



*Elaine Bobick*  
*Regional Director*

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE  
**OFFICE OF CHILDREN, YOUTH AND FAMILIES**  
11 Stanwix Street  
Suite 260  
Pittsburgh, Pennsylvania 15222

Phone (412) 565-2339  
Fax: (412) 565-7808

## **REPORT ON THE NEAR FATALITY OF:**



**Date of Birth: January 1, 2009**  
**Date of Near Fatality Incident: January 6, 2011**

**The family was known to**  
**Allegheny County Children and Youth Services**

Date of Report: August 14, 2012

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 No. 1147, now known as Act 33, went into effect December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and child near-fatality as a result of suspected child abuse. DPW must conduct child fatality and near fatality review and provide a written report on any child fatality or near fatality where child abuse is suspected.

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 Children and Youth Services 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]	Victim Child	01/01/2009
[REDACTED]	Mother	[REDACTED] 1985
[REDACTED]	Father	[REDACTED] 1985
[REDACTED]	[REDACTED]	[REDACTED] 1984
[REDACTED]	Mother's Boyfriend	
[REDACTED]	Maternal Grandmother*	Unknown
[REDACTED]	Maternal Grandfather*	Unknown
[REDACTED]	Maternal Aunt*	Unknown
[REDACTED]	Maternal Great Aunt*	Unknown

\*Not a household member

**Notification of Near Fatality**

On January 6, 2011, the [REDACTED] treated a two-year old child in the Emergency Room with a severe head injury and multiple body bruises. The child had been brought in to the hospital by Emergency Medical Services (EMS) around 7:00 am. He had been found at home unresponsive by his mother's boyfriend. Allegedly, the boyfriend said the child jumped out of his crib and the boyfriend found him unresponsive. Allegedly, the child would not wake up and the boyfriend attempted CPR. The boyfriend called 911 and the child was transported to the hospital via ambulance. He went to pick up the mother at work and they arrived 30 minutes later at the hospital.

**Summary of DPW Near Fatality Review Activities**

The Western Region Office of Children, Youth and Families obtained and reviewed all current and past case records pertaining to the [REDACTED] family. A preliminary near fatality meeting was held on March 10, 2011 at the Lexington office of Allegheny County Children and Youth Services. All medical reports were reviewed with input from [REDACTED] of the [REDACTED]. Subsequent frequent contact was maintained with the county via e-mails and phone calls with the Child Fatality/Near Fatality lead and the assigned caseworker.

## Summary of Services to the Family

### Children and Youth Involvement Prior to Incident

The mother has no previous record as a parent with children and youth. She did have involvement as a child and that record was closed in 1995. The mother reports she grew up in Beltzhoover where she lived with her own mother. When she got older, she moved to live with her father. She graduated from Charter School Career Connections and attended Community College Allegheny County and ICM School of Business. She reports meeting the father of the child at age 12 at day camp. She was in a relationship with him for five years. He became physically abusive towards her and she filed multiple PFA's against him. She has been employed for the past year and a half. She is currently on [REDACTED]. She receives [REDACTED].

The father of the child, who is not a household member, received notice of the child's injury via a text message from the mother on the day of the incident. He has consistently remained at the hospital with the child even staying all night. He states he plans to keep contact with the child and be a support to mother. He has not had much contact with the child in the past nine months as the boyfriend did not approve of his contact with mother. No other information is known about the father, who has no previous history with CYS.

The boyfriend, [REDACTED] did not graduate from high school as he became a father at age 17. He has three other children ages nine, five and four years old. They live with their mother. There was a three year "No Contact" order against him with the mother of the five-year old; it expired in May 2011. He reports he has [REDACTED]. Datavue, Information provided revealed he has previous involvement with Juvenile Probation, [REDACTED] and CYF. He had a non-jury trial in March 2011 for July 2010 charges of making false oral statements (F3) to the authorities and unsworn falsification to authorities (M2). According to the children and youth records, there were three referrals on [REDACTED] prior to him being identified as the perpetrator in the near fatality of [REDACTED]. None of those reports related to his involvement with [REDACTED] mother. The first referral which was generated in August 2008 related to [REDACTED] as the victim of domestic violence; that referral was reported to law enforcement and not accepted for agency assessment since it did not pertain to the safety of any children in the home [REDACTED] was residing in. A second referral generated in September of 2008 was later determined to be a supplement to the August report and was subsequently vacated. The third referral was received in February 2010. It identified [REDACTED] as an alleged perpetrator of sexual abuse of a child who was not a member of his household. That referral was also reported to law enforcement for criminal investigation since [REDACTED] was not acting in a caretaking capacity for the child who was the subject of the report or any other children at the time.

### Circumstances of Child Near Fatality and Related Case Activity

On January 06, 2011, the child, [REDACTED] two years old, was brought to the [REDACTED] via ambulance. The child had suffered an [REDACTED]

The mother and her boyfriend came to the hospital about 30 minutes later. The delay was caused by the boyfriend going to the mother's work to pick her up. The boyfriend had been babysitting the child at the time of the incident. There were no other children in the home.

The child had to have [REDACTED] surgery to have a [REDACTED] placed. He required [REDACTED] Interviews were done with the mother, the boyfriend, and various family members who were at the hospital. The child remained at the [REDACTED] from January 6, 2011 through February 7, 2011 when he was released to [REDACTED]. He was readmitted to the [REDACTED] on February 19, 2011 for a [REDACTED].

Allegheny County C&Y was notified and a caseworker went to the hospital. The mother's boyfriend, who was identified as [REDACTED], reported to the caseworker that the child, [REDACTED] had jumped out of his crib and the boyfriend found him with a bloody mouth and unresponsive. The boyfriend alleged he called 911 and attempted CPR. The police were also present as they had responded to the 911 call made by the boyfriend.

Following the incident and child's hospitalization, C&Y extended services to the mother and child. The mother was not suspected of having endangered her child's welfare as she was at work at the time of the incident. The mother was extremely cooperative with all parties and expressed appropriate concern for her child throughout the process. C&Y was supportive of the mother by providing assistance in contacting Victims of Violent Crimes [REDACTED]. The mother's employer granted her [REDACTED] to be with [REDACTED]. The assigned police detective advised the mother not to have any contact with the boyfriend or his family. The mother has been compliant and has not had any contact since the boyfriend was arrested at the hospital. The mother is receptive to [REDACTED]

During the CPS investigation and the police interviews, the boyfriend gave various stories of what had happened to the child. The police arrested the boyfriend and charged him with aggravated assault of a minor, neglect and endangering the welfare of a minor. The mother was not charged as she was at work at the time of the incident. Allegheny County indicated the report [REDACTED] and the final report was filed March 4, 2011. CYS closed their case March 30, 2011 as there was no need for further involvement.

#### Current/Most Recent Status of Case

The child remained at the [REDACTED] until June 2011. He was scheduled to have his [REDACTED] and that would determine his release date. The mother reports he has made significant progress. He is able to express emotion; he laughs when happy and cries when sad. He mumbles more which leads the hospital staff to believe his cognitive function is improving. His vision is good and he continues to receive [REDACTED] for his legs, [REDACTED] for his hand movements and [REDACTED] to work on his feedings and using his tongue. At last report, he was still on a [REDACTED]. Mother and father have learned to care for the child, anticipating his return home. [REDACTED]

[REDACTED] The child will go to [REDACTED] the other three days. The boyfriend had a court hearing and the charges were bound over for court. The trial was set for January 17, 2012. The boyfriend was found guilty of Aggravated Assault as a result of the trial and sentenced to 10 to 20 years in prison. C&Y closed their case on March 30, 2011. The boyfriend is not permitted any contact with the mother or the child.

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

Allegheny County convened a review team in accordance with Act 33 of 2008 related to this report.

#### **Strengths**

- The county did a good job of providing an immediate response.
- The county's caseworker and supervisor were very "hands on" and quick to respond to the family's needs.
- The county provided information to the family regarding the reasons for C&Y involvement, provided agency services and assisted the family in obtaining community services.

#### **Deficiencies**

Per [REDACTED] the "Shaken Baby" movie shown to parents at the hospital only shows the perpetrators as babysitters. The movie needs to show family members and boyfriends as perpetrators also.

#### **Recommendations for Change at the Local Level**

None.

#### **Recommendations for Change at the State Level**

- Promotion of Public Service Announcements showing anyone can be a perpetrator of "Shaken Baby" abuse.
- Education for all mothers on relationships (if he is not nice to you, he's not nice to your baby), the dangers of non-related male caregivers hurting your child.

#### **Department Review of County Internal Report**

The Department is in agreement with the findings of Allegheny County Children and Youth Services' report which accurately reflected the agency's and community's response to this near fatality.

### **Department of Public Welfare Findings**

#### County Strengths

- Allegheny County Children and Youth Services did a good job of providing an immediate response to the near fatality.
- The county agency was very diligent in helping this young mother during a very difficult time in her life and ensuring the child received appropriate medical care following the near fatality.

#### County Weaknesses

None.

#### Statutory and Regulatory Areas of Non-Compliance

None.

### **Department of Public Welfare Recommendations**

The Department agrees with the findings of the MDT related to informing mothers of new born babies of the potential dangers inherent in leaving their child(ren) with non related caregivers.

The Department agrees with the findings of the MDT which recommended that a public awareness campaign be conducted focusing on informing mother's of potential risks to their children if they are left with unfamiliar caretakers or boyfriends and/or family members who are not capable of or not invested in providing quality care for their children.