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REPORT ON THE NEAR FATALITY OF



BORN: November 1, 2006
NEAR FATALITY INCIDENT: January 4, 2009

Family was known to:
JEFFERSON COUNTY CHILDREN AND YOUTH SERVICES

REPORT FINALIZED: 02/11/10

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 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.

Circumstances of Child's Near Fatality:

On January 4, 2009 Jefferson County CYs received a call that [REDACTED], age 25 months, had been admitted to the hospital for seizure activity. At the time of admission, an exam found that the child was having difficulty breathing and she had sustained a head trauma. [REDACTED] no diagnosis was given at the time of the report. The agency responded by implementing a safety plan with the mother regarding the other child in the home. On the morning of January 5, 2009, Jefferson County received a subsequent call regarding [REDACTED] that identified [REDACTED]

The initial report on January 5, 2009, reported that the child was returned home to the mother after spending four days with her father. The mother was at work and the child was left in the care of the mother's paramour, [REDACTED]. The child was reportedly screaming upon her return and the caretaker put the child to bed, at which time he noticed her acting "sluggish". The caretaker contacted the child's mother to let her know about the child's behavior and within minutes of disconnecting the call, the child "went limp and non-responsive, while kicking her arms and legs in a seizure-like behavior". The caretaker immediately called for emergency assistance. Upon receiving this new information, the caretaker [REDACTED] and the agency revised the safety plan to include no unsupervised contact between [REDACTED] and the younger child in the home. Additionally, [REDACTED] had an older son who was in the primary custody of that child's mother. This child was also to remain in the mother's care until further notification from the agency.

During the course of the investigation, [REDACTED] gave changing stories of how the injury occurred. On January 7, 2009 Jefferson County CYs was advised that [REDACTED] he was changing the child and accidentally caused the injury to her head by hitting her head off the bed rail. On January 19, 2009 [REDACTED] was charged with Aggravated Assault, Simple Assault, Endangering the Welfare of a Child and Recklessly Endangering another Person.

Summary of Review

Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Child	11/01/2006
[REDACTED]	Mother	[REDACTED] 1989
[REDACTED]*	Father	[REDACTED] /1985
[REDACTED]	Half-sibling	[REDACTED] 2008
[REDACTED]	Mother's paramour	[REDACTED] 1982
[REDACTED]*	Paramour's son	[REDACTED] 2006
[REDACTED]*	Mother of paramour's son	[REDACTED] /1984

* Not members of the victim child's household.

Documents Reviewed and Individuals Interviewed:

The OCYF Program Representative reviewed the case file provided by Jefferson County CYC for intake investigations dating back to 2007 in regard the [REDACTED] family. The file included investigation summaries, Family Preservation summaries, risk/safety assessments and safety plans, and progress notes. The September 2008 intake file regarding the [REDACTED] family was also reviewed.

The OCYF Program Representative also completed interviews with Jefferson County intake worker, [REDACTED] and Jefferson County Administrator, [REDACTED].

Case Chronology

- July 06, 2007

A referral was received reporting concerns with [REDACTED] care of his daughter, [REDACTED]. The referral stated that the father was seen holding his then 8-month-old daughter out of a window and telling her to say good-bye to the mother after a visit. The father was also alleged to drink alcohol and had a history of shoving the mother against a car. The report indicated that the mother had a history with Elk County CYC. Jefferson County CYC made repeated attempts to locate the father, who had recently moved from Elk County to Jefferson. The referral was closed on August 17, 2007 after the agency was told the father and the mother moved out of state.

- September 8, 2008

A referral was made to Jefferson County CYC regarding a second-degree burn on 22-month-old [REDACTED] face. At the time of this referral the family unit consisted of the mother, her paramour, the victim child and her 3-month-old half-sibling. The paramour's 2-year-old son was visiting regularly. [REDACTED] had been seen at her pediatrician's office for a "brush" burn on her face. The report stated the child had been bent over and the paramour's son ran into her, knocking her onto the ground giving her the rug burn. [REDACTED] concerns that the injury did not match the statement of incident given by the family based on the fact that he felt a 2 year old toddler could not push another 2 year old hard enough for the result to be the identified injury. The paramour [REDACTED] and a safety plan was initiated that he would not be unsupervised with the child.

On September 11, 2008 a subsequent [REDACTED] report was received regarding the 3-month old half-sibling being thrown down the stairs during a domestic violence episode. The new information was combined with the 9/8/08 report. The agency made a phone call to the mother to revise the safety plan, placing all the children under supervised contact in regards to the paramour. On September 12, 2009 a visit was made to the home however the children were not seen. Another visit was completed on September 15th and no injuries were found on the baby. The safety plan was revised again that allowed the paramour to be unsupervised with his two biological children. The agency also obtained information that the victim child had been seen by her pediatrician on September 4, 2008 for a lump on her forehead after falling off the potty chair.

[REDACTED]

Family Preservation Services were started in the home and the agency continued to monitor the family.

- September 19, 2008
Jefferson County received a report [REDACTED] regarding the 2-year-old son of the paramour. The report alleged that this child had a "lump" on his forehead after being hit in the head by his father with a baseball bat. A CY-104 (report to law enforcement) was submitted to local law enforcement who initiated an investigation. The statement given by the paramour reported that his son fell off the couch and hit his head on a toy truck. Investigating law enforcement officials did not feel that the injury was consistent with a child being hit in the head with a baseball bat and closed the investigation. Jefferson County [REDACTED] closed the intake on October 29, 2008.

- November 4, 2008
Jefferson County received a report of suspected [REDACTED] regarding [REDACTED] the victim child. The report alleged that her biological father [REDACTED] had possibly [REDACTED] her based on a statement the child made while having a diaper changed. The child allegedly held her legs together while the mother's paramour tried changing her diaper and said "No dada, No". This statement subsequently led to a [REDACTED]. The child never disclosed [REDACTED] and the investigation was [REDACTED] and closed on December 4, 2008.

- November 5, 2008
Jefferson County received a call regarding possible domestic violence between [REDACTED], the mother and her paramour, [REDACTED]. The agency responded and the children were in bed and appeared safe. There was no indication that there was any violence in the home and appeared to be a verbal argument between [REDACTED].

- November 21, 2008
Jefferson County received a [REDACTED] call that the paramour's biological son was ill and his father was not treating him while he was in his care. The agency addressed the call with both parents of this child and there was no formal service that resulted from this call.

- December 9, 2008
Jefferson County received a call that the paramour was not using car seats when transporting the children. Additionally, there was a complaint that the home was not clean and baby bottles were dirty. These concerns were addressed with the mother and paramour. The agency formally closed the family on 12/19/08 with a low risk rating.

- January 4, 2009
Jefferson County CYC received a [REDACTED] call regarding [REDACTED] near fatal condition. The report was [REDACTED] referred to Western Region Office of Children, Youth and Families as a child near fatality.

Previous CY involvement

[REDACTED] had a previous case history with Elk County. It is unknown if any additional counties were involved with any of the case participants.

Jefferson County CYC completed an internal review of the [REDACTED] case file at the time of the near fatality report. The Child Death Report (CDR) was submitted to WROCYF in October 2009. The report indicated that the county MDT meets consistently the third Friday of each month. This case was reviewed on two separate dates in June and July 2009. The report documented the current status of the child in that she is living with her mother in Elk County and [REDACTED]. The mother did

continue to work with [REDACTED] prior to the case being transferred to Elk County in April 2009. Elk County CYS accepted the family for services on April 10, 2009. The family was monitored to ensure that the mother was compliant with all ordered medical services for the child.

[REDACTED] The identified child was being seen for

[REDACTED] until May 2009 [REDACTED]

[REDACTED] September 2, 2009 the mother moved to Allegheny County with her mother. The mother requested her case be closed and the agency felt that with the positive report from the child's physician and the fact that the mother was complying with all required [REDACTED] appointments, there was no need to transfer the case to Allegheny County. On September 2, 2009 Elk County closed the case.

Jefferson County recognized that changes in protocol regarding the review of child fatality/near fatality cases should be improved. The county had attempted to review this case at separate meetings, with no success. The county will begin reviewing all cases involving a child fatality/near fatality at the next scheduled MDT meeting as a priority.

Findings and Recommendations

After review of the case record, the CDR report and interview of staff, the WROCYP has determined that Jefferson County CYS followed appropriate protocols in regard to the January 2009 referral on [REDACTED]. Based on the criminal investigation and interviews with subject persons, the mother's paramour, [REDACTED] was seen as having caused the critical injuries to [REDACTED]. Charges have been filed on [REDACTED], who is currently awaiting trial. In conclusion, the WROCYP is in agreement with the recommendations of Jefferson County's CDR and additionally makes the following recommendation:

- Regarding the September 11th phone call alleging [REDACTED] had been dropped down the stairs, the agency spoke to the mother via phone approximately 2 hours later, however did not request to see the children. A visit was made over 24 hours later on September 12th, at which time none of the children were present. The children were not seen until a follow up visit was completed on September 15th. A report of possible injury regarding a 3 month old should be considered high risk and the child should have been seen immediately.
- The agency had made the decision to close the intakes and not accept the family for services in December 2008. At this time, Family Preservation services had ceased and no formal supports were in the home. Based on the significant number of reports involving the children's injuries and phone calls regarding the paramour's suspected behavior between September and December, it is the recommendation of the Department that this family should have been accepted for services and regular monitoring provided for a period of time.
- The agency was made aware of the mother's previous involvement with Elk County in July 2007, however failed to obtain any reports from Elk County. The Department recommends obtaining other county records when it becomes known to the agency that a family has a previous relationship with another county children and youth agency.