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REPORT ON THE DEATH

Ayden Jimenez

BORN: 09/18/2008
DATE OF FATALITY: 02/04/2009

FAMILY KNOWN TO:
Berks County Children and Youth

DATED 02/09/10

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.

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
Ayden Jimenez	Victim deceased	09/18/2008
[REDACTED]	Mother	[REDACTED]/1988
[REDACTED]	Father	[REDACTED]/1986
[REDACTED]	Sibling	[REDACTED]/2007

Notification of Fatality ;This case was initially investigated at the time of the child's death and was determined to be [REDACTED]. The agency had to wait for results of the autopsy.

- Referral source states that victim child was taken to the hospital on 02/04/2009 with [REDACTED]. Victim child was pronounced dead on same date.
- It appears that the mother may have violated the safety plan, established as a result of a 12/28/08 referral, that stated the victim child should not be left alone with father.
- On June 6, 2009 the agency was informed that the coroner's report was completed. Enough evidence was gathered to [REDACTED] both parents. [REDACTED].

2. Documents Reviewed and Individuals Interviewed:

The case record was reviewed; all contacts, risk assessments and safety assessments were reviewed. [REDACTED] and [REDACTED] 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:

06/02/2009-Assigned caseworker met with Police, District Attorney, and [REDACTED] to discuss autopsy results. [REDACTED] child had several old fractures at the time of death. Victim child also had a subdural hematoma and retinal damage that was 3-5 days old at the time of the death.

06/06/2009-Case was [REDACTED] with new information gained from the autopsy results [REDACTED]

06/16/2009-Assigned caseworker met with both parents.

06/30/2009-CY-104 Report of [REDACTED] was sent to law enforcement [REDACTED]

07/24/2009-Assigned caseworker interviewed the father who was accompanied by his attorney. Also present was a Reading Police Officer.

07/28/2009-Assigned caseworker interviewed the mother. Also present was a Reading police officer.

08/04/2009-Caseworker met with the parents and explained the Voice Stress Analysis.

08/10/2009-Mother completed Voice Stress Analysis. The results showed no indication of deception in her responses.

08/10/2009-Father completed Voice Stress Analysis. Father's result showed deception to the questions "Did you ever shake the baby?" (response "no"), and "Did you ever injure the baby" (response "no").

08/20/2009- [REDACTED] was completed. Both parents were [REDACTED] based on medical evidence and the [REDACTED] investigation. [REDACTED] against both parents because they have been the primary caretakers.

08/21/2009-Risk assessment was completed. Overall risk and overall severity were both rated high.

09/14/2009-Multi-disciplinary Team review was conducted on this case.

Previous Children and Youth Involvement:

Family was active at the intake level. The family was referred on 12/28/2008 as [REDACTED] stating that when the children are with father they come home dirty and victim child came home with an injured leg. The victim child and sibling were seen by the 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 as of the child's death. Intake caseworker had mother sign a safety plan indicating that she would not leave the children with the father. Preliminarily it appears that mother may have violated the safety plan as the victim child was with the father at the time of death. The mother had left a voicemail for the caseworker on 01/27/2008 indicating that she and the father are trying to work things out and the mother would like the caseworker to contact her so that she and the father can schedule an appointment with the caseworker. This was the last contact prior to the child being injured and subsequently expiring due to his injuries.

Circumstances of the Child's Fatality: On 02/03/2009, victim child was found dead at the parent's apartment by the father and the father's friend. They rushed the victim child to St. Joseph's Hospital, where he was later taken to Lehigh Valley Hospital. He died on 02/04/2009. The autopsy results show that the child suffered a subdural hematoma, retinal hemorrhages and several broken ribs. On 02/04/2009, Berks County Children and Youth received a report that victim child was brought to St. Joseph's Medical Center on February 3, 2009 unresponsive. The victim child was revived and taken to Lehigh Valley Hospital on February 4, 2009 where he died a short time later. Preliminary autopsy reports show that the victim child died of non-accidental trauma. The victim child had old and new rib fractures accompanied by acute and chronic retinal hemorrhages and subdural hematomas. According to the treating physician, [REDACTED]

[REDACTED]. The evening prior to the victim child's death, 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. 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 the victim child and he was alive and smiling when last seen. According to the babysitters this was the first time they babysat the victim child. The second [REDACTED] Report on this case was received on 06/06/2009. The doctor from Lehigh Valley Hospital discussed the fact that this victim child [REDACTED]

[REDACTED] Both parents [REDACTED] as they were both primary caretakers throughout his life. Other suspects were ruled out. Evidence was gathered by the agency, law enforcement, and medical professionals.

Current / Most Recent Status of Case

- [REDACTED]
- The case was accepted for services and the sibling was placed in the custody of Berks County CYS
- The agency is providing casework services which includes visitation, [REDACTED], and services in the foster home of the sibling. They were also referred for [REDACTED] and parenting services. Their visits are supervised at all times at the Berks County Children and Youth office.

[REDACTED] Criminal proceedings have been filed against the parents. [REDACTED]

It has been reported to the police who are investigating The investigation is not complete and no one has been charged. The police have not made a determination.

*Note: This case was originally [REDACTED] with new information. For earlier information on this case please refer to the document dated 02/04/2009.

