



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

Elaine C. Bobick
Director
Western Region

11 Stanwix Street, Suite 260
Pittsburgh, PA 15222

(412) 565-2339
Fax: (412) 565-7808

REPORT ON THE NEAR FATALITY OF



BORN: April 18, 2009
Date of Near Death Incident: June 17, 2010

**The family was not known to Children and Youth Services.
The family was not known to other public/private social service
agencies**

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 [REDACTED] 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.

Family Constellation:

| Name: | Relationship: | DOB: |
|--------------|---------------------------------|-----------------|
| [REDACTED] | Child victim | 04-18-2009 |
| [REDACTED] | Mother | [REDACTED]-1982 |
| [REDACTED] | Mother's paramour/babysitter | [REDACTED]1981 |
| [REDACTED] | Father of child – not HHM | [REDACTED]-1986 |
| [REDACTED] | Half-brother – not HHM | [REDACTED]-2004 |

Notification of Near Fatality:

Child, age 14 months at the time of the report, resided with his 27 yr old mother and mother's 29 yr old paramour in the paramour's residence. The agency received a report on June 17, 2010 at 9:30 AM from the [REDACTED]. A 911 call had been placed by the child's mother. The child's entire head was bruised and swollen. Child also had bruises covering ribcage (mainly right side), a bite mark on leg, and his genitalia and buttocks were bruised. Child was transported to the hospital via life-flight helicopter. Child had been in the care of mother's paramour, who was in police custody and being charged with aggravated assault. The [REDACTED] initiated a [REDACTED] report at the hospital later that morning.

Documents Reviewed and Individuals Interviewed:

The Western Region Office of Children, Youth and Families Program Representative reviewed the intake and [REDACTED] case documents provided by Clarion County Office of Children and Youth (OCY.) The file included [REDACTED] referral forms, Child Fatality/Near Fatality Data Collection Form, [REDACTED], and [REDACTED] report documentation form. The Clarion County OCY staff involved in the investigation were interviewed regarding information obtained related to the incident and assessment of the family. Medical and forensic records provided by Children's Hospital of Pittsburgh were also reviewed.

Circumstances of Child's Near Fatality:

On June 16, 2010, [REDACTED] (mother) left her residence at about 10:30pm for her first night of work as a Nursing Aide. She had previously put [REDACTED] to bed in his crib

at 9:00pm. Mother reported that she left child in the care of her paramour [REDACTED], [REDACTED]. Mother stated that she had offered to get someone else to babysit child, however the [REDACTED] reportedly declined the offer. According to mother, she telephoned the home at around 1:00am on June 17th. The [REDACTED] reported that everything was fine at that time.

Mother returned home from her shift at about 8:00am on June 17th. Upon her arrival, she noted that the child was not in his crib. She then asked her paramour where the child was, at which point the [REDACTED] began begging her not to be angry. The [REDACTED] then stated that the child had fallen out of his crib. Mother observed that the child, who was now on the couch, had bruises all about his face. Mother stated that she then immediately took the baby to the house of a neighbor, [REDACTED] (sister). The child was observed to be non-responsive at that time, and the police were called by mother. The child was then transported to Children's Hospital in Pittsburgh via Life Flight helicopter

The child's injuries included the following:

- Extensive bruising and swelling of the face
- [REDACTED] of the right eye
- Extensive bruising of chest, abdomen, genitals and back
- Bruises on arms indicative of grab marks
- [REDACTED]
- Contusion of the liver

Previous C&Y Involvement:

None

Case Chronology

Clarion County OCY commenced an investigation upon receipt of the near death report. On June 17, 2010, Clarion County OCY staff interviewed the following individuals at the following locations:

- [REDACTED], [REDACTED], at the Tionesta barracks of the Pennsylvania State Police
- Neighbors, [REDACTED] at their residence
- Mother, [REDACTED] at Children's Hospital
- Treating physician, [REDACTED], at Children's Hospital

The investigation, conducted concurrently and collaboratively with the Pennsylvania State Police concluded that the mother was away from the home, leaving her paramour as the sole caregiver of the child at the time the injuries occurred. Statements given by the [REDACTED] were not consistent with the type of injuries sustained by victim child. [REDACTED] was arrested and detained at the Clarion County Prison on the morning of June 17, 2010. The [REDACTED] was charged with one count each of F1 Aggravated Assault, M1 Simple Assault, M2

Recklessly Endangering, and also Summary Harassment. Bail was set at \$200,000. He was subsequently charged with F2 Possession of Firearm violation.

It was noted during the course of the interview with neighbors, [REDACTED], that they had observed the victim child during the day on June 16, 2010, and that he had been free of any observable injury.

[REDACTED] the victim child's mother, reported that she also has another child, [REDACTED] age six. This child currently resides with his biological father, and has done so throughout the couple's three year separation. The sibling visited the [REDACTED] residence on one occasion. As the result of the near death report pertaining to the victim child, a physical examination for the sibling was arranged with the family physician; that examination did not reveal any concern of [REDACTED]

According to the investigation, [REDACTED] had known the [REDACTED] for 3-4 months prior to this incident, and had resided with him about 4-6 weeks. During that period, one verbal altercation involving alcohol occurred, and is on record with the Pennsylvania State Police. Additionally, a 10 year old youth named [REDACTED], stayed at the home for two weeks. It is unclear the relationship between the [REDACTED] and the 10 year old but it is believed the [REDACTED] is a father figure to him. During that time, the [REDACTED] is reported to have verbally abused the youth on a continuous basis, and to have physically assaulted him on one occasion before the child departed the home to rejoin his mother.

[REDACTED] reported a pattern of excessive drinking by [REDACTED] and claimed to have known that he spent time in jail, and had at least one DUI charge on his record. The [REDACTED] referring to the night of this incident, stated that [REDACTED] knew that he had been drinking on the day of the incident, and, in fact, had bought a thirty can case of beer for him.

The investigation determined that the mother's paramour, [REDACTED], was the caretaker of the child at the time the injuries occurred. The case was [REDACTED] by Clarion County OCY on August 12, 2010, naming mother's paramour as [REDACTED]. Mother was also [REDACTED] as [REDACTED] because she knew, or should have known, that the child was at risk [REDACTED] due to the [REDACTED] being under the influence of alcohol when she left the child in the [REDACTED] care and that she had witnessed the [REDACTED] aggressive behavior with other children in the weeks prior to this report.

Due to Clarion OCY's concerns about the mother's status as an [REDACTED] by [REDACTED], and largely through their efforts, a Safety Plan involving the maternal grandmother as caretaker was developed and implemented on June 18, 2010. The plan addressed the mother's ongoing contact with her son, ensuring, for the protection of the child, that all contact is supervised. On that date the child was released to the maternal grandmother, [REDACTED] with services being provided by Erie County Children and Youth Services. Mother, also resides in the home under the plan which restricts her from any unsupervised contact with the victim child. A maternal Uncle and Aunt also reside in the area, and have been approved to serve as substitute caregivers as needed.

The services being extended include: weekly home visits (consistent with a high risk case), [REDACTED], parenting instruction, and assisting mother in locating her own residence, when appropriate.

County Strengths and Deficiencies as Identified by the County's Internal Review:

Strengths:

The case documentation was thorough. The agency conducted the entire investigation even though they could have requested assistance from Allegheny County Children Youth and Families to see the child at Children's Hospital. This decision resulted in consistency in the investigation and a comprehensive record with all interviews conducted by Clarion County OCY staff. The agency staff worked closely with law enforcement during the course of the investigation.

Deficiencies:

The County agency's determination was not made within 30 days and the County's review team did not meet on the 31st day, but rather after the determination was made. The agency director assumes responsibility for this deficiency. Any future reviews, when necessary, will be held on the 31st day, if the case has not been determined within 30 days.

County recommendations for changes at the local (County or State) levels as identified in County's Near Fatality Report:

A summary sheet naming all parties involved and/or contacted and their relationship to the case would be helpful to reviewers.

Attempts to locate child, [REDACTED] who had visited the residence approximately two weeks prior to the incident, should have been made and he should have been examined by a physician

Compliance with Statutes and Regulations

The county agency's determination was not made within 30 days, and the review team did not meet on the 31st day as required. The county was unable to complete their investigation within 30 days due to having difficulties securing an interview with the [REDACTED]

Department of Public Welfare Findings and Recommendations

After reviewing the case record and interviewing stakeholders, the Western Regional Office of Children, Youth and Families has concluded Clarion County OCY followed appropriate protocol in regard to the investigation of [REDACTED] near death in a commendable manner as to the timeliness and thoroughness of the actions undertaken by investigating staff. The regional office shares the concerns of the local team related to the county agency's failure to follow through with locating and arranging a physical

examination for the 10 year old youth who was allegedly mistreated while visiting with the [REDACTED]

The county was able to determine the [REDACTED], and he was [REDACTED] with respect to the case. Additionally, the [REDACTED] has been arrested and is currently in the Clarion County Jail awaiting trial. During the course of the investigation Clarion County OCY determined that the mother should be identified as a [REDACTED] because she left her son in the sole care of an individual who she knew was abusing alcohol and whose judgment when drinking was impaired. The child remains safe with a comprehensive plan, as he and his mother, currently reside with the maternal grandmother, and receive in-home services provided through Erie County. The child continues to receive necessary medical treatment.

In regard to recommendations: future reviews, when necessary, must be held on the 31st day, if the case status has not been determined within 30 days; the agency should follow up with interviews and appropriate collateral actions for any youth who was subject to mistreatment by the identified [REDACTED].