



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR FATALITY OF

[REDACTED]

BORN: [REDACTED] 07

DATE of near-fatality: 12-16-11

FAMILY KNOWN TO:

Berks County CYS

REPORT FINALIZED ON:

04-08-13

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.¹

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. Berks 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]	Victim Child	[REDACTED]-07
[REDACTED]	Mother	[REDACTED]-81
[REDACTED]	Father	[REDACTED]-82
[REDACTED]	Step-father	[REDACTED]-77
[REDACTED]	Half/sibling	[REDACTED]-04
[REDACTED]	Father to Victim Child's half sibling	[REDACTED]1966

Notification of Fatality/Near Fatality

On 12-16-11 the child was brought to the [REDACTED] Hospital by her mother and step-father. She presented with tremors and appeared to be acutely ill. The child's toxicity screen tested positive for benzodiazepines and marijuana. The child was certified to be in critical condition. Her parents were unable to explain how the child was injured. [REDACTED] filed the report of child abuse. The victim child was transferred to Children's Hospital of Philadelphia.

Summary of DPW Child Near Fatality Review Activities:

On 12/16/11, PA State Trooper and Berks County Caseworker interviewed the mother at CHOP. Mother reported that Victim Child had had a visit with her father on 12-15-11, and was brought back to her home in the evening, and placed in the care of her step-father, as mother was working. When mother returned home from work, the child was sleeping. Mother became concerned when Victim Child did not wake in the morning. She attempted to wake her several times. Mother reported that the child would fall back to sleep, mumbling and not making sense. Mother became concerned and decided to take the child to the hospital. Eventually, the mother admitted the step-father was selling marijuana and prescription pills as a source of income. She further admitted that step-father had left the hospital to go home and dispose of the pills. On 12-17-11, caseworker conducted an interview with the father, who had been with the child earlier on

¹ 23 Pa, C,S, § 6343(c)1,2.

the day of the incident. Father denied drug use and explained that he did [REDACTED] but they are always out of the child's reach and kept in child proof bottles. The father was [REDACTED]. The treating physician indicated that the child would not have the symptoms she presented with if she had been exposed to any of the drugs at the father's home. The father appeared to be invested in caring for the child and planned to spend the evening at the hospital. Later the caseworker informed the hospital that the mother and step-father should have no access to the child while she remained in the hospital. [REDACTED], the child was [REDACTED]. Berks County assessed the child's safety and the child was [REDACTED] to the father only.

On 12-16-11, the police issued a search warrant for the home of the mother and step-father. Attempts were made by the caseworker on 12-16-11 and 12-17-11 to visit the home of the mother. No one was available on those dates.

On 12-16-11, the victim child was interviewed. She told caseworker and hospital staff that she took pink pills. The mother confirmed that step-father had blue and pink pills in the home. Child was again interviewed at the Children's Alliance Center in Berks County on 1-3-12, and made no statements consistent with ingesting pink pills or marijuana.

From 12-17-11 to 02-08-12, the step-father was consistently unavailable to meet with the caseworker or state troopers. He reportedly moved to New York. On 2/9/2012 he did return a phone call to the caseworker who asked him to make himself available for an interview, but he declined stating his work schedule in New York would preclude that from occurring. The case was also referred to the protective services unit in New York and that agency attempted contact. On 02-03-12, mother openly admitted in the presence of her lawyer and Berks County caseworker that step-father had been selling drugs and the child had access to them. She further stated that when she was at work, she left victim child in the care of the child's step-father. The case was Indicated on 2/13/2012. [REDACTED] was named as the perpetrator. The case was opened for services 2/14/2012. Services included a [REDACTED] for the mother and parenting services. The mother moved in with her father and the Victim Child resides with her father. Mother does have contact through supervised visits. Mother terminated her relationship with the child's step-father. All parties have been very cooperative. No services were indicated for the biological father. Victim Child's half sibling lives with his father and has visitation only with his mother as per a custody order.

Summary of Services to the Family

The family first became known to the agency on 11/30/2011 when an allegation of neglect was received alleging inappropriate sexual contact between Victim Child [REDACTED], and her half sibling, [REDACTED]. Victim Child's half sibling lives with his father but has visitation with Victim Child and her mother. The allegation was the step-father had found Victim Child with her pants down, touching her genitalia. The child was questioned but did not want to talk about it. She later said that Victim Child's half sibling had touched her, but changed this statement several times. The county agency sent a CY104 on 12/1/2011 to the Pa. State Police, Reading Barracks. The caseworker made an unannounced visit to the mother's home on 12/6/11 and met with mother as Victim Child was visiting with her father. The child was seen later at the home of her father, where her safety assessment indicated that she was safe. On 12/7/11 Victim

Child's half sibling was seen at school, but denied any sexual activity with Victim Child. The caseworker also visited Victim Child's half sibling's home on 12/14/2011 and he was determined to be safe in his father's care. The child was then interviewed at the Children's Alliance Center in Berks County on 12/20/11. The State Police were present. The child stated that Victim Child's half sibling touched her "pee pee" one time and her buttocks one time. She became restless and did not provide any more information. A second interview was scheduled for 1/3/2012, at which time attempts were made by the interviewers to get statements from Victim Child regarding the pill she took on 12/16/11. She was also asked about the alleged sexual abuse but did not indicate anything had occurred. She made no consistent statements regarding ingesting the pills or any marijuana. [REDACTED]

[REDACTED] The case was opened for services on 2/14/2012.

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

County Strengths:

- Case was investigated and assigned to In-home services within the regulatory time frames.
- Case was responded to in a prompt and effective manner.
- A safety plan was developed and the hospital was informed about safety issues, leaving no room for confusion.
- The Risk Assessment was completed in the correct time frames and clearly described the case issues with regard to the participants and family members directly responsible for child's care.
- Attempts to locate the AP were consistent.
- The collaborative effort between law enforcement and the agency is clearly documented.
- Assessments of the homes of the father and the father of the half sibling were clearly documented.

County Weaknesses:

- The initial referral on this case was made as a result of allegations of sexual abuse. The victim child's half brother was identified as having touched the child inappropriately. Even though the age difference is three years, the victim child was unable to disclose any new information at two CAC interviews. No further follow up was conducted by the agency. The half brother was interviewed once.
- The step-father has made himself unavailable for interviews but cannot be ruled out as a perpetrator of sexual abuse, regarding the original complaint received by the agency.

Department of Public Welfare Findings:

County Strengths:

The case had many variables that the agency was required to address. The family presented with several family members who have played a role in the child's life and the agency clearly addressed issues with all family members. The case was referred for in home services and follow up even though there was compliance and cooperation on the part of family members. The child was removed from the care of the mother and placed with her father, while receiving supervised visits with her mother. The step-father was indicated as perpetrator of child abuse for lack of

supervision and neglect and has not had contact with the family. The county conducted an Act 33 review on March 6, 2012.

County Weaknesses:

The outcome of the sexual abuse allegations are unclear as the victim child could not disclose enough information to assist in determining if there was any sexual contact with family members, her step-father or her step-brother. The case was unfounded.

Repeated efforts to locate and discuss the case with the identified perpetrator were unsuccessful.

Statutory and Regulatory Compliance Issues:

Safety assessments that the agency utilizes were completed, contacts were well documented, collaborative efforts with law enforcement and the medical community were clear.