



pennsylvania
DEPARTMENT OF HUMAN SERVICES

REPORT ON THE FATALITY OF:

Ivy Gross

Date of Birth: 10/9/2013
Date of Death: 1/24/2014
Date of Oral Report: 1/18/2014

FAMILY NOT KNOWN TO:

Perry County Children and Youth

REPORT FINALIZED ON: 9/30/2014

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. 6349 (b))

Reason for Review:

Senate Bill 1147, Printer's Number 2159 was signed into law on July 3, 2008. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child 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.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Perry County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation:

| <u>Name:</u> | <u>Relationship:</u> | <u>Date of Birth:</u> |
|--------------|---|-----------------------|
| [REDACTED] | Mother | [REDACTED] 1980 |
| [REDACTED] | Mother's Paramour/Legal Father of victim child | [REDACTED] 1980 |
| Ivy Gross | Victim Child | 10/9/2013 |
| [REDACTED] | Half Sister | [REDACTED] 2005 |
| [REDACTED] | Half Brother | [REDACTED] 1999 |

Notification of Child Fatality:

On January 18, 2014, the three month old victim child was transported to Harrisburg Hospital by ambulance after she was found early in the morning to be unresponsive and not breathing. The child's legal father/mother's paramour discovered the child unresponsive and phoned 911. The child was transferred to Hershey Medical Center for further care and treatment. Ivy went into cardiac arrest and [REDACTED]. The child had [REDACTED] that was over two weeks old. The case was certified as a near fatality due to the severity and nature of infant's injuries.

The child's mother was at work since 11:00 pm the previous evening and her paramour (the child's legal father) was sole caretaker of the child overnight. The other two children were in the home sleeping when the victim child was discovered. The legal parent of Ivy Gross is not the biological parent of any of the mother's other children.

The regional office was notified of the fatality and Perry County Children and Youth (PCCY) initiated an investigation. The safety of other child residing in the home of the victim child was assured through the temporary stay with a maternal uncle and aunt who lived locally. The father's contact with the victim child was to be supervised by security at the [REDACTED].

The injury to the child's brain [REDACTED] and brain activity ceased on January 22, 2014. The mother allowed Ivy to be [REDACTED]. The victim child passed away on January 24, 2014 after [REDACTED] removal from life support.

Summary of DPW Child Fatality Review Activities:

The Central Region Office of Children, Youth and Families (CROCYP) obtained and reviewed the investigation records pertaining to the family. Records included PCCY Agency case notes and safety assessments, hospital and pediatric medical records, and criminal charges/records. Regional office staff maintained periodic contact and received updates from the county caseworker and supervisor.

Children and Youth Involvement prior to Incident:

The family did not have any involvement with PCCY prior to this incident.

Circumstances of Child (Near) Fatality and Related Case Activity:

On the date of incident, the [REDACTED] reported to emergency personnel that he awoke about 6:30 am to give Ivy a bottle, as she was fussing. Initially, he said that he went downstairs to heat up a bottle and was away for approximately 1 minute. When he returned back upstairs the infant was unresponsive. He said that he put his hand on the child's chest and felt her heartbeat but said he noticed that her lips were blue. He called 911 and eventually the child stopped breathing. Per the 911 operator instructions, the [REDACTED] breathed in to the child's mouth until the paramedics arrived and tried to resuscitate Ivy. The child was [REDACTED] first to [REDACTED] then to [REDACTED]. PCCY was contacted [REDACTED] with a registered child abuse report that was certified by [REDACTED] as a near fatality due to the child being in critical condition and child abuse was suspected. The [REDACTED] was listed on the report as the alleged perpetrator.

The [REDACTED] repeatedly at the [REDACTED] by the PCCY caseworker and the PA State Police Trooper. His story changed multiple times over the course of the day. He initially reported that he was unaware how the injuries could have occurred, as nothing unusual had happened. A subsequent story was that the infant had fallen off the bed several times and he rolled on Ivy when he was sleeping. He reported that he did occasionally playfully throw the child up in the air and catch her even though the child could barely hold up her own head. His last statement was when he returned with the bottle, the child had a sheet pulled tightly over her face and a bib around her neck that was also covering her face. He then reportedly shook the child several times to awaken her.

[REDACTED] at [REDACTED] stated that Ivy suffered [REDACTED]. The physician said only shearing force like shaking and possibly slamming the baby on to a bed or soft object could have caused this type of injury. There was no impact injuries identified which indicates the injury occurred from violently shaking the child. The physician noted that although the child had a healing [REDACTED] because infants do not use their torso in the same way that adults move, the child may

not have exhibited any behaviors that would indicate extreme pain or have been detected by the parents.

The mother reported that Ivy had been fussy over the past few days leading up to the incident and had been slobbering more so they felt it was related to teething. She had taken the child to [REDACTED] on December 30, 2013 for a checkup and was found to be in good health. The mother maintained that upon leaving for work, the child was acting and appeared normal. She did not report any prior concerns about the way [REDACTED] cared for Ivy or witnessed him acting angry towards the infant. She did find a small knot on the back of the child's head about a week prior but it did not cause concern. The mother also reported that [REDACTED] told her the child fell off the bed on the carpeted floor about a month ago but she also seemed fine. There is no reported history of [REDACTED] or [REDACTED] issues within the family.

The maternal uncle was also interviewed at the [REDACTED] and provided additional background details on the family history. [REDACTED] has only been dating the mother for less than one year, as she was already pregnant with Ivy when they met. [REDACTED] is the biological father of the child but [REDACTED] was willing to be listed as the father on the child's birth certificate. It was reported that he had another child who had died not long after its birth but no specifics were known about the situation. The uncle had not had any specific concerns about his behaviors or his ability to care of the children prior to this incident. The uncle and his wife would be willing to care for the other two children as long as needed if it became necessary [REDACTED].

[REDACTED] was arrested on charges of Aggravated Assault, Simple Assault, and Endangering the Welfare of Children as a Parent/Guardian. He was detained at [REDACTED] Prison.

Ivy Gross' condition worsened and brain activity ceased on January 22, 2014. She was removed from life support and the child's life expired on January 24, 2014. [REDACTED] was subsequently charged with Criminal Homicide as a result of the child's death. [REDACTED] disposition was made [REDACTED] with [REDACTED] as the perpetrator. The mother testified at the criminal hearing against him. The mother had no intention of maintaining any on-going relationship with him and will not allow his access to her other children.

Current Case Status:

The mother exhibited appropriate care and concern for the victim child as well as for her two older children. She appears able to meet their emotional and physical needs and has taken all necessary measures to protect them during the situation. She is seeking [REDACTED] for herself and has other family supports available to help her address her feelings resulting from the loss of her daughter. The mother has been cooperative with police and the agency [REDACTED] despite her [REDACTED] of [REDACTED] and feelings [REDACTED].

The mother does have another biological son who is in the physical custody of his father in [REDACTED]. The mother has had limited visitation with her son due to the distance between them and conflicted relationship with his biological father.

The perpetrator is not [REDACTED] of any of the children but is listed [REDACTED] of the victim child on her birth certificate. He reportedly had another child to a woman in the past that died within a few days of its birth. Little is known about the circumstances surrounding the child's death; however, the child reportedly did not leave the [REDACTED] and had a [REDACTED].

Neither of the children are displaying any abnormal or concerning behaviors at this time. The mother reported that her son said he would speak with a [REDACTED] if directed and that her daughter was anxious to speak with someone. During home visits both children were avoidant of the subject of their sister's death and did not want to discuss their feelings with the agency caseworker. The family was [REDACTED] where they could obtain [REDACTED]. The mother has taken the necessary steps to set up initial appointments for both children at [REDACTED] as well as for herself. The maternal grandmother is also staying temporarily with the mother and children to provide additional support. No additional service needs have been determined and the case was closed.

County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child (Near) Fatality Report:

Perry County held their Act 33 meeting on January 29, 2014 to discuss the infant death. Central Region staff participated in this meeting. The PA State Police and PCCY supplied detailed accounts from investigation notes and status of the criminal charges pending. A follow-up County Internal Fatality Review Team meeting occurred on March 7, 2014.

- **Strengths:** The mother is cooperative with PA State Police and C&Y Investigations. [REDACTED] has been arrested on charges stemming from the incident and is currently being held at [REDACTED] Prison.
- **Deficiencies:** None identified.
- **Recommendations for Change at the Local Level:** None identified
- **Recommendations for Change at the State Level:** None identified

Department Review of County Internal Report:

The report from PCCY was received by the Regional Office on November 25, 2014. The report details the topics that were discussed during the Act 33 meeting held on January 29, 2014. There were no deficiencies noted. Written approval of the report was sent to PCCY on December 10, 2014.

Department of Human Services Findings:

- County Strengths: The County response to information received was urgent and thorough. The [REDACTED] Investigation was completed in a timely manner and included full collaboration with local police and medical professionals.
- County Weaknesses: None identified.
- Statutory and Regulatory Areas of Non-Compliance: All regulations regarding [REDACTED] investigation and subsequent county services were followed.

Department of Human Services Recommendations:

CROCYP completed interviews and obtained copies of the family records as required. Perry County C&Y provided appropriate and timely services to the family during the [REDACTED] investigation and assured the safety of all children in the family. The case was closed with the family on March 17, 2014. No additional recommendations for services. Perry County Children and Youth Services should continue to conduct thorough and timely investigations in coordination with law enforcement officials.