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REPORT ON THE DEATH OF

Julian Michael Hausman-Markell

BORN: 01/04/2007

DATE OF FATALITY: 05/03/2009

**FAMILY WAS KNOWN TO: Carbon County Children and Youth Services and
Schuylkill County Children and Youth Services**

DATE: 02/19/2010

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 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

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Father	[REDACTED]/80
[REDACTED]	Mother	[REDACTED]/84
Julian Hausman-Markel	Victim	01/04/07
[REDACTED]	Half-Sibling	[REDACTED]/03
[REDACTED]	Half-Sibling	[REDACTED]/03
[REDACTED]	Step Maternal Grand mother	Unknown
[REDACTED]	Maternal Grandfather	Unknown
[REDACTED]	Father of VC's two step-siblings	[REDACTED]/81
[REDACTED]	Mother's Paramour at time of death	[REDACTED]/60

Notification of Fatality:

The Victim Child (VC) was at his maternal grand parents' house in Carbon County on 05/02/09. The VC's mother could not locate the VC, she thought another family member took the VC to the gas station. The VC's mother found the VC outside in a swimming pool. The police and ambulance arrived and the VC was flown to the [REDACTED]. The VC died on 05/03/09.

2. Documents Reviewed and Individuals Interviewed:

Both mother and father were interviewed by Carbon County Children and Youth Services and Schuylkill County Children and Youth Services as well as law enforcement. Northeast Regional Office (NERO) reviewed the files including interviews and medical reports.

Case Chronology:

05/02/09 Carbon County Caseworker (CW) received a referral from [REDACTED] reporting that there was a two year old found unresponsive in a swimming pool and there were two other children residing in the home [REDACTED].

05/02/09 The caseworker and Agency Director reported to the scene of the abuse. At the scene there were [REDACTED] were at the residence. The CW obtained information from [REDACTED]. The police had already interviewed everyone and reported they would forward the information. The agency transferred custody to the step maternal grandmother and maternal grandfather. The grandparents cared for the children in the past and the agency determined that the mother was the primary person responsible for supervising the victim child. The CW established a safety plan requiring the caregivers to supervise any contact the VC's mother/father would have with the VC's half-siblings.

05/03/09 The agency director informed the CW the VC had died and an autopsy was held.

05/04/09 The CW [REDACTED] and notified Schuylkill County Children and Youth Services.

05/04/09 [REDACTED] the Jim Thorpe Police Department faxed interviews of the VC's mother to the CW.

05/04/09 CW completed CY 104, the referral to law enforcement and sent it to the DA's office.

05/04-07/09 CW began exploring other family members as it was reported one of the current caregivers required surgery.

05/06/09 Schuylkill/Carbon directors determined that they would recommend jurisdiction be transferred to Schuylkill County.

05/07/09 Emergency 72 hour hearing was held. At that time it was determined that Carbon County would terminate custody, transfer the case to Schuylkill County for Adjudication and Disposition.

05/11/09 A hearing was held in Schuylkill County. The agency recommended the children be returned to mother's care with a protective order, intensive services, homemaking, and a referral to the Family Support Unit. At the hearing the court determined the children were to be dependent and custody was transferred to the mother (dependency was removed 11/9/09)

06/23/09 Jim Thorpe Police Department forwarded their final report to the CW after conducting a second interview with the VC's mother.

06/23/09 [REDACTED]

Previous CY involvement:

The family was active in Carbon County from August 2003 thru February 2007. The Carbon County Children and Youth Services (CCCYS) received an additional referral for the family in Aug 2007 for lack of supervision which was closed at intake. Another referral was received in October 2007 for poor home condition and was closed in November 2007. The family subsequently moved to Schuylkill County. The family was active with Schuylkill County Children and Youth Services (SCCYS) at the time of the death. A detailed description of the agencies' involvement follows:

Carbon County Children and Youth Services originally opened the family for [REDACTED] on 8/18/03 as a result of parent's lack of parenting skills along with not addressing the children's developmental issues (both older children were not meeting their developmental milestones). Housing conditions were also an issue throughout the family's involvement with the agency. The twins parents separated and the mother's new paramour, moved into the home. The housing concerns continued and neither adult identified the dirty housing as an issue, but they would clean the residence when prompted by the agency. [REDACTED]

[REDACTED], which the family began cooperating with needed services once C&Y became involved. In 11/12/03, the mother [REDACTED]

[REDACTED] The family was officially closed on 2/15/07.

On 8/7/07 the agency received a [REDACTED] intake on the family, whom were now residing at 405 Lansford Courts. It was alleged that the mother was allowing the twins to run around outside with just diapers on and that this occurred on a daily basis. The concerns were addressed and the intake was closed on 8/16/07.

On 10/26/07 the agency received a report on the family regarding deplorable housing conditions and concerns that mother may be on drugs. CW found the home conditions to be unsafe on this date but the children were already with maternal grandmother, who removed them from the home once observing the poor conditions. The agency had the (3) children remain with maternal step-grandmother until all necessary corrections were made. All housing problems were corrected and the mother submitted to a random urine drug screen, which was negative. The children were permitted to return to the mother on 10/29/07. The agency performed unannounced home visits on 11/6/07 and 11/24/07, in which the housing was being maintained and all was found appropriate and the intake was closed. In December 2007, without the agency's involvement, the twins went to stay with the maternal step-grandmother/maternal grandfather, where they remained for an extended period of time.

On 01/08/09 Schuylkill Children and Youth Services received a referral on the family alleging the mother was living with a man whom she met on the internet after he was recently released from prison after serving thirty years. The reporter was concerned for the welfare of the children. The agency had contact with the family on 01/16 and 1/27/09. On 01/23/09 this individual was transported back to prison after attempting to stab the mother. The mother

refused to press charges. As a result of her failure to press charges, (the agency believed her behavior demonstrated poor parenting skills) and some housing issues, the agency opened the case effective 03/04/09.

Circumstances of Child's Fatality:

The mother of the VC, his siblings, and grandparents attended a safety day festival in Jim Thorpe on 05/02/2009. The family then went to the maternal grandfather and maternal step-grandmother's home. There were other family members present as well. Everyone was in the yard and then went into the home for dinner. The VC was not at the table. Approximately 15 minutes later the mother began asking family members where the VC was. The family began looking for the VC and was found floating face down in an inflated three foot pool. The family called 911 and began CPR. The VC was transported to [REDACTED] and was pronounced dead at 4 A.M. on 05/03/2009.

Current / most recent status of case:

- This case was [REDACTED].
- The family continues to receive services in Schuylkill County.
- The surviving children continue to reside with their mother.
- Both surviving children have [REDACTED].
- Criminal charges are not being pursued.

Services to children and families:

The family is still open for ongoing services and the mother has custody of the VC's two half-siblings. She is involved in intensive in-home services, homemaker services, and the Family Support Unit [REDACTED]. The mother was previously [REDACTED] and was prescribed medication. However, she discontinued the medication. After the VC's death, the mother resumed [REDACTED]. The twin's father is receiving parenting and supervised visits from the Family Support Unit and is visiting at his grandmother's house every other weekend.

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

There were no recommendations for change at the county level.

Statutory and Regulatory Compliance issues:

- An immediate safety assessment was done regarding the VC's half-siblings. A safety plan was established. However, the children were returned to their mother several days later as referenced above (CCCYS)
- The investigation was completed in a timely manor. All letters and CY104 were sent out in a timely manor. (CCCYS)
- Risk assessment was completed and accurate. (CCCYS)
- All parties were not interviewed. The agency relied on the interviews from the police to make their determination in the abuse case. (CCCYS)
- Contact between the agency and family did not occur as required. The agency reports the worker was busy in February 2009 and did not have time to visit the family.(SCCYS)
- The supervisor did not review the initial [REDACTED] intake as required. The supervisory reviews indicated the supervisor and caseworker were busy on one occasion and at training on another occasion. (SCCYS)
- Northeast Regional Office has issued a Licensing Inspection Summary to Carbon County CYS for the following regulatory violations: Chapter 3490.54; (re: Independent investigation of reports); 3490.55 (d), (3,5,6); (Investigation of reports of suspected child abuse) and Chapter 63, the Child Protective Services Law: 6365(c);(re: Investigative Teams)
- Northeast Regional Office has issued a Licensing Inspection Summary to Schuylkill County CYS for the following regulatory violations: Chapter 3490.232(f) (re: Receiving reports and assessing the need for services); 3490.235(e).

Findings:

The family/children were not seen by SCCYS in 2/09. The agency failed to ensure home visits were occurring as often as necessary to complete the assessment and insure the safety of the children. Likewise, the agency supervisor did not review the reports alleging a need for [REDACTED] to assure that the level of services are consistent with the level of risk to the children, to determine the safety of the children and the progress made toward reaching a determination on the need for [REDACTED] at 10 calendar day intervals.

CCCYS did not interview all relevant parties with information regarding the allegation on 05/02/09.

Recommendations:

NERO recommends the SCCYS ensure all families/children are seen as necessary as determined by the Risk Assessment, home visits occur as often as necessary, with the minimum contact meeting the Pennsylvania standards of Child Welfare Practice and supervisors conduct case reviews as required during the assessment process and for all cases open with agency. CCCYS interview all relevant parties with information regarding allegations of abuse.

Program Representative 1

Program Representative 2

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