informed on February 22, 2012 that they were withdrawing them after consulting with the D.A.

1. (1) count of Harboring a Dangerous Dog
2. (4) counts of No Current County License
3. (4) counts of Dog Over Three Months Old Must Be Inoculated Against Rabies

The CYF caseworker scheduled a home visit with the mother for Friday, February 24th to assess the home and informed the mother that a supervisor would be accompanying the caseworker.

According to the information provided by CYF, Allegheny County Police interviewed the previous owner of the dog that attacked the victim. According to the previous owner, she had owned the dog for about one year. She described the dog as "hyper" and needing a lot of exercise. The dog began to chew things,

got into her cupboards, and began making a mess in her home. She didn't believe in keeping him penned up, so she and her boyfriend listed him on Craigslist for \$100. [REDACTED] and a woman from Virginia contacted her about the dog, however, the woman in Virginia had cats and the previous owner said that the dog was "nervous" and she didn't know how he would react to other pets.

When [REDACTED] called the previous owner, she stated that she had a pit bull that had recently died and they were looking for a new dog. The previous owner claimed that the mother told her there were no other animals or children in the home. She stated her fiancé worked, but she would be able to care for the dog. The exchange took place at a restaurant in Murrysville. The mother was noted to be "wearing an oversized coat." The prior owner told the mother that the dog would need some re-training and it was "important he be in a home where (he) was the focal point because he was a nervous dog and needed to be socialized."

The prior owner had not seen any aggression in the dog and said she would not have sold the dog to the mother had she known there were children and other animals in the home. The prior owner gave the police permission to view the text messages and Craigslist messages received from the mother regarding the dog. The day after transferring the animal, the prior owner inquired how he was doing in the home and the mother reported back, "Fine."

CYF attempted a home visit on February 24, 2012. Although a TV was heard inside the home and it appeared as though someone was home, no one answered the door. Notes were left with phone numbers to call to schedule a home visit.

On February 27, 2012 the police interviewed [REDACTED] because they received a phone call from [REDACTED] telling them the family knew the dog was aggressive. [REDACTED] had heard when the father brought the dog home it killed the family cat (although a cat was observed during the CYF home visit). [REDACTED] also heard that the dog jumped through a window trying to get at a neighbor's dog, which is what caused the broken leg. [REDACTED] was unable to identify anyone with direct knowledge of what he reported.

CYF attempted another home visit on March 1, 2012. After knocking, someone was observed looking out the window, but did not answer the door. Again, phone numbers were left for the family to call and schedule a visit.

On March 2, 2012 the father contacted Allegheny Co. CYF to report he had not been able to obtain full custody of the children and as per the current order, he was to return them to the mother's care at 5:00 PM on Sunday, March 4, 2012. The agency had yet to assess the mother's home, as she had not responded to any attempts by the agency to do so. As a result, [REDACTED].

The children were temporarily placed with [REDACTED] sister, [REDACTED]
[REDACTED]

Based on the documentation, it appears as though the mother was ordered by the court to cooperate with a home assessment. CYF was able to assess the mother's home on March 6, 2012. They report it appears as though it had been cleaned, but it smelled of ammonia, urine, and feces. Two dogs were locked in the basement and urine and feces were found on the floor of the basement. The mother informed CYF staff that the police and paramedics "trashed" her home and that her home was clean when she left to give birth to her son. She blames the condition of the home when the police responded on her brother-in-law, who had been staying there to take care of the dogs but didn't clean.

On March 16, 2012 the County Police spoke to the other potential buyer of the dog that attacked the child. This person confirmed the original owner's account that she would not sell her the dog due to her having cats. She also said that the original owner did not describe the dog as aggressive, but said it was "very skittish and scared of people."

[REDACTED]
[REDACTED] Somerset County CYS had no concerns about [REDACTED] father [REDACTED] as a parent. As a result, he was granted legal and physical custody of the children [REDACTED]
[REDACTED]

[REDACTED] At this point since the child was deceased and no other children resided in the home, the report on the mother was not accepted for services.

As stated previously, after completing its investigation, the District Attorney's office felt that the mother's actions warranted criminal charges. As such, the D.A. contacted [REDACTED] on May 15, 2012 to report [REDACTED] in the form of serious [REDACTED]. The D.A.'s office was charging the mother with Endangering the Welfare of a Child. In addition to the [REDACTED] report, this report was also designated as a Child Fatality.

Allegheny Co. CYF received the [REDACTED] report on May 15, 2012. The agency first attempted to contact the mother via telephone on May 22, 2012 to schedule an interview, however, was unable to get in touch with her or leave her a message.

A second attempt to make contact with an unannounced home visit was made on May 23, 2012. As with other home visits, no one was home or answered the door. A follow-up phone call was made this same day. Later in the afternoon, [REDACTED], the child's father, contacted the agency to inquire why CYF was contacting him. The worker explained the reason and attempted to schedule a

time to meet. He and the child's mother worked opposite shifts, so he was unable to schedule at the time of the call.

Although multiple attempts were made to meet with the mother and father, the parents refused to cooperate with the investigation. After completing the criminal investigation, the Allegheny County Police arrested and charged the mother with Endangering the Welfare of a Child. As a result, Allegheny Co. CYF submitted their investigation with a "██████████" status on June 12, 2012. In July of 2012, the County Police added an additional charge of Dog Attack Causing Serious Injury or Death.

On January 14, 2013, the mother entered a guilty plea on both charges. She was sentenced to 6 months Intermediate Punishment (house arrest) and three years probation.

Since the mother was sentenced, Allegheny Co. CYF submitted a second ██████████ to assign the investigation ██████████

Current Case Status:

Since there are no other children in the home at this time, Allegheny Co. CYF is not active with the family. The mother is serving her sentence and her other children remain in the custody and care of the youngest child's father in Somerset County.

Somerset County does not currently have an active case with the father, as they had no concerns with his parenting abilities.

As per the mother's Probation Officer, she has no restrictions on visitation with her children, nor does she have any restrictions on owning pets. She currently has two dogs in the home, which is the maximum amount permitted by a McKeesport ordinance.

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

The fatality team report contained the following information:

STRENGTHS

1. Compliance with Statutes and Regulations

- The Act 33 Review Team identified no statutory or regulatory compliance issues.
- During the [REDACTED] investigation, child welfare agencies from Allegheny and Somerset Counties worked cooperatively to share relevant information on this case.

DEFICIENCIES: None Noted

Recommendations for Changes at the State and Local Levels:

1. Reduction of the likelihood of future child fatalities and near fatalities directly related to child abuse and neglect

- The Review Team reiterated the need for more timely communication between CYF and the District Attorney's Office regarding abuse report determinations. CYF is required to make an abuse determination within 60-days of the receipt of a report, but the District Attorney may reach a decision to file criminal charges after CYF's required 60-day timeframe. The Team noted that (at that time) CYF is unable to make an abuse determination of "[REDACTED]" unless charges have been filed against [REDACTED]. CYF and the state discussed the ability to re-register a report in the event that new information is obtained.
- The Review Team discussed the transfer of cases between jurisdictions (Allegheny County and Somerset County Courts.) Following the return of the child's sibling to the care of the younger sibling's father, Allegheny County Juvenile Court ordered that the case be remanded to Somerset County Family Court for required modifications to the custody orders regarding the two sisters. The team discussed the challenges when judicial transfer is to occur between counties and between two different courts; in this case, from Allegheny County Juvenile Court to Somerset County Family Court.
- The Review Team also noted that, while criminal court records are accessible across the state, dependency and family court records are not accessible across jurisdictions. The state Office of Children, Youth and Families' representative who attended the meeting shared that the

Commonwealth is in the early stages of developing a statewide child welfare information management system that will, at a minimum, allow counties to research a family's current involvement and/or prior history with any state county child welfare agency. The system will also have the capability of providing statistical data, including trends, by communicating with current county case management systems and gathering information from their databases.

CYF's report contained case-specific recommendations as well, these included:

- Provide the family with information on [REDACTED].
- Contact the Somerset County Solicitor regarding custody orders for [REDACTED].
- Locate the father's three other children.
- Ask the mother to identify the father of [REDACTED].
- The mother should have supervised visitation with the children, however, it should not take place at the residence.

Department Review of County Internal Report:

The Department received Allegheny County CYF's initial internal report and the full report from the county fatality review team which provided an assessment of the agency's activities related to the case as well as the recommendations noted above. The Department concurs with the report findings.

Department of Public Welfare Findings:

- **County Strengths:**

Allegheny County's process for organizing and facilitating a near fatality or fatality review is very good. This process ensures good participation by not only those directly involved in the case, but persons identified as part of the review team. The meetings are very organized, with all members being provided a printed summary of the case. The printed material is also supported by a PowerPoint presentation. Questions and comments are welcomed and encouraged during these meetings.

In addition, the county provides the necessary documentation very quickly after receiving the initial report and as needed throughout. This helps ensure the process begins timely and progresses efficiently.

Specifically in this case, the county was aggressive in ensuring that the two young children that did not reside with their mother were safe. Upon learning of their existence, Allegheny Co. CYF contacted Somerset Co. CYS to

request a safety check on the children. In addition, when the other father involved expressed concern for his daughters due to court-ordered visitation with the mother, Allegheny Co. CYF initiated court action to ensure their safety.

The investigation was done jointly with Allegheny Co. Police. Contact was maintained between the two parties and CYF obtained documentation from the police to help support their findings.

- County Weaknesses:

None identified

- Statutory and Regulatory Areas of Non-Compliance:

Not Applicable

Department of Public Welfare Recommendations:

The Department is in agreement with the recommendations provided by the county child fatality review team.