



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

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**REPORT ON THE NEAR FATALITY OF**

[REDACTED]

**DATE OF BIRTH:** [REDACTED]/2009  
**DATE of NEAR FATALITY:** 01/08/2010

**The family was not known to  
Montour County Children and Youth Services.**

**REPORT DATED: 12/14/2010**

**Reason for Review**

Senate Bill No. 1147, now known as Act 33 was signed on July 3, 2008 and went into effect 180 days from that date, 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.

**Family Constellation:**

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	[REDACTED] 2009
[REDACTED]	Mother	[REDACTED] 1976
[REDACTED]	Father	[REDACTED] 1983
[REDACTED]	Victim Child's Sister	[REDACTED] 2002

**Notification of Near Fatality:**

Victim child was taken to Geissinger Medical Center (GMC), Danville by his mother on January 8, 2010 shortly after midnight. Mother reported that victim child was lethargic and difficult to arouse. His head circumference had increased over the previous month. Victim child had decreased feeding and decreased wet diapers, had been vomiting and showed decreased alertness over the past 24 hours. A CT Scan was completed, [REDACTED]. Victim child's mother denied knowing of any trauma occurring to the victim child.

A GMC physician stated that the victim child was in serious or critical condition, although victim child was expected to live. It was suspected that his condition was due to non-accidental trauma. [REDACTED]

[REDACTED] The report was then called to Montour County Children and Youth Services. The Milton State Police were also notified on January 8, 2010 by the county agency of the [REDACTED] report.

[REDACTED] which, according to the medical report states "this constellation of findings cannot be explained by any other diagnosis but abusive head injury (formerly shaken baby syndrome)".

Mother works out of the home and father was the primary caretaker for the victim child when the mother was working.

**Documents Reviewed and Individuals Interviewed:**

The Central Region Office of Children, Youth and Families (CROCYF) reviewed the [REDACTED] investigation file as well as additional information contained in the family file as a result of the investigation done by Montour County Children and Youth Services. The files included medical reports [REDACTED]. The CROCYF frequently spoke with [REDACTED] child safety and services being provided to the family. The CROCYF attended the Children and Youth Agency's internal review meetings held on February 11 and May 21, 2010.

**Case Chronology:**

- On January 8, 2010 Montour CYS received a [REDACTED] referral [REDACTED]. The report was alleging [REDACTED] occurred to a six month old child.
- Montour CYS provided in home services to the family and monitored the case as a result of the [REDACTED] investigation.
- On February 16, 2010 the victim child's father was [REDACTED] as it was [REDACTED]. The county agency established a safety plan for the victim child, provided in home services to the family and monitored the case.
- The county agency held internal review meetings regarding this case on February 11, 2010 and May 21, 2010.
- On June 30, 2010 the child was [REDACTED], the victim child's mother retained physical custody and the county agency obtained legal custody of the child.
- On October 7, 2010 the case was officially transferred from Montour CYS to Lycoming CYS, since the mother and her children relocated to Lycoming County. Lycoming County is currently involved in providing services to the family and monitoring the case to ensure the child's safety.

**Previous CYS involvement:**

Montour County Children and Youth Services were not previously involved with this family.

**Circumstances of child's near fatality:**

The victim child was taken to Geissinger Medical Center (GMC), in Danville by his mother on January 8, 2010 shortly after midnight. The child's mother reported that the victim child was lethargic and difficult to arouse. The victim child had decreased feeding and decreased wet diapers, had been vomiting and showed decreased alertness over the past 24 hours. While at the hospital the child was given a series of tests by GMC medical staff including a CT Scan of his head and body. [REDACTED]

[REDACTED]

This is relevant as the findings confirm that the victim child suffered the injuries as a result of an abusive head injury. The victim child was not involved in a car accident or another high impact accident, thus it was determined via medical staff that the injuries which occurred to the victim child were non accidental.

The victim child continued to receive care [REDACTED] for a period of approximately three weeks. [REDACTED]

[REDACTED]. While in care at GMC the parents were allowed to have supervised visitation of the child, the visitation was monitored by hospital staff. During the time in the hospital a safety plan was established for the victim child's sister so she could remain in her home. The plan at that time stipulated that both parents were not allowed to have unsupervised contact with the victim child's sibling. A relative resource moved into the home to provide supervision. The county agency did do clearances on the relative and had all parties sign the safety plan. Montour County Children and Youth Services monitored the established safety plan, through weekly face to face contact, scheduled supervised visitations along with unscheduled visits to the home by the caseworker and if need be the agency administrator.

[REDACTED]. He was the primary caretaker of the child while the victim child's mother was at work. On January 29, 2010 the victim child's father was formally charged by law enforcement for inflicting the injuries the victim child suffered. He was charged with Aggravated Assault, Simple Assault, and Endangering the Welfare of a Child. The victim child's father was released on bail with an added stipulation which he must abide by the conditions set forth by the county children and youth agency related to all contact and visitation with the victim child, which was interpreted as following the established safety plan put in place. On February 16, 2010 Montour County Children and Youth Services completed their [REDACTED]

[REDACTED] The victim child's mother was not implicated in the investigation as it was determined she did not know, nor play a role in the injuries the child suffered.

The victim child was released [REDACTED] on January 30, 2010. The child's medical condition improved which warranted a return home. The child would need to receive ongoing medical treatment caused from the injuries received; [REDACTED]. A safety plan was established for the victim child and his sibling, which allowed both children to remain in their natural home. The plan stipulated that the father is not allowed to reside in the home. He is not allowed to be in the home while the victim child is in the home and have no unsupervised contact with both children. Visitation with

the victim child is to only occur at the county children and youth agency and would have to be supervised by the agency staff only. The father was granted visitation with the victim child's sibling but it must meet the established conditions. The visitation must be supervised by the mother or an approved third party member, approved via county children and youth agency. The child's mother is able to have unsupervised contact with both of her children. She agreed not to utilize any type of physical discipline on either child. Having established the safety plan, Montour County Children and Youth Services would monitor compliance of the safety plan through weekly contact [REDACTED].

**Current/most recent status of case:**

The father of victim child was formally charged with Aggravated Assault, Simple Assault and Endangering the Welfare of a Child. To date the charges continue. The case is pending trial currently awaiting a scheduled trial date. The mother and her two children moved from a home address in Montour County to Lycoming County. This case was transferred to Lycoming County Children and Youth Services (CYS) on October 7, 2010. Lycoming CYC provides supervision of the family. The victim child's father is not allowed to reside in the same home as the family nor is he able to have contact with the victim child other than supervised by the agency or at church. The assigned county caseworker currently visits the victim child and his sibling in their home at a minimum of once a week. The county agency supervises visitation between the father and the children at the agency. The county has set up parenting classes for the father. The county agency monitors the established safety plan. [REDACTED]

this was set up by Lycoming CYC. Prior to the case being formally transferred to Lycoming CYC both county agencies worked in collaboration to assure the safety plan was being monitored when the family moved.

**Services to children and family:**

Montour County Children and Youth Services became involved with the family upon receipt of [REDACTED] allegation on January 8<sup>th</sup> 2010. The agency provided general case management to the family.

Montour County Children and Youth Services provided supervised visitation for the victim child and the father at the county agency.

Lycoming County Children and Youth Services became involved with the family officially on October 7, 2010. The case was transferred to the county by Montour County Children and Youth Services since the mother and children moved to Lycoming County. Lycoming County Children and Youth Services are monitoring the case and providing services for the family. Prior to the official transfer both counties were working in collaboration to ensure the established safety plan was being followed by the family.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

The county agency's near fatality report did not identify strengths and deficiencies.

**County recommendations for changes at the local (County or State) levels as identified in County's near fatality report:**

The county agency's near fatality report indicates that the bail conditions need to be more in line with the severity of the incident and the crimes that have been charged. The county children and youth agency does not deem it appropriate to have the county children and youth services agency and their established safety plan tie into the bail conditions for a criminal defendant.

**Central Region findings:**

The county agency should have been more vigilant in their attempt to obtain Dependency of the child, both physical and legal custody of the victim child when circumstances in the case determined that the mother was not in full compliance with the established family service and safety plans. The county agency failed to follow through with guidelines established in the In Home Safety Assessment Manual surrounding the process to ensure that safety was re-assessed after the safety plan was violated. The mother was potentially allowing the victim child's perpetrator to have contact with the child in the home when he was found on the property. In addition the county agency discovered that the mother was not communicating with the county agency regarding medical care for the victim child. She took the victim child to two separate hospitals seeking another possible medical explanation for the injuries the victim child occurred. The Central Region Office had several meetings with the county agency administrator as well as the county commissioners regarding the county agency's handling of the case.

On June 30, 2010 the victim child was [REDACTED]. The victim child's

mother retained physical custody and the county agency was given legal custody of the child. A Court hearing was not formally held but rather all parties agreed to this via conference in the Judge's chambers due to both parties (agency / parents) not wanting the public (press) in the court room, which the presiding judge granted the request to allow press in the court room.

The county agency should formally file petitions of dependency with the presiding judge rather than handling it through an informal process via telephone with the hearing master or presiding judge depending on the circumstances of the case. The potential outcome of the dependency hearing should not dictate whether or not the county agency should file the petition, the safety of the child, advocating for the child's protection should be the sole reason for drafting a formal petition.

The Montour County District Attorney's Office formally charged the father on January 29, 2010 with aggravated assault, simple assault, and endangering the welfare of a child. However, as of this date the case is still pending a trial date.

GMC provided proper care for the victim child, necessary tests and procedures were done to ensure the child stabilized and recovered from the injuries inflicted. GMC [REDACTED] made the determination that this incident should be considered a near fatality due to the child being in serious or critical condition. The medical staff had concern to believe the injuries were caused by non accidental trauma which would be later verified via further medical testing.

#### **Statutory and Regulatory Compliance Issues:**

The county children and youth agency developed a safety plan. Upon conclusion of their [REDACTED] investigation [REDACTED] the safety plan was modified to ensure that the father would not have contact with the victim child or be permitted in the home when the child was at the home. According to the case record reviewed, the father was found on the property when the child was at the home on at least two occasions, by county agency personnel. The safety plan was modified to include that the father would not be within 100 yards of the property. As mentioned above the father was found on the property after the plan was modified. The county agency failed to follow the guidelines established in the safety assessment manual regarding In Home Safety Assessment and Management Process specifically in the area of reassessing the safety of the child due to the violation of the established safety plan.

The county agency will be cited for the failure to meet the following regulations: Section 3130.21 (b) & Safety Assessment Manual. Safety must continue to be assessed at every contact and documented in the structured case note. The Safety Plan must also be continually reviewed and amended, if necessary, based on the gathered safety related information. This would include evidence, circumstances or new information suggesting a change in the child's safety.

Section 6375 (d) The county agency shall be the sole civil agency responsible for

receiving and assessing all reports of children in need of protective services made pursuant to this chapter for the purpose of providing protective services to prevent abuse or neglect of children and to safeguard and ensure the child's well-being and development and to preserve and stabilize family left wherever appropriate.