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REPORT ON THE DEATH

Ayden Jimenez

BORN: 9/18/08
DATE OF FATALITY: 02/04/09

FAMILY KNOWN TO:
Berks County Children and Youth

REPORT FINALIZED: 02/02/10

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 reviews 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>
Ayden Jimenez	Victim deceased	09/18/08
[REDACTED]	Mother	[REDACTED]/88
[REDACTED]	Father	[REDACTED]/86
[REDACTED]	Sibling	[REDACTED]/07

Notification of Fatality:

- RS states that child was taken to the hospital on 02/03/2009 with [REDACTED]. He was later transported to Lehigh Valley Hospital where he was pronounced dead.
- It appears that the mother may have violated the safety plan, established as a result of a 12/28/08 referral, that stated the children should not be left alone with father because mother reported that they would come back from visits dirty and one time Ayden had a leg injury. There was no visible injury, however.

Documents Reviewed and Individuals Interviewed:

The case record was reviewed; all contacts, risk assessments and safety assessments were reviewed. The [REDACTED] were reviewed. Contact with agency staff was initiated and interviews conducted. Northeast Regional Office met with family, both parents, along with agency staff to discuss case findings.

Case Chronology:

02/03/2009-child was found unresponsive by victim child's father and father's friend at the parent's apartment. They rushed the child to St. Joseph's Hospital, where he was later taken to Lehigh Valley Hospital.

02/4/2009- Berks County Children and Youth received a report that child victim , was brought to St. Joseph's Medical Center unresponsive. The child was revived and taken to Lehigh Valley Hospital where he died a short time later. The autopsy results show that the child suffered a subdural hematoma, retinal hemorrhages and had several broken ribs.

02/04/2009 Case accepted for services.

02/04/2009 Victim child's sibling was taken into custody of Berks County Children and Youth Services as there were no relatives available to assist.

2/05/2009 Reading pediatrics called for appointment for sibling.

02/05/2009 attempted contact with parents at three different addresses. Not located.

02/05/2009 caseworker meets with detective on case to inform Detective that she is assigned the case and ask about the interviews for the babysitters that were to occur later in the day.

02/06/2009, a detention hearing was held and all parties agreed that the sibling would remain in care until the full dependency hearing.

02/06/2009 caseworker met with parents to discuss Detention Hearing. Parents served with the detention notices as they could not be reached last evening. CW explained why child was taken into custody. Given placement packets. Full hearing scheduled for 02/11/2009.

02/08/2009 child's viewing attended by caseworker and family members

02/11/2009 a dependency hearing was held in front of Judge [REDACTED]. All parties agreed to continue hearing until 03/25/2009.

02/19/2009 phone conference with Doctor treating child victim. Doctor stated child died from non accidental trauma. There would be no other reason for child's injuries. Child had old, chronic and new, [REDACTED] and [REDACTED]. Child had [REDACTED] and [REDACTED] that occurred within last 24 hrs. [REDACTED]

03/06/2009 Autopsy results are still pending. Once the autopsy results are obtained the case will be re registered. The caretakers of the child a have been ruled out. They were babysitting the child and have been ruled out as potential suspects. The police eventually ruled them out as suspects because they gave credible statements to police and they were consistent. The mother and father are primary suspects at this time. The mother has a history of screaming and yelling and was overheard several times by neighbors. Parents are presently compliant with agency recommendations and have agreed to services. Parents have separated. The case was assigned to the ongoing placement unit.

03/12/2009 Family Service Plan Developed .Parents participated in the Family Service Plan and signed it in agreement. The plan included the following services: Parenting instruction, [REDACTED] and follow any recommendations, supervised visitation with child [REDACTED], and cooperate with Children and Youth Services.

04/02/09 [REDACTED] report completed and given a status of [REDACTED]
[REDACTED]

05/04/2009 [REDACTED] report change case status to [REDACTED]. The agency states in the [REDACTED] that the final autopsy report was not received and the caseworker was unable to determine who might have caused the injuries to the child.

Previous Children and Youth Involvement:

Family active at intake and referred on 12/28/08 as mother made allegations against father stating that when children are with father they come home dirty and Ayden came home with an injured leg. The victim child and sibling were seen by emergency duty caseworker on 12/28/2008, the assigned intake caseworker on 12/29/2008 and again by the assigned intake caseworker on 01/07/2009. The assigned caseworker had not interviewed the father at the time of the child's death. Intake had mother sign a safety plan indicating that she would not leave children with father. Preliminarily it appears that mother may have violated safety plan as child was with father at the time of death.

Circumstances of the Child's Fatality:

On February 3, 2009, child was found dead by father [REDACTED] and his friend at the parent's apartment. They rushed the child to St. Joseph's Hospital, where he was later taken to Lehigh Valley Hospital. He died on Feb. 4, 2009. The autopsy results show that the child suffered a subdural hematoma, retinal hemorrhages and had several broken ribs.

On February 4, 2009, Berks County Children and Youth received a report that child victim, was brought to St. Joseph's Medical Center on February 3, 2009 unresponsive. The child was revived and taken to Lehigh Valley Hospital where he died a short time later on February 4, 2009. Preliminary autopsy reports show that the child died of non accidental trauma. Child [REDACTED]

[REDACTED] The evening prior, the child was in the care of father's friends. The babysitters were interviewed and gave written statements to the police who had them analyzed. The police analyzed the information and deemed it to be truthful. They determined the statements to be truthful. All parties interviewed gave almost identical accounts of what happened that evening. All stated that no one harmed Ayden and he was alive and smiling when last seen. According to the caretakers this was the first time they babysat this child. The agency states that the plan is to re-open and re-register the case once the medical information is completed. Law enforcement was notified and will continue to investigate

Current / Most Recent Status of Case

- Status of [REDACTED] investigation is [REDACTED]
- The case was accepted for services and the victim child's sibling was placed in the custody of Berks County CYS
- She is the only other child..

- The agency is providing casework services which includes visitation, evaluations for domestic violence, and services in the foster home of the eldest child. They were also referred [REDACTED] and parenting services. Their visits are supervised at all times at the Berks County Office of Children and Youth.
- No criminal proceedings have been filed on this case. The report is [REDACTED] pending the autopsy results. The criminal proceeding will not occur at this time. It has been reported to the police who are investigating

*Note: This case was [REDACTED] then renumbered with new information. The renumbered case will receive a separate review.

Statutory and Regulatory Compliance

- Safety assessments were completed. The elder child was removed from the home.
- The investigation began immediately. All pertinent parties were interviewed
- The family was accepted for services. A Family Service Plan was developed and signed and agreed to by both parents. Referrals were made to [REDACTED] parenting, domestic violence and [REDACTED] for the older child were requested
- A CY104 was sent to law enforcement. The coroner's office was also involved. Police are investigating.

Findings:

Even though autopsy results were delayed, Northeast Regional Office finds that sufficient evidence existed to enter an indicated status naming both parents. The evidence included the child sustaining a [REDACTED] and [REDACTED]. These were [REDACTED]. Also; the assigned caseworker had not seen any family member from January 7, 2009 until the child's death on February 4, 2009. This suggests that there was not enough agency oversight of the safety plan.

Recommendations:

Agency needs to better monitor safety plans by providing additional oversight. The evidence included the child sustaining a [REDACTED] and [REDACTED]. These were clearly non-accidental injuries.