



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR FATALITY OF



BORN: [REDACTED]/09

Date of near fatality incident: 10/19/09

**The family was not known to Franklin County
Children and Youth Services.**

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))

Reason for Review:

Senate Bill No. 1147, now known as Act 33 was signed by Governor Rendell on July 3, 2008 and went into effect 180 days from that date, December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and near child fatalities that were suspected to have occurred due to child abuse. DPW must conduct child fatality and near fatality reviews and provide a written report on any child fatality or near fatality where child abuse is suspected.

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Father	[REDACTED]
[REDACTED]	Mother	[REDACTED]
[REDACTED]	Child	[REDACTED]
[REDACTED]	Victim Child	[REDACTED]/09

Notification of Near Fatality:

On 10/19/09 the [REDACTED] came home from work to find the victim child not acting right. The child had been in the care of the [REDACTED] while the [REDACTED] was at work. The [REDACTED] took the child to Chambersburg Hospital ER. Upon the child's arrival at the hospital, [REDACTED] was not [REDACTED]. The victim child was having significant [REDACTED] upon arrival at the ER. The child had [REDACTED]. The victim child also had [REDACTED]. Child had [REDACTED]. The injuries were consistent with [REDACTED], a [REDACTED] according to the ER doctor. The child was life-flighted to Penn State Milton S. Hershey Medical Center and was in critical condition. The report was processed as a near fatality. The [REDACTED] were unable to offer a plausible explanation for the child's injuries. The victim child's older sibling was also at the hospital with the [REDACTED].

2. Documents Reviewed and Individuals Interviewed:

For this review the Central Region Office of Children, Youth and Families reviewed Franklin County's case file on this family, to include the child's medical records from Chambersburg Hospital and Penn State Milton S. Hershey Medical Center. The intake supervisor and the ongoing caseworker from Franklin County Children and Youth Services were also interviewed regarding this case.

Case Chronology:

Previous CY involvement:

The family was not known to Franklin County Children and Youth Services prior to the near death report.

Circumstances of Child's Fatality:

On 10/19/09 the [REDACTED] came home from work to find the victim child not acting right. The child had been in the care of the [REDACTED] while the [REDACTED] was at work. The [REDACTED] and [REDACTED] took the child to Chambersburg Hospital's ER. Upon the child's arrival at the hospital, she was [REDACTED]. The victim child was having significant [REDACTED] upon arrival at the ER. The child had [REDACTED]. The victim child also had [REDACTED]. Child had [REDACTED]. The injuries were consistent with [REDACTED], a [REDACTED] according to the ER doctor. The child was life-flighted to Penn State Milton S. Hershey Medical Center and was in critical condition. The report was processed as a near fatality. The [REDACTED] were unable to offer a plausible explanation for the child's injuries. The victim child's older sibling was also at the hospital with the [REDACTED]. The safety plan for the victim child included Franklin County Children and Youth Services obtaining temporary legal custody of the child. [REDACTED] was receiving treatment at Penn State Milton S. Hershey Medical Center in the [REDACTED]. Hospital staff supervised the victim child while the child was inpatient at the hospital. The hospital staff supervised each contact between [REDACTED] and child and agreed to take immediate action, if necessary. The hospital also agreed to promptly notify the county agency of any problems. The sibling of the victim child was taken into temporary legal custody of Franklin County Children and Youth Services. Foster Care was provided by the [REDACTED] of [REDACTED]. The hospital staff and foster parents demonstrated their ability to provide for the safety and well being of both children. On 10/28/09, the [REDACTED] was charged with [REDACTED]. The victim child was released from Hershey Medical Center on 10/30/09 and was placed into the same foster home as her sibling.

During the child abuse investigation conducted by Franklin County Children and Youth Services, county agency staff interviewed the [REDACTED], as well as doctors and nurses from Penn State Milton S. Hershey Medical Center. The [REDACTED] could not offer any reasonable explanations as to how the child sustained the injuries. Hershey Medical Center determined that the child's more recent [REDACTED] was non-accidental trauma and was caused while the child was in the care of [REDACTED]. The [REDACTED] were in [REDACTED]. [REDACTED] was caring for the child. All medical exams on the victim child's sibling came back negative for abuse.

Current / most recent status of case:

The child abuse investigation was [REDACTED] as it was determined that the [REDACTED] was caring for the child when [REDACTED] sustained significant [REDACTED]. However, it could not be determined who was responsible for the care of the child when the [REDACTED]. On 1/15/10, the child abuse case was [REDACTED] as a result of a juvenile court hearing that occurred on [REDACTED]. The victim child was found to be a victim of child abuse by the court on that date. The family was accepted for services on [REDACTED]. The children remained in foster care through [REDACTED] until they were returned to their [REDACTED] home on [REDACTED]. The [REDACTED] has physical custody of both children. The [REDACTED] remains in the county jail, and is not receiving visits with the children at this time. Franklin County Children and Youth recommended that both [REDACTED] participate in a parental fitness assessment to assess their parenting abilities. The [REDACTED] completed the assessment on 12/17/09. The psychologist indicated that the [REDACTED] is emotionally healthy and is a fit parent. He did not recommend any additional services for the [REDACTED] and he recommended that the children return to the [REDACTED] care. The [REDACTED] is currently incarcerated in the Franklin County Jail and has been unable to complete the assessment. [REDACTED] has been charged with [REDACTED].

Services to children and families:

The victim child and [REDACTED] sibling are doing well in the care of their [REDACTED]. The case remains open with the county agency. [REDACTED] are being provided to the victim child weekly. The child receives [REDACTED] therapy from [REDACTED]. The county caseworker conducted weekly home visits the first month the children were returned to the [REDACTED] care. The county caseworker is currently conducting bi-weekly home visits to the [REDACTED] home. The county agency maintains legal custody of the children while the [REDACTED] has physical custody of the children. The county agency had recommended that the [REDACTED] maintain housing, employment and financial stability. The [REDACTED] has accomplished all of the goals set forth by the agency.

County Strengths and Deficiencies as identified by the County's Near Fatality Report:

A county death team review was not completed as required.

County Recommendations for changes at the Local Levels as identified by Fatality Report:

None

Recommendations for changes at the State Level:

None

Central Region Findings:

Franklin County Children and Youth Services responded appropriately in regard to assessing and assuring the safety of the victim child and the victim child's sibling. The agency implemented a safety plan for both children until a psychologist recommended that the children were safe to be returned to their [REDACTED] care. The agency continues to provide services to the family. Franklin County [REDACTED] the near death on the [REDACTED] and the [REDACTED] as the doctor determined that the time frame the child sustained the more recent injuries was consistent with the time the child was in the care of the [REDACTED] however, a time frame could not be determined as to when the child received the [REDACTED]. The county [REDACTED] the child abuse case on the [REDACTED] after a juvenile court hearing ruled on [REDACTED] that the child was a victim of child abuse.

Statutory and Regulatory Compliance issues:

The county agency is not in compliance with Section 6365 (d) of the CPSL as they did not conduct a County Near Fatality Review as required.