



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

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**REPORT ON THE NEAR FATALITY OF**



**BORN: 03/21/2007**  
**DATE OF NEAR-FATALITY: 05/15/2009**

**FAMILY KNOWN TO:**  
Lycoming County Children & Youth Services

**REPORT FINALIZED: February 9, 2010**

**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, 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	03/21/07
[REDACTED]	Mother	[REDACTED] 1989
[REDACTED]	Father of [REDACTED]	[REDACTED] 1979
(Newark, NJ) [REDACTED]	Mother's paramour, father of [REDACTED]	[REDACTED] 1990
(Lycoming County Prison) [REDACTED]	Child of Mother and [REDACTED]	[REDACTED] 2009

**Notification of Fatality/Near Fatality**

Victim Child [REDACTED], age 2 at the time of the incident, lived with 20-year-old Mother in a 3<sup>rd</sup> floor apartment. She reported recently breaking up with her 18 year old paramour, although they still had contact at times. Victim Child was taken to Williamsport Hospital ER by Mother and her paramour on May 15, 2009, then life-flighted to Geisinger Medical Center with internal bleeding, vomiting, and severe stomach pain. Child was diagnosed with [REDACTED] [REDACTED], and treated at Geisinger until his release into medical foster care on May 31, 2009.

**2. Documents Reviewed and Individuals Interviewed:**

- Case file                      Psychological Evaluation
- Medical Records            Court Records
- MDT Report
- FGDM Report

Central Region interviewed 2 Lycoming County Caseworkers and Lycoming County DSS

**Case Chronology:**

**Previous CYs involvement:**

On February 24, 2008, a referral was received from [REDACTED] regarding the mother verbalizing a negative attitude and sarcasm toward the child. CYs conducted a home visit on February 25, 2008 to Mother and Victim Child who were residing with the maternal great grandmother. The agency worker offered voluntary services to mother, including parenting education and outreach services. Mother declined services and there were no issues that warranted court-ordered intervention. Both Mother and great-grandmother expressed disdain for Children and Youth Services based on prior experience with DYFS in New Jersey. Mother and child appeared bonded, mother had a support system. The referral was closed on February 26, 2008.

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

**INVESTIGATION:**

On Friday, May 15, 2009, Mother and Mother's paramour took Victim Child to the Williamsport Hospital because he was throwing up. The Hospital noticed bruises behind child's ears and on his stomach. Mother told hospital that Victim Child fell down four steps. The hospital asked CYs to speak with family members for their input [REDACTED]. The emergency duty caseworker saw the child and family at [REDACTED].

Williamsport Hospital. On May 16, 2009, child was life-flighted to Geisinger Medical Center due to the severity of his injuries.

[REDACTED] Montour County CYS caseworker saw Victim Child on Tuesday, May 19, 2009 at the Geisinger Medical Center to assure safety.

[REDACTED] reported that on May 20, 2009, Mother brought in food and soda to the hospital, although she knew that the child was not permitted to eat or drink. She yelled at Victim Child to be quiet, and swore loudly enough for nurses to overhear. She was observed pushing Victim Child onto the daybed, an action that had the potential to cause abdominal bleeding to recur. When staff offered to help or give Mother a break, she declined. When confronted, she said, "I can take him out of the hospital anytime I want." A petition for emergency custody was filed on this same day. Meanwhile, the hospital would not permit Mother back on the premises due to her behavior.

Agent [REDACTED] of Williamsport Police and Lycoming CYS caseworker [REDACTED] met with the [REDACTED] on May 21, 2009. [REDACTED] were clear that Victim Child may indeed have fallen down a few stairs, but that did not account for the abdominal injuries. He had a "high velocity" injury, typically seen in car crashes, being thrown from an ATV, or a blow to the stomach. The injuries were expected to require a 2-3 month healing time. [REDACTED]

For six weeks, Agent [REDACTED] and caseworker [REDACTED] conducted multiple interviews of Mother and Mother's paramour. Both Mother and Mother's paramour provided implausible accounts of what happened to Victim Child, focusing on a fall down four wooden steps. Mother maintained that she was the child's caregiver. Agent [REDACTED] learned that Mother's paramour had not attended school as reported on May 15, 2009. Finally, on June 29, 2009, when Mother said she "was done lying for her Paramour" and told police that her paramour had been watching the child for extended periods of time on May 14 & 15, 2009. Mother's paramour eventually admitted that he jumped onto the bed where Victim Child was sleeping and his knee went into the child's abdomen.

Caseworker [REDACTED] contacted [REDACTED]. [REDACTED] said that [REDACTED] observed Mother "bitting Victim Child like he was a 14-year-old, screaming and cursing, and not accepting any advice from friends and relatives. Once he had a black eye without a plausible explanation for the injury. No family members ever contacted Children and Youth regarding their concerns. Victim Child got a haircut at a local barbershop during one visit and Mother's paramour came in. Victim Child reacted very fearfully and refused to engage with Mother's paramour. In early July, after the child was released from the hospital and in foster care, Victim Child began making statements at the foster home like, "[Mother's paramour] hurt my belly." "[Mother's paramour] get away."

Mother's paramour was charged with Aggravated Assault (F1), Simple Assault (M2), Recklessly Endangering (M2) and Endangering the Welfare of Children (M1). He was incarcerated in Lycoming County Prison on \$75,000 bail in July 2009. On December 15, 2009, he entered a guilty plea to all of the charges except the felony aggravated assault, which was dismissed. He is serving a one-to-two year prison sentence. Mother's paramour has been in prison since July 6, 2009, and will be eligible for work release in April 2010.

[REDACTED]

AGENCY SERVICES:

An emergency custody hearing was held May 22, 2009. Mother attended with a cousin. The court retained Victim Child in custody and scheduled adjudication and disposition for May 29, 2009. The Agency recommended that Victim Child remain in a foster home until his liver and pancreas were healed. This would provide time for relative caregivers to complete a foster home study and get approved. Mother was cooperative with the caseworker, and agreed to gather Victim Child's clothing, Medical Card, and Social Security card for agency staff to pick up.

At the May 29, 2009 hearing all parties agreed to the dependency adjudication. The Family Service Plan and Child Permanency Plan were approved. Victim Child remained in agency custody.

Due to the particular care that Victim Child required, physicians recommended he not go to a day care center. Lycoming CYS located a purchased foster care placement with Families United Network (FUN). The FUN foster parents visited Victim Child while he was at Geisinger in order to establish a relationship with him and learn about his medical needs. Victim Child was discharged from GMC on May 31, 2009.

Lycoming CYS scheduled parent/child visits for Mother upon Victim Child's release from the hospital. Visits were held twice each week for an hour in the visitation center, which has child-friendly facilities that encourage play, cooking and eating with the children. Visits were supervised by the County's visitation caseworkers, who provided feedback and suggestions during the visitation period.

During this time efforts were made to locate Victim Child's birth father. Two men with the same name were in prison in New Jersey, complicating the search. On June 30, 2009 when the father's identity and location were confirmed, all appropriate documents were mailed to him at Essex County Prison, NJ.

A number of relatives were contacted regarding possible kinship foster care. These included a sister in New Jersey and two cousins. The sister withdrew from consideration and there were police incidents occurring at the home of one cousin. The other cousin was not utilized at the time for reasons not known.

Due to his injuries, Victim Child was limited to only moderate physical activity for a period of months. In August, 2008, Victim Child was able to resume some normal two-year-old play, but was not fully cleared. He was "medically cleared" on October 2, 2009 from all restrictions and is no longer medically fragile.

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

Mother was born in New Jersey. She and other siblings were born while their mother was addicted to cocaine. Mother was raised for the 1<sup>st</sup> 10 years by a relative, who died during the time she was there. She then lived with her mother and other relatives, moving between Williamsport and New Jersey. At age 16 she was placed into a group home because of her difficult behavior. She ran away, met Victim Child's father and became pregnant at age 17. She eventually returned to Williamsport with Victim Child, where she lived with Cousin [REDACTED] until recently moving out with her paramour. Mother's father is a drug addict, living in New Jersey. Two sisters have or had children placed into foster care; a brother is permanently disabled due to a shooting, and another brother is incarcerated. Victim Child's father is in prison in New Jersey on drug-related charges. On July 22, 2009, Mother was standing beside a 30 y.o. female cousin when the cousin, in an apparent "lover's quarrel" was shot and killed by a man who is a "longtime friend" of Mother's.

Mother's relationship with her paramour, a high school student, included a number of incidents of domestic violence. In addition to charges related to Victim Child's assault, Mother's paramour has outstanding charges for retail theft, and on another occasion, resisting arrest. There are a number of relatives and friends, some of whom attended a Family Group Conference with Mother. A Cousin, who helped raise Mother, is under consideration as a kinship care resource. The Cousin's two adult sons are in jail, and her two adolescent sons

still at home are active with the Juvenile Probation Office.

Mother did not complete high school and has a spotty employment history. She is quickly frustrated and gets angry, as displayed toward her son and in screaming/yelling attacks to Children and Youth Staff and community agencies. She denies illegal drug use, although addiction is rampant among family, friends, and neighbors. [REDACTED]

Victim Child's father has written one brief note since learning that his son is in foster care placement. He has not called or sent letters to Victim Child. He was to be released from prison in January 2010.

Mother moved into YWCA Liberty House on October 13, 2009 following eviction from her apartment. Liberty House Mission is a bridge housing program for women and children, where a significant amount of oversight is provided. She was unable to move into subsidized housing because of past violations. Mother gave birth to Baby Half-Sister, her daughter to her paramour, by C-section on November 17, 2009. The infant lived with Mother at her residence in Liberty House. At the time of the baby's birth, a safety assessment was completed and the infant determined to be "safe" and therefore not in need of a safety plan. The level of supervision provided to mothers and children in the Liberty House program was a protective factor that addressed Mother's impulsivity and immaturity. Voluntary in-home services were provided, including parenting skills education and [REDACTED].

Mother's interactions with Victim Child improved over time, although prompts were still needed to encourage her to consider his needs rather than hers. She showed improvement in her ability to express concerns without yelling or perseverating, and seemed to have developed a more positive working relationship with CYS staff and more openness to community services. The number of late or missed visits decreased. Because Mother was making progress on the Permanency Plan, in August 2009, visits increased to twice a week for two hours each, then four hours each in December. This was in anticipation of Victim Child's return to mother's care in the future.

Following Baby Half-Sister's birth, Mother's compliance with her Family Service Plan and her interactions with Victim Child during visits deteriorated. She ignored or resisted suggestions offered by the visitation caseworkers. She was frequently tired, irritable, and non-compliant with feedback and suggestions. At Liberty House, Mother was overheard screaming and cursing at the baby. The Agency learned that she had not taken Baby Half-Sister for any well-baby check-ups since birth, although the infant appeared to be thriving. On December 3, 2009, Mother requested placement because she believed she would be incarcerated for unpaid fines. By day's end, the issue regarding the fine was resolved, and no placement was made. On December 21, 2009, Mother called the Agency to request they place Baby Half-Sister because she was stressed by parenting the infant. After speaking with her caseworker, she withdrew her request.

On January 4, 2010, Mother was evicted from Liberty House, and Baby Half-Sister was placed into foster care with a Cousin, approved as an Emergency Caregiver. Mother signed a Voluntary Placement Agreement. In addition to the eviction, the petition for custody included Mother's feeding the child 2% milk and cereal, using profanity with the baby, and missing all well-baby appointments. A few weeks later on January 28, 2010 the kinship caregiver asked for Baby Half-Sister's removal, saying that she had to deal with some personal issues. Baby Half-Sister was then placed into the same foster home with her brother Victim Child. Paternal grandmother was offered as a possible kinship resource for Baby Half-Sister; however, she did not have a stable home and her own children were not living with her.

Safety plan for Victim Child: The agency obtained emergency custody of Victim Child on May 20, 2009 due to Mother's behavior at the hospital. Victim Child remains in foster care. Visits with Mother are supervised by Lycoming County's visitation caseworkers, who monitor, provide suggestions and give parenting advice throughout the visit.

Safety plan for Baby Half-Sister: Voluntary custody was obtained on January 4, 2010 and Baby Half-Sister was placed into custody, first into a kinship foster home, and then into a non-kinship resource home with Victim Child. Visits are supervised.

**Services to children and family:**

Parent Education: Pregnancy Care Center  
Individualized services including job search, [REDACTED], "Baby Basics" curriculum;  
Outreach Worker – Lycoming CYS

[REDACTED]

Emergency & inpatient medical care: Williamsport Hospital, Geisinger Medical Center

Primary Care Physician, infant: [REDACTED]

Medical-level foster care: Families United Network

Visitation twice weekly, increased from one to four hours/visit: Lycoming CYS

Family Group Decision Making conference

[REDACTED]

Court Appointed Special Advocate (CASA)

[REDACTED]

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

MDT was held July 28, 2009. The Team identified no concerns regarding the investigation, and did not believe that Lycoming CYS could have foreseen the occurrence of this near-fatality.

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

[REDACTED] Lycoming CYS should complete criminal background checks [REDACTED]

- If a case has been transferred to an ongoing unit prior to the MDT meeting, the ongoing caseworker should also be available. This will facilitate responses to questions regarding the victim's current condition, status of services to the parents, etc.
- Lycoming CYS should continue to secure training for investigative staff specific to interviewing and related skills development.
- Victim Child should have been evaluated for [REDACTED] services during the [REDACTED] investigation, rather than a referral following case transfer.

**Central Region findings:**

**STRENGTHS:**

- [REDACTED]. Charges were filed against [REDACTED] almost immediately when it became clear what had happened.
- The County provided a full array of services to promote reunification after Victim Child's placement. The visitation schedule far exceeded minimum regulatory requirements, and specialized visitation caseworkers gave immediate parenting instruction and feedback during the visits. Given the mother's immaturity and lack of parenting skills, this service also provided added protection for Victim Child.
- Multiple kinship care options were considered throughout Victim Child's placement, and kinship care was utilized for Baby Half-Sister when she entered foster care.
- There are many services available in Lycoming County. The community is service-rich in addition to CYS. Available services include [REDACTED], [REDACTED], in-home outreach, a Family Center, a child-friendly visitation center, [REDACTED], etc.

DEFICIENCIES:

- Mother was exhausted and overwhelmed following the baby's birth with the duties of parenting a newborn, visits with Victim Child, and multiple appointments for social services. A team meeting with all service providers would have been useful to develop more realistic and manageable expectations for Mother.
- Transportation was frequently a barrier for Mother. Public transportation options are limited in the Williamsport area.

**Statutory and Regulatory Compliance Issues:**

None