



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE DEATH OF

Sandra Ferguson

BORN: 1/20/07

DIED: 2/26/09

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

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 was signed by Governor Rendell on July 3, 2008 and went into effect 180 days from that date, December 30, 2009. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and near child 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>
Sandra Ferguson	Victim Child	1/20/07
[REDACTED]	Mother	[REDACTED]/86
[REDACTED]	Mother's Paramour	[REDACTED]/79
[REDACTED]	Half-Sibling	[REDACTED]/05
[REDACTED]	Half-Sibling	[REDACTED]/08

Notification of Fatality:

According to the [REDACTED] report that was received by Somerset County Children and Youth Services, the mother's paramour brought the child to Windber Hospital Emergency Room, Windber, PA on 2/8/09 with extensive injuries. The child had multiple old and new bruises along her hairline on her forehead, above her right ear, on her right and left temporal regions, and on the medial aspect of both knees. The child had multiple contusions and abrasions on her right hand, lower back and legs. The child's pupils were unequal. The child's heart rate was very low. [REDACTED]

[REDACTED] X-rays were done but the results were not back yet. Photos were taken of the child's injuries. The child had not been classified in critical condition at that point. The mother's paramour claimed that the child fell out of her crib. [REDACTED] the injuries did not match the story. [REDACTED]

On 2/9/09 the child was sedated and intubated for flight to Children's Hospital of Pittsburgh. [REDACTED]

[REDACTED] died [REDACTED] on 2/26/09. On 3/4/09 Somerset County Children and Youth Services notified ChildLine of the child's death and this report was then listed as a Fatality Report. At that time the child's mother and the mother's paramour were [REDACTED] the only caretakers of the child.

Documents Reviewed and Individuals Interviewed:

The Central Region Office of Children, Youth and Families (CROCYP) reviewed the Somerset County Children and Youth Services [REDACTED] investigation file. The file was inclusive of all medical reports, the autopsy report, Police Criminal Complaint and agency dictation. Somerset County Children and Youth Services also obtained priors from Clearfield County Children and Youth Services and Jefferson County Children and Youth Services. The CROCYP interviewed Somerset County Caseworker, [REDACTED] and Supervisor, [REDACTED]

Case Chronology:

Previous CY involvement:

Somerset County Children and Youth Services had no involvement with the family prior to receiving the [REDACTED] Report on 2/8/09. During the investigation it was discovered that the family did have prior involvement with Clearfield County Children and Youth Services and Jefferson County Children and Youth Services. Both Clearfield and Jefferson County Children and Youth Services are located in the Western Region. Somerset County did request and receive confirmation of involvement from both Clearfield and Jefferson counties. The following is a summary of the documentation sent from Clearfield and Jefferson County Children and Youth Service Agencies.

Clearfield County Children and Youth Services:

[REDACTED] Referral: Received on 10/12/06.

Allegations: The mother yells and swears at the child, [REDACTED] /05 and threw him onto a couch. When the child cries the mother yells at him, "What do you want from me?" and states she should jump off a bridge to get peace and quiet. [REDACTED] was the only child in the home at the time of this referral.

Actions/Outcome: An unannounced home visit was conducted immediately. The mother stated she yells when the child gets too close to the dog because the dog has cancer and will bite if you get too close to him. The mother denied the other allegations. The home was found to be free and clear of health and safety hazards, and the child was clean, dressed appropriately and appeared healthy. The child was seen during the home visit but the worker did not check to see if the child had any injuries. The mother agreed to a safety plan that she would not cause any injury to the child, that she would not throw or scream at the child, and that she would provide for all his basic needs. It is noted that the Maternal Grandparents lived in the home at the time but were not included in any safety planning. [REDACTED]

[REDACTED] This intake was then closed on 10/16/06.

[REDACTED] Referral: Received on 3/13/08

Allegations: It was reported that the child, [REDACTED], was having feeding issues, possibly textural issues, and that the mother thinks the child may be autistic, as the child

is not walking or pulling herself up. [REDACTED]

[REDACTED] states that the mother reports the child screams and cries unless she is left in the crib and that the mother reports that child drinks 12-15 bottles per day. The mother was confronted about 4 missed medical appointments for the child and it was reported that the child's last medical appointment was at 2 months old. [REDACTED] states that the child lies with her hands in front of her as if she is guarding herself. It was also reported that both the child and her sibling, [REDACTED], are behind in immunizations.

Actions/Outcome: The case was accepted for services on 5/13/08. The Family Service Plan was signed by the mother on 5/27/08 which included meeting the child's medical needs by maintaining all medical appoints and providing for the appropriate care of the child. It should be noted that Family Preservation services began working with the family on 03/24/08 however is not referenced in the Family Service Plan. There was no further information available for review except for a risk assessment dated 8/7/08 which was completed when it was learned that the family was now residing in Jefferson County. Clearfield County Children and Youth services then referred the case to Jefferson County Children and Youth Services on 8/7/08.

Additional [REDACTED] were received by Clearfield County Children and Youth services on 4/2/08, 6/9/08, 7/16/08 and 9/7/08. Although the referral information was provided the case specific documentation was not forwarded with the referral information. The referral information is as follows:

[REDACTED] Referral: Received on 4/2/08.

Allegations: The referral source [REDACTED] reported concerns in regard to [REDACTED] the Mother never cleans the child, [REDACTED]/08 and her diaper is never changed. [REDACTED] private area is dirty and it has stuff caked in it. Her hands are dirty and have fuzz on them.

Actions/Outcome: The case was on already being served by Family Preservation and open in the Intake Department.

[REDACTED] Referral: Received on 6/9/08.

Allegations: The referral source [REDACTED] provided pictures and expressed concern over the care of [REDACTED] by the child's mother. [REDACTED] reported that [REDACTED] was frequently dirty and currently had the worst case of diaper rash [REDACTED] reported that [REDACTED] was behind developmentally and had severe diaper rash under her chin. [REDACTED] reported concerns for the child's siblings, [REDACTED] who is left in a crib all day and not being fed, and for [REDACTED] who is still in diapers and is not talking yet.

Actions/Outcome: The agency viewed this information in the context of the case already being open and active with services and any issues would be addressed.

Referral: Received on 7/16/08.

Allegations: The referral source [REDACTED] that the child, [REDACTED] is always sleeping, and that the mother did not go to check on the child in over an hour [REDACTED] the child's diaper was soaked and the child was dirty and smelled. [REDACTED] concern because she could see the child's ribs. [REDACTED] expressed concern to her regarding the child's and her sibling's hygiene as well as concerns that the child's sibling, [REDACTED] is told to wait when he asks for food. [REDACTED] expressed concern to [REDACTED] because she is supposed to be wearing braces because her feet go to the side and she can't walk right. [REDACTED] the mother is not following up with the child's needs and [REDACTED] the child needs to be seen by a doctor. [REDACTED]

[REDACTED] no food in the refrigerator and a little bit of food in the freezer. The house was hot upstairs and there were no running fans.

Action/Outcome: There was no further case documentation to review other than a supervisor's comment that the "Report is unsubstantiated. This incident can be closed."

Referral: Received on 9/7/08

Allegations: [REDACTED] there was a warrant for the mother's arrest and that [REDACTED] heard that both Clearfield and Jefferson County Children and Youth Service Agencies were looking for the mother. [REDACTED] wanted dispatch to give him the number for the cops.

Action/Outcome: The call was screened by the agency. At that time, it was given a Low rating as there were allegations of maltreatment however mother was living in Jefferson County and open for services.

Jefferson County Children and Youth Services

Referral: Received on 8/2/08 and 8/7/08

Allegations: On 8/2/08 [REDACTED] called Jefferson County Children and Youth Services and reported that the family had moved in with [REDACTED] in Jefferson County on 8/1/08. [REDACTED] expressed concern about the mother's 19 month old baby ([REDACTED]), stating that the mother gave the child tea instead of milk, that the baby can't move and may be developmentally delayed. [REDACTED] also stated that the room the family is staying in is hot and poorly ventilated. [REDACTED] that the mother has been sitting on the porch talking to her guy friends instead of watching the children and interacting with them. [REDACTED] the mother only changes the younger two children's diapers 3 or 4 times a day. [REDACTED] felt this was a case of neglect. On 8/7/08 Clearfield County Children and Youth Services made a referral regarding medical neglect and the family's eviction from their residence and move to Jefferson County. Also on 8/7/08 [REDACTED]

[REDACTED] made a referral to Jefferson County Children and Youth

Services because [REDACTED] she found no food in the home, no milk/formula in the home [REDACTED]) and there is an infant in the home, was concerned that a young child was drinking ice tea, and expressed concern that one of the children is receiving [REDACTED] and is having trouble gaining weight.

On 8/16/08 [REDACTED] made a referral to Jefferson County Children and Youth Services expressing [REDACTED] concerns that the mother is not taking care of the child, that the child is not being fed properly, that the mother is missing the child's doctor appointments.

Action/Outcome: Jefferson County Children and Youth Services made home visits with the family at the residence they were staying at on 8/4/08 and 8/13/08. The case documentation indicates the mother stated she had food/formula and milk. A release for the child's ([REDACTED]) physician was obtained. The mother stated she had [REDACTED] appointment on 8/14/08 and a medical appointment with the child's physician on 8/19/08.

[REDACTED] the child was seen and that there were no major concerns.

[REDACTED] On 8/27/08 the agency learned that the mother had left the residence she was staying at with her children on 8/26/08. The agency attempted to visit the mother and the children again on 8/29/08 and 9/4/08 but the mother and her children never returned to the residence. The agency learned on 9/10/08 from the Maternal Grandmother, (MGM), that the mother was residing somewhere in [REDACTED] but the MGM could not provide any specific address or telephone number. [REDACTED] is located in Somerset County. The agency then recommended the case be closed due the mother's move, [REDACTED] that the mother was appropriately caring for the child and the mother's not answering the agency's calls to her cell phone. There is no documentation of the agency attempting to contact [REDACTED] or actually seeing the child during the last home visit or verifying food/formula in the home (they asked the mother and she said yes but it was not actually seen). The agency closed the case on 9/10/08 with no referral being made to Somerset County Children and Youth Services.

Circumstances of Child's Fatality:

In their initial statements of events to investigating Law Enforcement Officers and Somerset County Children and Youth Services Staff, Caseworker [REDACTED] and Supervisor [REDACTED], the child's mother and mother's paramour maintained that the child had been falling out of her toddler bed so they had recently put her in a crib. They stated the child fell out of the crib on 2/8/09, causing her injuries. On the date of the incident the child's mother and mother's paramour stated they had put the children to bed and they were in the living room watching a movie. The time was estimated to be after 9:00 p.m. when they heard a loud thud. The mother's paramour stated he ran into the

child's room and the child was lying on the floor not moving. The mother's paramour stated he took the child in to the living room, laid her on the couch and began CPR. The child's mother called for an ambulance, but her paramour decided not to wait for it and he took the child to the Windber Hospital Emergency Room, Windber, PA. The child's mother stayed behind to care for her two other children. After the initial medical assessment of the child at the hospital, it was determined that due to the child's extensive injuries she would be sedated and intubated for flight to Children's Hospital of Pittsburgh. The child's mother and paramour drove directly to Children's Hospital of Pittsburgh. They stated they arrived before the helicopter did. [REDACTED]

[REDACTED] she died on 2/26/09.

On 3/3/09 the mother's paramour was interviewed by law enforcement officers from the Paint Township Police Department and PA State Police. During this interview the mother's paramour stated that he, the child's mother and half-sibling, [REDACTED], were in the living room watching a movie; the child's other half-sibling, [REDACTED], was in bed and the child was in her toddler bed. [REDACTED] and the child shared a bedroom in the home. The mother's paramour stated that the child got out of bed and woke up [REDACTED]. He stated that they put the child in her walker and she was crying. The law enforcement officers stated that the mother's paramour then admitted that he punched the child in the head and the child became unconscious and passed out. The mother's paramour was then arrested and placed in Somerset County Jail. On 3/26/09 Somerset County CYS Caseworker [REDACTED] and Supervisor [REDACTED] interviewed the mother's paramour in the Somerset County Jail. The mother's paramour stated during this interview that he did not punch the child but that he slapped the child on the right side of her head with an open hand. He stated that he does not think he hit her hard enough to hurt her. He stated that 15 minutes after he hit her she was unconscious in her walker. He added that earlier that evening the child's mother bathed the child and he heard her screaming like he never heard her scream before. He states that the child's mother made up the story about the child falling out of her crib and he went along with it because he was scared.

On 3/6/09 the child's mother was interviewed by law enforcement officers from the Paint Township Police Department and PA State Police, and Caseworker [REDACTED] from Somerset County Children and Youth Services. The child's mother initially maintained her prior statements that the child had fallen out of her crib, but then admitted that her paramour punched the child once in the head because she was crying.

An attempt was made on 4/2/09 to have the child's half-sibling [REDACTED] forensically interviewed at The Child Advocacy Center, but he would not speak. [REDACTED]

Additional interviews were conducted [REDACTED] [REDACTED] Numerous statements were received from those individuals about the mother's and the mother's paramour's lack of care and failure to provide for the child's special

needs. [REDACTED]

[REDACTED] The mother had also reported that the child would not eat table foods and would only take bottles.

Somerset County Children and Youth Services was very diligent in obtaining waivers/releases for information from service providers that had worked with the family in Clearfield and Jefferson Counties. The mother had not initiated any services for the child or her siblings in Somerset County. [REDACTED]

Current / most recent status of case:

[REDACTED]. The agency did not accept the case for services because the child's siblings are residing with relatives in Clearfield County. [REDACTED] went to reside with her father and [REDACTED] is residing with his maternal grandmother and step maternal grandfather. Although the living arrangements for these children were made by their mother, father and maternal grandmother and maternal step-grandfather independent of court involvement, Somerset County Children and Youth Services ensured the relative caregivers were appropriate, sought emergency clearances and made immediate referrals to Clearfield County Children and Youth Services for services.

The mother has been criminally charged with 3 Felony counts of Endangering the Welfare of Children and with 1 Felony count of Hindering Apprehension. She has not gone to trial yet. Her current living circumstances are not known. She is not permitted to have any contact with any of the children.

The mother's paramour has been criminally charged with Homicide, Aggravated Assault, Simple Assault and Reckless Endangerment. He remains in the Somerset County Jail awaiting his criminal trial.

Services to children and families:

Somerset County Children and Youth Services made referrals for the child's siblings to Clearfield County Children and Youth Services because the children are residing there with relatives.

County Strengths and Deficiencies as identified by the County's Near Fatality Report:

There were none noted.

County Recommendations for changes at the Local (County or State) Levels as identified by way of County's Fatality Report:

There were none noted.

Central Region Findings:

The investigation completed by Somerset County Children and Youth Services was conducted timely and in collaboration with law enforcement services. Efforts to assist the family in establishing care with relatives (with appropriate safety provisions) for the child's siblings were well coordinated. The agency initiated court involvement when necessary and case documentation was very thorough. The agency initiated court involvement to secure an order prohibiting the child's mother and her paramour from having any contact with the child's siblings which was granted on 2/11/08.

Statutory and Regulatory Compliance issues:

There were no regulatory compliance issues related to Somerset County Children and Youth Services.

Somerset County Children and Youth Services conducted a thorough and timely investigation. The investigation was coordinated with law enforcement officials. Safety assessments and plans were completed and efforts were well coordinated with the counties where the child's half-siblings are residing. Referrals for services to the counties where the half-siblings are now residing with relatives were completed timely and follow up collaterals to ensure services were coordinated for the children were also done.

Although Somerset County did request and receive confirmation of involvement from both Clearfield and Jefferson counties, both Clearfield and Jefferson did not complete Internal Fatality Reviews of their involvement with this family. The Western Region Office of Children, Youth and Families will participate in the review of both counties' prior involvement with the family.