



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

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

**Steven Flanagan**

**Date of Birth: March 11, 2010**

**Date of Death: July 6, 2012**

**FAMILY NOT KNOWN TO:**

**Allegheny County Office of Children Youth and Families**

**REPORT FINALIZED ON:**

**May 8, 2013**

**Date of Oral Report: July 2, 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 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. On August 16, 2012, 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>
Steven Flanagan	Subject Child	March 11, 2010
[REDACTED]	Mother	[REDACTED] 1978
* [REDACTED]	Father	[REDACTED] 1983

\*Not residing with mother and child

**Notification of Child Fatality:**

On July 1, 2012, Steven was transported to [REDACTED] by ambulance. He had been found unresponsive in a bathtub at a Pittsburgh area motel. It was initially reported the mother put the child in a bathtub, allegedly to teach him to swim. According to conflicting statements provided by the mother, the child had either hit his head or had panicked and went face down into the water. The mother was unable to physically lift the child out and she ran for assistance.

There were significant attempts at resuscitation performed by paramedics before transport. Upon hospital admission, it was reported that the child was unlikely to survive. Based on the child's body temperature and blood gas level, it was determined that the child had been under water for 15-30 minutes. He had a visible bruising to his forehead and a bruise to his lateral side. It was determined that the bruise to the forehead was prior to this incident.

The child was [REDACTED] and the doctor certified him as critical. The child did not regain [REDACTED], and died on July 6, 2012.

It should be noted that the mother and child are residents of West Virginia. The mother was visiting Pittsburgh on the date of the incident. She had traveled here to allegedly provide Steven the opportunity to spend time at a Pittsburgh area water park.

**Summary of DPW Child Fatality Review Activities:**

The Western Regional Office of Children, Youth and Families obtained and reviewed the Allegheny County Office of Children, Youth and Families case record pertaining to the family. The regional office also participated in the County Internal Fatality Review Team meeting on August 16, 2012; attended by representatives of the agency, the medical examiner's office, the District Attorney's office, county police, Children's Hospital and representatives of the Berkeley County Office of West Virginia DHS (by telephone). Regional office staff also had ongoing discussions related to the case with the county caseworker, supervisor, and intake manager.

**Summary of Services to Family:**

**Children and Youth Involvement prior to Incident:**

The Allegheny County Office of Children, Youth and Families had no previous involvement with Steven.

The family had been referred for services to the Department of Human Services in Berkeley West Virginia (where they reside) on two occasions: March 7, 2012 and March 27, 2012.

The March 7<sup>th</sup> referral was related to the mother leaving home with Steven for unknown reasons and she reportedly took a large amount of money with her. Mother was described as being [REDACTED] but with no history of [REDACTED]. She went to stay with her parents, who are residents of Ohio, and returned several days later. She was noted to have had Steven checked for [REDACTED] while visiting her parents in Ohio. When the mother returned home, she went to [REDACTED]. This referral was screened out.

The March 27<sup>th</sup> referral was related to allegations (generated by mother's family and friends) that the father had been acting suspiciously towards Steven and they believed the child was fearful of his father. Included in this referral was a statement initiated by the mother that, about two months ago, the child was [REDACTED]. The mother was reportedly in the home and saw this. When the father was questioned about this by family friends, he became angry and responded by obtaining a FPO (final protective order). The order granted the father primary custody of the child until a hearing on the merits of the case, scheduled for April 4, 2012. This referral was accepted for service.

Subsequent to the March 27<sup>th</sup> referral, the mother also filed for a FPO based on her concerns that the father had threatened her and allegedly physically assaulted her

father when she attempted to remove personal items from the family home. As a result of a hearing on the parents respective FPO's, the mother and father were granted shared custody of Steven, Steven was to be with the father for 68 hours a week.

As a result of its assessment, West Virginia DHS determined that there were no present dangers. This determination was based upon evidence obtained during its assessment including: prior to the referral, the mother had been "obsessing and researching [REDACTED] and signs of [REDACTED]"; the mother has been "making comments that [REDACTED] the mother had been [REDACTED]"; the mother and father, though having marital issues, had been taking the proper steps in order to provide safety and supervision for their child; and the father was not living in the home. Since no [REDACTED] was [REDACTED], the case was closed effective June 8, 2012.

**Circumstances of Child Fatality and Related Case Activity:**

On July 1, 2012 Steven was transported to [REDACTED] by ambulance. He had been found unresponsive in a bathtub at a Pittsburgh area motel.

Based on the child's blood gas level and body temperature, taken when he was admitted to the hospital, it was believed that Steven was under the water anywhere between 15 to 30 minutes. The child had a bruise to his forehead, which the father reported he had prior to this incident, and a visible bruise to his left lateral side.

The child was placed on life support and the doctor certified him as critical. The child did not regain [REDACTED] and died on July 6, 2012.

The mother and father, [REDACTED] are residents of West Virginia. The parents are currently separated; they shared custody of the child. On the date of the incident, the mother decided that she wanted to take Steven to [REDACTED] Water Park in Pittsburgh during her time with him. She traveled from West Virginia to a motel in Greentree, PA., in order to have easy access to the water park.

The mother has provided at least two different accounts of the child's drowning. According to the first account, which she shared with the father, she placed Steven in the bathtub of her hotel room; Steven slipped in the bathtub and slid under the water. Steven began to gurgle water while the mother sat paralyzed on the toilet unable to provide assistance to her son; eventually she ran into the hallway and received help from hotel staff.

In another account of the events, provided to Allegheny County Office of Children, Youth and Families (OCFY) by law enforcement, the mother reported that Steven had hit the towel bar and then slipped under the water and the mother was unable to physically lift him out of the bathtub. She ran out of the bathroom to get her back brace (reason the mother uses the back brace unknown) and still was unable to lift Steven out

of the bathtub. She then allegedly ran out of the hotel room to the hallway to get assistance and the hotel door closed behind her locking her out of the room. Hotel security had to assist in letting her back into the hotel room.

On July 2, 2012, upon receipt of the [REDACTED] report related to Steven's drowning, Allegheny OCYF immediately initiated an investigation. Two caseworkers went to the hospital and observed the child who was in the [REDACTED] and consulted with medical staff regarding the child's prognosis.

On the same date, the caseworkers also interviewed Steven's father, who had traveled to Pittsburgh on July 1, 2012, arriving between 10:00 and 11:00 PM, after he received a call from the mother about Steven's drowning. The father confirmed that he and the mother share custody of Steven. In accordance with the agreed upon custody arrangement, the father had placed Steven in his mother's care on July 1, 2012 around 2:00 pm. The mother asked the father for some additional days due to wanting to take Steven to a water park. The father claimed he told the mother no.

The father provided the account he had received from the mother related to the events (described above) pertaining to the incident. The mother, who had been detained for questioning by police, was not available for an interview.

On July 3<sup>rd</sup>, the assigned caseworker had a second interview with the father at the hospital. The father provided some social history related to the family; he advised that he and the mother met in graduate school, and they married in 2006. They have been residents of West Virginia since that time, and had separated, pending divorce. The father is currently employed and, up to 6 months ago, mother was employed as well. Prior to the child's birth, the mother reportedly had [REDACTED] approximately a year apart. The father reported that, at the beginning of 2012, he began having concerns about the mother's [REDACTED]. He had contacted local law enforcement in West Virginia on a few occasions in attempts to get the mother [REDACTED] but by the time the police arrived, the mother had settled. The father also claimed that the mother began making outlandish allegations against him beginning in March 2012; and had made a statement a few months ago that she would kill Steven and herself if she felt threatened. The father denied the mother had ever accused him of [REDACTED].

According to the father, the mother's behavior did lead to the parents' separation, his seeking an FPO, the involvement of West Virginia DHS, and the subsequent court determination that the parents should have shared custody of Steven pending finalization of their divorce.

On July 10, 2012, the assigned caseworker attempted to visit the mother in the [REDACTED] Jail where she had been detained on charges of Criminal Homicide, Aggravated Assault and Endangering the Welfare of a Child. Upon the advice of her attorney, the mother refused the interview.

On July 16, 2012, the assigned caseworker contacted West Virginia DHS and obtained case record information related to their involvement with the family, as summarized above.

On July 30, 2012, the county had an emergency internal review team meeting to assess the events surrounding the fatality.

On July 31, 2012, the Allegheny Office of Children, Youth and Families completed its investigation into the [REDACTED] report pertaining to Steven and submitted a [REDACTED] [REDACTED] the resolution of the mother's charges of Criminal Homicide, Aggravated Assault and Endangering the Welfare of a Child.

On August 16, 2012, the formal County Internal Review Team met to review the fatality of Steven Flanagan.

**Current Case Status:**

Following the submission of the [REDACTED] report, Allegheny County OCYF closed its case. Since there were no other children in the family, no referral for service was made to West Virginia DHS.

The mother of Steven remains incarcerated in Allegheny County. She is awaiting jury trial in the Allegheny County Court of Common Pleas, scheduled for May 20, 2013, on charges of Criminal Homicide, Aggravated Assault, and Endangering the Welfare of a Child.

The father returned to his home in West Virginia following Steven's death.

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

- Strengths: The agency response to Steven's fatality was prompt and comprehensive.
- Deficiencies: None noted
- Recommendations for Change at the Local Level: None identified
- Recommendations for Change at the State Level: None identified

**Department Review of County Internal Report:**

The Department received a copy of the agency internal review on October 19, 2012. The review and related reports were comprehensive in regards to the agency's assessment of the fatality of Steven as well as to information pertaining to the family

history preceding the event. The individuals and agencies that participated in the investigation were identified and services provided clearly detailed.

**Department of Public Welfare Findings:**

- County Strengths: Allegheny County OCYF response to the fatality report regarding Steven Flanagan was prompt and thorough. The agency engaged previous service providers in conducting its assessment, engaged the father in its investigation and convened a fatality team review as required by Act 33.
- County Weaknesses: None noted
- Recommendations for Change at the Local Level: None identified
- Recommendations for Change at the State Level: None identified
- Statutory and Regulatory Areas of Non-Compliance: None

**Department of Public Welfare Recommendations:**

None identified; the county responded in an appropriate manner to the fatality of a child who was visiting from another state.