



pennsylvania
DEPARTMENT OF HUMAN SERVICES

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 10/23/2003
Date of Incident: 11/1/2014
Date of Oral Report: 11/3/2014

FAMILY NOT KNOWN TO:
Dauphin County Children and Youth

REPORT FINALIZED ON:
06/23/2015

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, DHS 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. Dauphin 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]	Victim Child	10/23/2003
[REDACTED]	Brother	[REDACTED] 2007
[REDACTED]	Sister	[REDACTED] 2007
[REDACTED]	Step-Sister	Unknown
[REDACTED]	Mother	[REDACTED] 1978
[REDACTED]	Step-Father	Unknown
[REDACTED]*	Father	[REDACTED] 1977
[REDACTED]**	Paternal Grandmother	Unknown

* The father is not a household member of the child

** The grandmother is not a household member of the child but the incident occurred in her home.

Notification of Child Near Fatality:

[REDACTED] notified Dauphin County Children and Youth Services (CYS) on 11/01/2014 reporting that the 11-year-old victim child was visiting with his father over the weekend at his grandmother's home in [REDACTED]. He was experiencing [REDACTED] pain and told his mother the pain was a result of the father "shoving" him. The child had [REDACTED] two weeks prior and was at Hershey Park in a wheel chair the previous evening. The child was to be transferred to Alfred I. DuPont Hospital for Children in Delaware.

A report was received on 11/03/2014 from [REDACTED]. On 11/01/2014, the child was brought to Hershey Medical Center by ambulance as he was found to not be able to move his legs. The victim child had significant [REDACTED] approximately two weeks prior to the incident. He was ambulatory but had restrictions for activity and required rest. On 10/31/2014, the step-father had taken the child and his two siblings to his paternal grandmother's home in [REDACTED] for weekend visitation with his father. The father was reportedly angry with the child for wearing a Disney princess costume as "boys don't wear

dresses" in his home. The child has [REDACTED] and is functioning at the intellectual level of a four year old, despite his chronological age.

On 11/01/2014, the mother had spoken to the father over the telephone and heard the child screaming in the background and asked if she could come to the home before she lost the connection. She tried to call back and eventually reached the father who allowed her to come get the child but he did not report any concerns over the child's physical condition. Upon arriving at the house, the child was found by the mother slumped over in a chair. The child was moved to the floor and his legs were "floppy" and he could not walk. The father denied any previous concerns about the child's condition. An ambulance was called and in route to the hospital, the child reported "Daddy hurt me." The child sustained [REDACTED]

A supplemental report was received on 11/4/14 from [REDACTED] reporting information similar to the first report. The [REDACTED] had received the information from the [REDACTED].

A second supplemental report was submitted on 11/5/14 by [REDACTED] after receiving additional information from [REDACTED]. Their attending physician certified the child to be in serious condition due to suspected abuse and the incident was deemed a near fatality. The child sustained [REDACTED] that resulted from forceful flexion either to the front or the back of the child.

Summary of DHS Child Near Fatality Review Activities:

The Central Region Office of Children, Youth and Families (CROCYF) obtained and reviewed all current and past case records pertaining to the [REDACTED] family, which included medical records, court records, and the Agency casework dictation that outlined contact with the family. Follow up interviews were conducted with the Caseworker and the Supervisor on 11/11/2014, 11/25/2014 and 12/29/2014. The regional office also participated in the County Internal Fatality Review Team meeting on 12/01/2014 where copies of the medical reports and case history were presented.

Children and Youth Involvement prior to Incident:

Cumberland County CYS had involvement with the father and his former paramour in relation to the children in 2011, but the allegation was not substantiated and did not warrant ongoing services. Lancaster County CYS conducted a courtesy visit to the home for Cumberland County CYS but had no isolated involvement with the family. Dauphin County CYS had no prior involvement with the family.

Circumstances of Child Near Fatality and Related Case Activity:

[REDACTED] notes from Hershey Medical Center [REDACTED] visit outline conversation in which the Father was asked if he could have accidentally hurt the child. Father denied hurting the child and told the [REDACTED] that he didn't have to talk to her and walked out. The victim child cried and said that "daddy did hurt me." The [REDACTED] notes state that Father denied shoving the child. The child's brother stated "You did push him and yelled at him." The paternal grandmother and step-grandfather reported that they did not witness father

hurting the child at any time. The father stated that he took the child and his siblings to Hershey Park. He stated that the child requested to go to the park, remained in a wheelchair the entire time and did not ride any rides. He also stated that the victim child was angry at him because he would not allow the child to wear a dress to Hershey Park. Father said that he is unable to see his children at his home due to Mother having a no-contact order against his girlfriend due to prior concerns between the girlfriend and the children.

While in [REDACTED] with the child, Mother received a text message from Father stating "I swear I didn't do anything to harm him." He stated that the child was uncomfortable last night and he and the child fell asleep on recliners in the family room. Father also stated: "At Hershey he never got out of his wheel chair except to go down a couple steps and then back up when we left. But he did great;" and that victim child "didn't get on a single ride." The victim child was transferred to A.I. DuPont Hospital in Wilmington, Delaware the evening of 11/01/2014.

On 11/03/2014, the Agency contacted the Department of Services for Children, Youth and their Families (DSCYF) in the state of Delaware. A DSCYF social worker from New Castle County responded to DuPont Hospital on 11/05/2014 to interview the child and his mother. The mother stated the following: After leaving the paternal grandmother's home on 11/01/2014, the victim child stated that he got in trouble for wearing a dress as a costume; he said that he was hurting a lot while at Hershey Park; he told dad and asked to go back home. The victim child stated that on Saturday while in the paternal grandmother's home, his dad got mad because he was crying; dad grabbed his neck, shook him, and threw him to the floor. Father then gave the victim child a pillow and said it would help with the pain, but it didn't help and dad put him at the table for lunch. The victim child told dad that his hips hurt and he couldn't feel his feet; dad said he was fine. Interview notes indicate the father did take all three children to Hershey Park but the victim child did not ride any rides. He was in his wheelchair except for when he had to walk down a few steps to enter and up a few when they were leaving the park.

[REDACTED] Police Department was notified of the incident through a report from the County CYS Agency on 11/04/2014. It was determined that the family resided in [REDACTED] and the information was passed to the correct jurisdiction.

On 11/05/2014 the mother obtained an emergency modification to her custody which prohibits contact between the father and the three children, as well as granted her physical and legal custody of the children.

On 11/12/2014, Delaware County CYS Caseworker conducted a courtesy home visit with the mother and victim child's younger twin siblings at their home in [REDACTED], PA. The male sibling reported on the date of incident, that the father was angry with the victim child and was yelling at him. During their argument, the father punched the victim child in the upper chest/neck area. The victim child was standing in front of his wheelchair at the time and after a few seconds; he fell back down into the chair. The sibling had been in trouble at the time and was standing in the corner in the same room as the father and victim child. The female twin sibling confirmed that the father was angry with the victim child and was yelling at him. The sister was also in the room but declined to discuss the incident further reporting she did not want to get her father in trouble.

On 12/11/2014, the twin siblings individually received forensic interviewers at the [REDACTED] in Harrisburg. The brother confirmed his previous statements describing the father forcibly striking the victim child in his upper torso. He reported the father later tried to pick up the victim child and dropped him to the floor. The sister to the victim child did not make a disclosure concerning the incident and stated she did not want to talk about it.

The victim child has been diagnosed with [REDACTED]. The child is unable to [REDACTED]. Medical records report the child [REDACTED] due to intentional trauma." The [REDACTED] was interviewed and stated that it would have taken "a significant amount of force" to cause the [REDACTED]. He also said further trauma would have made the injury worse. The child abuse report was indicated and the CY48 was filed on 12/31/2014.

[REDACTED] Police continue to investigate the situation; however, no one has been charged in relation to the incident at this time.

Current Case Status:

The child remains active with the [REDACTED] and will continue to receive long term [REDACTED] services in Delaware County. Both younger siblings receive [REDACTED] though a provider local to their home in [REDACTED], PA. The mother and step-father are able to secure the necessary services for their children in their community. The mother obtained full legal and physical custody of the children, with no contact allowed with the father at this time. The case was closed with Dauphin County on 12/31/2014.

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

- **Strengths:**
 - Communication between DuPont Hospital and the agency was informative and timely.
 - The victim child's brother provided a clear, consistent and detailed account of events surrounding the incident.
 - Mother was compliant and supportive of the child.
 - Safety was assured for the other children in the home.
 - There was a response from the joint investigative team.

- **Deficiencies:**
 - The hospital is trying to extend the child's stay due to the extensive amount of [REDACTED] services the child needs and concerns the [REDACTED] will not last.
 - Conflicting information from Hershey Medical Center regarding the child being able to [REDACTED] and DuPont reports [REDACTED].

- Hershey Medical Center did not run full scan due to the child reporting his legs hurt. Child was not transported to DuPont appropriately, i.e. transported as a trauma victim.
- Conflicting information from interviews with siblings.
- Victim child was not seen within 24 hours, although request for courtesy visit made within the time frame.
- Copy of the detective's report from his interview with witness was requested but was not provided.
- Recommendations for Change at the Local Level:
 - Forensic interview of the victim child
 - Interview paternal grandparents
 - Interview alleged perpetrator
 - Obtain security footage of open rides and Hershey Park within 48 hours of father, child and siblings attending Hershey Park in the Dark
 - Contact child's school to get information regarding child's functioning
 - Identification of the spinal injury sooner
 - Use proper precautions/restraints/neck brace when transporting child to DuPont Hospital
- Recommendations for Change at the State Level: None reported

Department Review of County Internal Report:

The County Internal Fatality Review Team held an Act 33 meeting on December 1, 2014 where medical information and case history were presented. The County report was received on 03/17/2015. On 05/12/2015, CROCYF notified Dauphin CYC via letter that the report on [REDACTED] was reviewed and the regional office concurred with the recommendations of the Act 33 review team.

Department of Public Welfare Findings:

- County Strengths:
 - The Agency worked collaboratively with various medical providers, other county CYC, and Delaware State DSCYF to assess the safety of all children involved and conduct the investigation.
 - The investigation was completed within timeframes despite law enforcements need for ongoing investigation and the varied locations of the involved family members.
 - The Agency did invite Delaware County CYC to the Act 33 meeting but declined attendance.
- County Weaknesses:
 - The Agency directly received allegations of abuse on 11/01/2014 from [REDACTED] but assessed it to be a GPS with a five day response time at initial receipt. The report from [REDACTED] clearly stated the child was

vulnerable due disabilities and [REDACTED]; reported experiencing [REDACTED] pain; and the child reported the pain is a direct result of his father "shoving" him.

- Delaware County CYS did not hold their own Act 33 meeting for the child even though he did reside in their jurisdiction.

- Statutory and Regulatory Areas of Non-Compliance:

- There is no indication that the agency assured the safety of the victim child and other children in the home upon receipt of the initial allegations of abuse from [REDACTED] on 11/01/2014.
- The mother did not receive written notification as a subject of the report until 11/14/2014. She was first interviewed as part of the investigation on 11/05/2014
- Supervisory reviews of this case were not completed every 10 days
- The Safety Assessment developed at the conclusion of the investigation was signed by the caseworker and supervisor beyond the required time frames.

A licensing inspection summary was issued to Dauphin County on 06/15/ 2015 citing the areas of regulatory non-compliance listed above. The Department will follow up with the county to assure compliance with their plan of correction.

Department of Human Services Recommendations:

Dauphin County should re-assess the process in which response times are determined based on the information provided. Cases coming directly from referral sources that allege significant injury as a direct result of actions of alleged perpetrator should be assessed immediately. The Administrative review process for how cases are reviewed and how supervision is documented should be reviewed to assure timelines are met.

Continued technical assistance must be provided to counties regarding the convening of county review team meeting by not only the county where the alleged abuse occurred but also in any county where the child resided within the 16 months preceding the fatality or near fatality.