pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE FATALITY OF:

Liam Olivencia

Date of Birth: August 11, 2012
Date of Incident: December 26, 2012
Date of Oral Report: December 26, 2012

FAMILY KNOWN TO:

Dauphin County Children & Youth Services

REPORT FINALIZED ON: 02/13/14

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))

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Reason for Review

Senate Bill No. 1147, now known as Act 33 went into effect December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and child near-fatality as a result of suspected child abuse. DPW must conduct child fatality and near fatality review and provide a written report on any child fatality or near fatality where child abuse is suspected.

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. Dauphin County has convened a review team in accordance with Act 33 of 2008 related to this report. Team meetings were held on January 16, 2013 and February 22, 2013.

Family Constellation:

Name	Relationship	Date of Birth
Liam Olivencia	Victim child	08/11/2012
[redacted]	Mother	[redacted]/1991
	Father	[redacted]/1984

Notification of Near Fatality

[redacted] report was made around midnight on 12/26/12. Mother, who works the night shift, was sleeping upstairs. Father fed the child a half a bottle around 6:30 p.m. and laid the child on the couch for a nap. Father sat on the couch and fell asleep. Forty-five minutes to an hour later, father woke up and the child was unresponsive. According to the Father, there was white chunky vomit all over the couch and on the child's clothing. 911 was called. Child was taken to Hershey Medical Center, where he was pronounced dead at 8:02 p.m. Preliminary cause of death was asphyxiation, pending a [redacted] and autopsy results. Child had no other visible injuries. Per [redacted], Hershey Medical Center, non-accidental injury could not be ruled out.

[redacted] of the Swatara Police interviewed parents and with their permission, searched the home. Marijuana was found in the home. Police obtained a warrant for a more extensive search, which did not produce any further evidence.

Summary of DPW Child (Near) Fatality Review Activities:

Reviewed entire case file
Reviewed medical records
Interviewed [redacted] caseworker, supervisor, social services director
Attended Act 33 Near-fatality team meetings

Summary of Services to the Family

Children and Youth involvement prior to Incident:

09/05/12: Referral was received stating that mother was living with maternal grandmother. The maternal grandmother's home was reportedly filthy, the yard and carport were full of junk, the house had an odor and there were bags of animal feces in the basement. Reporter stated that mother and grandmother drink and that the baby

weighed only five pounds. Father previously lived at the grandmother's home with mother, but moved out "due to the filth." He plans to file for custody.

CYS was unable to locate the home initially because the address provided was wrong. On September 10, 2012, an unannounced visit was made. No safety concerns were noted. Mother and Liam were living in the recently remodeled basement. Child had been seen at [redacted] on September 7, 2012 and weighed six pounds, eight ounces. [redacted]. There was a cat in the home and some odor of cat litter. The home's carport was piled with boxes, but this was outdoors and not a safety or health hazard for the infant. CYS dictation is silent on the issue of drinking.

Meanwhile, another referral was received on September 6, 2012. Police had been called regarding a custody dispute between mother and father. Father took the child overnight and mother initially refused to provide a bottle and formula. The situation was resolved the same evening when grandmother convinced mother to provide needed supplies to father.

A safety assessment was completed on September 11, 2012. No safety threats were identified. Both parents were sent notice of the referral and notice that no services were necessary. Information regarding safe sleeping was sent to mother. This is CYS protocol for all referrals of children under age one. The case was closed [redacted]

Circumstances of child's near fatality and related case activity:

[redacted] report was made around midnight on December 26, 2012. Mother, who works the night shift, was sleeping upstairs. Father fed the child a half a bottle around 6:30 p.m. and laid the child on the couch for a nap. Father was sitting on the couch and fell asleep. Forty-five minutes to an hour later, father woke up and the child was unresponsive. There was vomit "all over the child." 911 was called. Child was taken to Hershey Medical Center, where he was pronounced dead at 8:02 p.m. Preliminary cause of death is asphyxiation, pending [redacted] and autopsy results. Child had no other visible injuries. Per [redacted], Hershey Medical Center, non-accidental injury could not be ruled out at this time.

Father agreed to a [redacted] and tested positive for marijuana. The mother [redacted], but admitted to occasional marijuana use. [redacted] tests to prove drug/alcohol use were not conducted at the hospital as the parents were not in police custody. [redacted] test would require parent's approval as well as full financial responsibility. Per [redacted], RN Hershey Medical Center (HMC), if the parents are not in the care of the hospital, HMC cannot require parents to submit to a drug and alcohol test without a warrant.

[redacted] of the Swatara Police interviewed parents and with their permission, searched the home. Marijuana was found in the home. Police obtained a warrant for a more extensive search, which did not produce any further evidence.

[redacted] and CYS staff conducted a number of interviews in the weeks following the victim child's death. [redacted] had the father do a re-enactment of the day's events using a life-like doll to demonstrate where the child had fallen asleep and how he was positioned when found. CYS spoke with the mother and father separately along with maternal grandparents and a friend of the mother's. Although the child was not sleeping in his bassinet, the child's sleep location and position did not appear to lead to his death. There was no indication of entrapment, rollover or suffocation by pillows/blankets etc.

Parents and grandparents were provided resources where they could obtain [redacted] Referrals were made for the parents for [redacted]. Both parents admitted to using marijuana and both spoke of coping with the infant's death with "lots of drinking." About a month following the death, mother moved back to her parents' home, stating that it was too difficult to stay in the apartment where the victim child had died. Later, Father was evicted from the apartment for non-payment of rent. Although the couple described their relationship as "fine," witnesses described ongoing difficulties in the relationship and, in particular, said that father was lazy, undependable and irresponsible. No one ever witnessed either parent being neglectful or abusive of the baby.

Team meetings were held on January 16, 2013 and February 22, 2013. The review team included the detective [redacted] and the EMT personnel who had responded to the 911 call. The team viewed a video of father's re-enactment, which showed him to be very caring in how he handled the doll/baby. His affect was distraught and painful.

The team voiced some concern about concluding the [redacted] investigation and making the report [redacted] before all of the toxicology reports were available and the coroners' report was finalized. It was stated [redacted] if new information came to light indicating that the child's death was non-accidental.

Current/most recent status of case:

The [redacted] report was determined to be [redacted] on February 23, 2013. The Coroner's report was completed April 2, 2013. Cause of death was listed as "Complications of Asphyxia" and the manner of death "Undetermined." There are no other children in the family and the case was closed.

<u>County strengths and deficiencies as identified by the County's fatality report:</u>

County Strengths:

N/A – County's report has not been completed to date.

County Weaknesses:

N/A – County's report has not been completed to date.

County recommendations for changes at the local (County or State) levels as identified in County's near fatality report:

N/A – County's report has not been completed to date.

Department Review of County Internal Report:

N/A – County's report has not been completed to date.

Department of Public Welfare Findings:

County Strengths:

Good collaboration between police and agency during investigation
Large and active Child Death Review Team
Protocol in place to provide safe sleep materials for all referred families with infants