



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR DEATH OF



BORN: 12/12/08
Date of near death incident: 1/13/09

REPORT FINALIZED: 02/04/10

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, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and near child fatalities that were suspected to have occurred due to child abuse. DPW must conduct child fatality and near fatality reviews and provide a written report on any child fatality or near fatality where child abuse is suspected.

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	12/12/08
[REDACTED]	Mother	[REDACTED] 1987
[REDACTED]	Father	[REDACTED] 1989

Notification of Fatality:

On 1/13/09 1-month-old [REDACTED] was taken to Somerset Hospital by his mother and maternal grandmother for examination. When the mother had picked up the child, he was not responding to her. Somerset Hospital performed some testing and then arranged for the child to be taken by ambulance that same evening to Children's Hospital of Pittsburgh, Pittsburgh, PA. [REDACTED]

[REDACTED]

[REDACTED]. The report was then given to Somerset County Children and Youth Services on 1/14/09. The report was not registered as a Near Fatality report at that time. The agency completed their investigation [REDACTED]

[REDACTED]

2. Documents Reviewed and Individuals Interviewed:

The Central Region Office of Children, Youth and Families (CROCYF) reviewed the Somerset County Children and Youth Services [REDACTED] investigation file. The file was inclusive of medical reports, Police Criminal Complaint, Court Orders, and agency dictation. The CROCYF interviewed Somerset County Caseworkers, [REDACTED] and [REDACTED] and Supervisors [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 1/14/09.

Circumstances of Child's Near Fatality:

On 1/13/09 the child's mother left the home to run an errand and the father was caring for the child. There are no other children in the home and there were no other household members. When the child's mother returned she picked the child up out of his swing and noticed he was not responding to her. The child's mother and maternal grandmother took the child to Somerset Hospital, Somerset, PA for examination. The child's mother reported that the child was not opening his eyes that he felt cold and his skin had a bluish tint. The child also had bruising to his face and chest. Somerset Hospital performed some testing and then arranged for the child to be taken by ambulance that same evening to The Children's Hospital of Pittsburgh, Pittsburgh, PA. A series of tests, scans and x-rays were then performed at Children's Hospital of Pittsburgh.

[REDACTED]

[REDACTED]

The investigation revealed that the child's father and mother were the only caregivers for the child at the time these severe injuries occurred. The investigation conducted collaboratively with the PA State Police revealed that the child's mother was away from the home, leaving the child's father to be the only caretaker of the child on two occasions before when bruising and symptoms of distress were noted on the child.

The child's father gave inconsistent statements regarding the nature of how the injuries occurred. Also, the child's father's explanations of how the injuries occurred are not consistent with the injuries the child received.

Somerset County Children and Youth Services Caseworker [REDACTED] discussed with [REDACTED] her statements regarding previous injuries noted in her medical report. Caseworker [REDACTED] notes that [REDACTED] stated that although she noted the previous injuries she was unable to determine any impairment or comment on any lack of medical care provided by the parents. Medical records obtained show that following the child's birth on 12/12/08 and his discharge from the hospital the child was seen on 12/17/08 and 12/18/08. There were no concerns noted and the next appointment was scheduled for 3-4 weeks. Prior to that appointment being made the mother took the child to the Emergency Room at Somerset Hospital on 1/13/09. [REDACTED]

The Pennsylvania State Police Department is conducting an ongoing criminal investigation. The child's father has been charged with two counts each of aggravated assault, endangering the welfare of a child, simple assault and recklessly endangering another person.

Current / most recent status of case:

The [REDACTED] investigation determined that the child's father was the caretaker of the child at the time the injuries occurred. The [REDACTED] investigation was [REDACTED] by Somerset County Children and Youth Services on 2/20/09, and the case was accepted for services by the agency on 2/20/09.

The child resides with his mother and he has no contact with his father at this time. As part of the father's bond agreement he is court ordered to have no contact with the child. The father has agreed to the conditions of the bond order and has been adhering to them.

The Pennsylvania State Police has charged the father with two counts each of aggravated assault, endangering the welfare of a child, simple assault and recklessly endangering another person. As of February 1, 2010, this case has not been scheduled for court.

The Family Service Plan was reviewed and completed with the parents on 4/3/09. Services planned include continuing medical care for the child and

assuring the child's safety. During the intake investigation interview with the mother she indicated that about a month prior to the [REDACTED] report she and her husband had a party in which they both became intoxicated and the mother had taken the baby and left the residence. [REDACTED] also indicated in her interview that she had concerns about the father being intoxicated one time when he had come to her residence to pick up the mother. Based on this information the agency believed it was necessary to request [REDACTED]. The father was not alleged to be impaired at the time of the incident. The parents agreed to complete [REDACTED] and follow all [REDACTED] service recommendations, successfully complete parenting and [REDACTED] (for the father only), and refrain from any drug/alcohol use. The parents also agreed to follow the court orders and cooperate with agency services and all service providers.

Services to children and families:

The child was immediately referred and accepted for [REDACTED] Services. The child is making progress in his development and this service will continue for the child. Long term effects of the [REDACTED] are unknown and will be monitored. The mother has ensured that all medical appointments are kept and all necessary services are received.

The mother completed all Family Service Plan Objectives including [REDACTED] [REDACTED], and parenting services. There were no recommendations made for any [REDACTED] services. The mother's [REDACTED] recommended that if she felt overwhelmed while now meeting the medical needs of her son that she ask for assistance. The mother cooperated with agency visits which occurred weekly from 2/20/09 through 7/8/09 (when the risk was lowered). Following the completion of all Family Service Plan objectives/goals Somerset County Children and Youth Services closed this case on 8/7/09.

The father has not completed his Family Service Plan objectives at the advice of his attorney. He continues to have no contact with the child by court order. He did maintain contact with Somerset County Children and Youth Services to receive reports on his son's progress.

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

Somerset County did not conduct a MDT review or a Near Fatality review.

County Recommendations for changes at the Local Levels as identified by Fatality Report:

Somerset County did not conduct a MDT review or a Near Fatality review.

Central Region Findings:

Somerset County Children and Youth Services responded immediately to the report. The immediate safety of the child was assured as the child was admitted to the [REDACTED] hospital. The agency secured a court order prohibiting either parent to have contact with the child as both parents had been initially named as [REDACTED]. During the investigation it was determined that the father was the caretaker of the child when the injuries occurred and a subsequent court order was obtained prohibiting the father to have contact with the natural mother and the child. Following the child's [REDACTED] from the hospital, the child and mother moved in with the maternal grandmother and services were initiated with the family.

The investigation was conducted timely and in close collaboration with the Pennsylvania State Police. The Risk Assessment and Family Service Plan were completed thoroughly and timely.

Statutory and Regulatory Compliance issues:

Somerset County Children and Youth Services did not conduct a Near Fatality Review of this case. This case was not registered as a Near Fatality until after the completion of the investigation. Additionally, the agency reports they were unaware of this mandate at the time of this report. They are now aware of this mandate and are beginning to implement the necessary requirements/procedures.