



REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 04/14/2018
Date of Incident: 08/11/2019
Date of Report to ChildLine: 11/01/2019
CWIS Referral ID: [REDACTED]

FAMILY WAS KNOWN TO COUNTY CHILDREN AND YOUTH AGENCY AT TIME OF INCIDENT OR WITHIN THE PRECEDING 16 MONTHS:

Blair County Children, Youth, and Family Services

REPORT FINALIZED ON:
04/21/20

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.

Blair County did convene a review team in accordance with the Child Protective Services Law related to this report. The agency facilitated the Act 33 review on 11/20/2019.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	04/14/2018
[REDACTED]	Mother	[REDACTED] 1994
[REDACTED]	Father	[REDACTED] 1992
[REDACTED]	Sibling	[REDACTED] 2016
[REDACTED]	Sibling	[REDACTED] 2014
[REDACTED]	Maternal Cousin	[REDACTED] 2002
[REDACTED]	Maternal Uncle	[REDACTED] 1997
[REDACTED]	AP / Household Member	[REDACTED] 1974

* Denotes an individual that is not a household member or did not live in the home at the time of the incident, but is relevant to the report.

Summary of OCYF Fatality Review Activities:

The Central Region Office of Children, Youth and Families (CROCYF) reviewed case records pertaining to the [REDACTED] family. CROCYF representative engaged Blair County Children, Youth, and Family Services personnel to discuss the incident and subsequent findings. CROCYF was unable to attend the CYFS agency’s Act 33 meeting on 11/20/2019 due to a 24 hour notice of when the meeting was to occur.

Summary of circumstances prior to Incident:

Representatives of Blair County CYFS informed CROCYF that the family was known to the agency. The agency received the initial General Protective Services (GPS) report on 05/16/2014 with concerns that [REDACTED] and with concerns all three of them, the child and his parents, sleep on a mattress on the floor. Services were implemented to assist the family and it was noted that

[REDACTED] and the family was being educated on safe sleeping. The case was closed on 07/14/2014 when the family relocated [REDACTED]. Blair County CYFS personnel initiated a referral to social services in [REDACTED] and the agency was informed [REDACTED]

On 09/24/2014 a GPS was initiated when Blair County CYFS was notified that the mother and father had split and that the mother was again residing in Blair County. She and her child were located at [REDACTED] and were planning on moving in with the maternal grandmother.

[REDACTED] The agency verified that there were no safety threats in the grandmother's home, and the case was closed on 10/13/2014.

[REDACTED] A GPS report was received by the County alleging that the mother's 3-year-old and 1-year-old are outside till 11:30 PM and that the children "are dirty and smell bad". The allegations of improper supervision could not be substantiated, but the mother's home was dirty. This GPS was concluded on 04/07/2017 after there were improvements in relation to home conditions and improvements with the children's hygiene.

On 08/07/2017, Blair County CYFS received a Child Protective Services (CPS) report alleging that the mother's paramour picked up [REDACTED] and threw him into a wall during a domestic dispute that he was having with the identified child's mother. The paramour was indicated for Engaging in Per Se Acts / throwing a child. It was noted that the child hit his head during the incident. Another GPS was received on 02/21/2018 alleging that the mother was again homeless [REDACTED]. Concerns were also noted that the grandmother's home was dirty with boxes and toys stacked "to the ceiling". [REDACTED] gave the grandmother one week to clean up the apartment. Blair County CYFS opened the family up for services on 04/24/2018. The mother of the children was making progress with the established Family Service Plan (FSP) by obtaining stable housing, participating with services that included [REDACTED] and family reunification services. The CYFS agency closed the family for services on 05/31/2019.

Circumstances of Child Fatality and Related Case Activity:

On 08/11/2019, the victim child was reported missing from the home. The child was discovered in an alley located very close to the family's home by an older sibling. The child was unconscious. Reports indicate that the victim child was severely beaten

resulting in acute facial trauma and periorbital hematoma. The victim child was first transported to a local medical center and then life flighted to a specialized hospital [REDACTED]. Medical practitioners also identified that the child had anal tears. The physicians treating the victim child assessed that the child was victim of child abuse. Blair County shared the following to the Department which outlines the child's injuries via the doctors that treated the child. The report indicated the child "had ecchymosis to right and left temporal area, entire face covered in dry blood, fresh blood dripping from nose and lip. pt has a largely swollen right eye that was unable to be opened or examined due to inability to open eye. pt had bruising to neck and petechia from chest up into neck area. There were bruises and petechia to left shoulder, abrasion to right flank and 2 small abrasions to back. pt has circular red marks around genitalia."

At the time of the incident, an alleged perpetrator was not identified. The CYFS agency reported that the Police Department with jurisdiction is interviewing several suspects that would have had access to the victim child. Blair County CYFS ensured safety of the victim child's two siblings by allowing the children to be cared for by the maternal grandmother. The grandmother was cleared by respective Police Department, and the two siblings were transported to a local hotel to be with the grandmother. The mother of the victim child was also cleared by the investigating Police Department and joined her children at the hotel. Blair County CYFS arranged for the family to stay at a local hotel since the family would not be able to return to the home due to pending search warrants. The investigating Police Officers indicated that by examining physical evidence, the victim child was not harmed inside the mother's home. Police Officers identified blood spots on the building about three feet up from the ground from where the victim child was located. The respective Police Department has sent the victim child's diaper, blood samples, and other articles of interest out for testing. [REDACTED]

[REDACTED] The CYFS agency developed a safety plan on 08/13/2019 that outlined that that neither the victim child nor his siblings would have any contact with the identified maternal uncle.

The victim child was discharged from the acute care hospital [REDACTED] on 08/14/2019 with instructions for care takers to administer Ibuprofen, Bacitracin topical ointment, and Acetaminophen to the victim child. At the time of discharge, the victim child was reunited with his mother, his siblings, and the maternal grandmother who were subsequently permitted to return to the home. Records indicate that the child healed well from his injuries.

On 09/12/2019, Blair County CYFS personnel identified that the children's mother was not following the established safety plan and that she allowed the children to have contact with the maternal uncle. The agency proceeded to take custody of the three children, and subsequently placed the children in non-relative foster care while kinship resources were being explored.

Blair County CYFS indicated the report on 10/08/2019 with an unknown perpetrator. The agency indicated on Causing Sexual Abuse or Exploitation of a Child Through Any Act/Failure to Act (subcategories: Rape, Involuntary Deviant Sexual Intercourse, Aggravate Indecent Assault, Statutory Sexual Assault, Unlawful Contact with a Minor, Indecent Assault, and Sexual Assault), and Causing Bodily Injury to Child Through Recent Act/Failure to Act (subcategories: Causing, Beating).

On 11/01/2019, news outlets reported that the investigating Police Department arrested a friend of the family for causing the injuries to the victim child. The Department informed Blair County CYFS personnel that a new CPS / near fatality investigation would begin again due to new information being obtained.

Blair County CYFS concluded their investigation on 12/23/2019. The agency determined the report as Pending Criminal Court on Causing Sexual Abuse or Exploitation of a Child Through Any Act/Failure to Act (subcategories: Rape, Involuntary Deviant Sexual Intercourse, Aggravate Indecent Assault, Statutory Sexual Assault, Unlawful Contact with a Minor, Indecent Assault, and Sexual Assault), and Causing Bodily Injury to Child Through Recent Act/Failure to Act (subcategories: Causing, Beating). Blair County CYFS explained the outcome as, "This case is being marked pending criminal court action. In this case AP has been arrested for the assault on victim child, however many questions remain. While very clear that child is the victim of child abuse at this time it cannot be fully determined if the AP fits the CPSL definition of household member or caretaker. Though multiple interviews with family and community members were conducted the only real discovery was that the individuals have a wide range of times and recollections of events. This leads this investigator to believe that in fact multiple families member are lying about the events of 8/10-8/11, 2019. Further police and CYFS investigations are continuing and are warranted. At this time a criminal complaint has been filed against the AP, and CYFS suspects other individuals will be named as assisting in the assault or the cover up. For this reason BCCYF marks this case as pending criminal court action until the courts can make a finding on the evidence presented."

The family continues to receive services through Blair County CYFS. The victim child and his siblings continue to receive foster care services [REDACTED] from local providers. [REDACTED]

[REDACTED] The agency is also assisting the children's mother in obtaining safe housing. Reports from the CYFS agency indicate that the children's mother visited with the children every two weeks. Due to COVID-19 pandemic, the CYFS agency is relying on telephone communications and social media to ensure the children and their mother maintain contact. Service providers have been using telephone communications to maintain contact with the respective family members.

County Strengths, Deficiencies and Recommendations for Change as Identified by the County's Child Fatality Report: Note: The following information was obtained from the County's original Act 33 [REDACTED] meeting which was held on 08/30/2019.

- Strengths in compliance with statutes, regulations and services to children and families
 - The Act 33 Team felt that there was good communication with law enforcement.
- Deficiencies in compliance with statutes, regulations and services to children and families
 - The Act 33 Team felt that law enforcement should have been present for the County Review Team Meeting.
- Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse
 - NA
- Recommendations for changes at the state and local levels on monitoring and inspection of county agencies
 - NA
- Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse.
 - NA

Department Review of County Internal Report:

The CROCYF received Blair County CYFS Child Near Fatality documentation on 04/14/2020. The Department was informed that Blair County CYFS opted to amend the original report that was submitted [REDACTED]. The amended portion includes information that the County's District Attorney's Office would not be sharing any detail of the investigation other than there is a DNA match to named alleged perpetrator. The report also stated that the District Attorney's Office did not see a benefit of an additional Act 33 meeting and that the District Attorney's Office does not want any more information being discussed as the investigation is extremely active at this point. It is noted that there is a concern documented that the alleged perpetrator may not fall within the CPSL definition of a household member.

Department of Human Services Findings:

- County Strengths:
 - At the time of this report, the CROCYF has not identified areas of strength.
- County Weaknesses:
 - Documentation from Blair County CYFS indicates that the County's District Attorney's Office was not supportive of another Act 33 meeting due to an active investigation.
 - The Police Department involved in the investigation did not participate in the Act 33 meeting.

- There is a concern noted that it is ambiguous with how Blair County CYFS documents Act 33 meetings.
- Statutory and Regulatory Areas of Non-Compliance by the County Agency:
 - At the time of this report, the CROCYF has not identified areas of regulatory non-compliance.

Department of Human Services Recommendations:

The CROCYF has no recommendations in regard to this incident and the subsequent investigation. The Department recommends county leadership be engaged in relation to concerns of how the agency documents Act 33 meetings, timely submission of the County's internal report, and the need for more communication with the Department regarding whether the alleged perpetrator fit the definition of a household member as defined by CPSL.