



## REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 05/29/2016  
Date of Incident: 11/27/2017  
Date of Report to ChildLine: 11/27/2017  
CWIS Referral ID: [REDACTED]

**FAMILY NOT KNOWN TO COUNTY CHILDREN AND YOUTH AGENCY AT TIME OF INCIDENT OR WITHIN THE PRECEDING 16 MONTHS.**

**Philadelphia Department of Human Services**

**REPORT FINALIZED ON:**  
09/17/2018

Unredacted reports are confidential under the provisions of the Child Protective Services Law and cannot be released to the public.  
(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.  
(23 Pa. C.S. Section 6349 (b))

**Reason for Review:**

Pursuant to the Child Protective Services Law, the Department, through OCYF, must conduct a review and provide a written report of all cases of suspected child abuse that result in a fatality or near fatality. This written report must be completed as soon as possible but no later than six months after the date the report was registered with ChildLine for investigation.

The Child Protective Services Law also requires that county children and youth agencies convene a review when a report of child abuse involving a fatality or near fatality is substantiated or when a status determination has not been made regarding the report within 30 days of the report to ChildLine.

Philadelphia County convened a review team in accordance with the Child Protective Services Law related to this report. The county review team was convened on 12/15/2017.

**Family Constellation:**

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	05/29/2016
[REDACTED]	Mother	[REDACTED] 1993
[REDACTED]	Mother's Paramour	[REDACTED] 1979
[REDACTED]	Half Sibling	[REDACTED] 2015
[REDACTED]	Household member	[REDACTED] 2006
[REDACTED]	Father	Unknown

\* [REDACTED] is the father of [REDACTED] and is currently incarcerated.  
[REDACTED] is the father of [REDACTED] and [REDACTED] and is currently incarcerated.

**Summary of OCYF Child Near Fatality Review Activities:**

The Southeast Regional Office of Children, Youth and Families (SERO) obtained and reviewed current CPS investigative information including [REDACTED] as well as written case documentation from the Philadelphia Department of Human Services. The case records also included medical documentation from the [REDACTED] and police investigative information from [REDACTED]. The Program Representative also reviewed updated case information within the Department's Child Welfare Information Solution (CWIS). The Program Representative also attended the Act 33 meeting held on 12/15/2017 where a thorough case presentation was given.

### **Children and Youth Involvement prior to Incident:**

The [REDACTED] family was not known to the Philadelphia Department of Human Services. There does appear to be one screened out report from Montgomery County Office of Children and Youth (OCY) involving [REDACTED] who was providing care to the child's older sibling, [REDACTED]. The victim child was not born at that time. On 05/20/2015, a General Protective Services (GPS) report was received involving allegations of neglect pertaining to [REDACTED] who was 3-months-old at the time of the report. It should be noted that the AP is also the father of this child. He was not living in the home at the time of the report. Since an address was not given by the referral source, the report was screened out at that time. The report was followed up on 06/12/2015 with information on an address and a home visit was made by Montgomery County OCY and a safety assessment was completed which determined the child to be safe with no need for additional services.

On 10/21/2009, there was a GPS referral made with concerns for the care and supervision of the AP's ([REDACTED]) 3-year-old daughter, [REDACTED], after he was incarcerated for 8 days and it could not be determined if the child was being appropriately cared for by an alternate caretaker. Montgomery County records indicate that the father was released after a brief period as the charges were dismissed and he resumed care of his daughter. GPS services did not appear to be warranted at the time and the case was closed on 11/05/2009. Two other reports were made concerning the AP, on 02/24/2012 and 01/23/2013. On 02/24/2012, there was a GPS report concerning [REDACTED] who was 5-years-old at the time regarding inappropriate discipline and inadequate shelter. There were also concerns that the child was not consistently attending kindergarten. A follow up call to the school confirmed that the child had missed a substantial amount of days; however, since kindergarten is not mandated, the father could not be fully held accountable. The AP denied that he was using inappropriate physical discipline and was cautioned not to do so. As there were no other issues, the case was closed on 04/13/2012 with a warning to the AP to send the child to school. A phone call was placed to the school at the time by OCY to make a referral should the child's pattern of school attendance continue to be problematic next year. On 01/23/2013, there was a concern from the referral source that [REDACTED], age 6, had a black eye and other injuries. On 01/24/2013, a visit was made to the home. The child was viewed and did not have any injuries. [REDACTED] denied using physical discipline and felt that the report was maliciously made. There were also concerns that the child was missing school again. This was also addressed with the family and the AP was cautioned about the child's school attendance. Some of the absences were for legitimate medical issues. It was also determined that the child's basic needs were being met and the referral was closed on 02/05/2013.

### **Circumstances of Child Near Fatality and Related Case Activity:**

The mother's paramour is considered to be the sole perpetrator responsible for causing the child's injuries. On 11/27/2017, the mother received a telephone call from the perpetrator who was caring for the child (18-months-old) at the time, stating that the child had burns which were not initially specified. It should be

noted that the mother has known the perpetrator for approximately 6 years and that he is the father of a younger sibling in the home. The perpetrator and mother had recently agreed that he would provide child care as he was not employed at the time of the incident. The perpetrator was caring for all three children which, when later interviewed, he admitted was overwhelming, particularly the victim child who was described to be "very active." Not understanding the full nature of the injuries, mother immediately left work to check on the child. Once at home, the mother was able to view the child's injuries first hand and an ambulance was immediately called to transport the child to the hospital. The child later arrived at [REDACTED] in Philadelphia and was described by medical staff as "lethargic and with extensive blistering on both legs." The child suffered bilateral first and second degree burns on her lower extremities which included her feet, lower legs and thigh area which constituted 24% of her body. On 11/27/2017, at approximately 8pm, a Child Abuse Report was called into Childline. A Child Protective Services (CPS) Investigation was initiated by the Philadelphia Department of Human Services (DHS). The child was later transferred to the pediatric burn unit at [REDACTED]. A near-fatality report was also called in by the physician at [REDACTED]. The perpetrator was interviewed and admitted to putting the child in the tub and then leaving the child unattended to go to the kitchen. The perpetrator reported that his 11-year-old daughter (not a sibling) was supposed to be watching the child but was also given permission to go to the store and did go. She was later interviewed and admitted that there was only a little water in the tub when she left however when she returned 5 minutes later, the tub was filled with hot water. The perpetrator stated that he returned to the tub amid cries from the child and found the child sitting in rising hot water. Later, during the medical exam, an older injury on the child's buttocks was observed which also resembled bruising. It is unclear who caused this injury and under what circumstances. Medical testing performed later did not reveal additional trauma. During the CPS interview with the perpetrator, he appeared remorseful for his actions and the lack of supervision which caused the child severe injuries. At the time of the incident, the perpetrator and mother had a substantial history of domestic violence and their future together was questionable. The perpetrator was arrested on 12/11/2017 and charged with aggravated assault, endangering the welfare of a child, simple assault and recklessly endangering another person. The mother was also interviewed and, although she trusted the AP to care for the child, she appears to have taken appropriate and decisive steps to seek immediate medical treatment and to ensure the safety of her daughter, once the child was viewed. On 01/04/2018, the results of the CPS investigation conducted by the Philadelphia DHS was determined to be "Indicated" on the paramour for causing the child's substantial injuries through acts or failure to act and an egregious failure to supervise the child which contributed to the child's horrific injuries and allowed for a near fatality to occur. The perpetrator also delayed seeking immediate medical treatment for the child which also exacerbated the child's pain, injury and impairment. The perpetrator is currently incarcerated at [REDACTED] and is scheduled for a pretrial hearing on 06/12/2018. Both the perpetrator's daughter and the child's sibling were [REDACTED]. On 01/06/2018, the victim child was [REDACTED], she and her sibling were returned to the mother and are now receiving in-home services through [REDACTED]

[REDACTED]. It was recommended that the mother receive [REDACTED] to rule out or address any [REDACTED] or [REDACTED]. The victim child continues to attend physical therapy at [REDACTED] and is up to date on all of her medical appointments. Once the child's burns are healed, she will require extensive skin grafting on her lower extremities. The perpetrator's 11-year-old daughter continues [REDACTED]. Up until the time of incarceration, the perpetrator was not allowed to have contact with the victim child or younger sibling but was allowed supervised contact with his 11-year-old daughter.

**Summary of County Strengths, Deficiencies and Recommendations for Change as Identified by the County's Child Near Fatality Report:**

- Strengths in compliance with statutes, regulations and services to children and families;

The Act 33 team noted that the Philadelphia DHS worker effectively conducted the CPS investigation.

- Deficiencies in compliance with statutes, regulations and services to children and families;

It was not clear why the mother allowed the paramour to care for the children if there were concerns for violence. The mother's relationship with the paramour needs further assessment to determine the family's service needs.

- Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse;

There were no recommendations

- Recommendations for changes at the state and local levels on monitoring and inspection of county agencies;

There were no recommendations.

- Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse.

There were no recommendations

**Department Review of County Internal Report:**

The Department received the County's report dated 03/15/2018 and is in agreement with their findings. A written response from the Pennsylvania Department of Human Services was submitted on 03/28/2018.

### **Department of Human Services Findings:**

- County Strengths:

The Philadelphia Department of Human Services conducted and completed an appropriate CPS investigation within 60 days fulfilling all regulatory requirements of the CPSL and Chapter 3490. It was also noted that the Philadelphia DHS worker did a competent job in sifting through and interpreting a substantial amount of information related to the child's medical condition, the police investigation as well as relevant activities related to the nature of care and supervision that the child was receiving by the perpetrator at the time of the incident. All of the factors were considered in the final determination of the CPS investigation which culminated in an "indicated" finding."

- County Weaknesses:

The Department agreed with the County weaknesses noted above.

- Statutory and Regulatory Areas of Non-Compliance by the County Agency

No areas of non-compliance noted.

### **Department of Human Services Recommendations:**

The PA Department of Human Services is in agreement with past recommendations made by the Philadelphia DHS to support federal and state legislative action to change existing laws which promote confidentiality barriers to the sharing of information related to drug & alcohol, [REDACTED] and treatment and domestic violence regarding parents which could cause a safety risk to children. This action should be extended statewide.

The Department also recommends that a central, statewide data base regarding domestic violence reports and orders be developed and accessible to County Children and Youth to make the sharing of information related to family violence more accessible, which would enhance the safety of children.

The Department supports efforts to educate parents regarding the safety and supervision of children around bath time and appropriate caution and attention regarding water temperature. The Department recommends a statewide media campaign which includes the development and dissemination of pamphlets for parents of small children which contains information (attractive, eye catching and easy to read and comprehend) on water safety precautions.

The Department supports efforts to provide parent education for single and married fathers who are caring for infants, toddlers and young children across the state of Pennsylvania to improve safety outcomes for children.