



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE FATALITY OF

Jayahn Cox-Phoenix

BORN: 05/25/2007

DIED: 05/25/2010

FAMILY KNOWN TO:

Dauphin County Children & Youth Services

REPORT DATED: April 22, 2011

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 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.

Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
Jayahn Cox-Phoenix	Victim child	05/25/2007
[REDACTED]	Mother	[REDACTED] 1991
[REDACTED]	Father	[REDACTED] 1988
[REDACTED]	Half-sister	[REDACTED] 2009
[REDACTED]	MGGM	[REDACTED] 1959
[REDACTED]	Maternal half-uncle	[REDACTED] 1995
[REDACTED]	Father's paramour	[REDACTED] 1974
[REDACTED]	Paramour's son	[REDACTED] 1994
[REDACTED]	Paramour's child	[REDACTED] 1995
[REDACTED]	Paramour's child	[REDACTED] 1997
[REDACTED]	Paramour's son	[REDACTED] 1997

Notification of Fatality

Child, age 3, was taken to Hershey Medical Center on Friday, May 21, 2010. Father reported that about 11:30 AM he was filling the bathtub to give child a bath because child had wet his bed. He went downstairs to let the dog out. When he returned to the bathroom, child was face down in the tub. Father called 911, and child was transported by ambulance to the hospital. [REDACTED]

[REDACTED]. He reportedly had no brain activity. Child also presented with a black eye. Father stated that child had hit his head while playing at the park the previous day. The Victim Child died a few days later on May 25, 2010, when life support was removed.

On September 23, 2010, the Dauphin County coroner's office announced that the child's death was a homicide as a result of freshwater drowning and traumatic brain injury. Swatara Township police announced that they are opening an investigation. [REDACTED]

[REDACTED] CYC re-opened their investigation in coordination with the law enforcement officers.

Documents Reviewed and Individuals Interviewed:

DOCUMENTS REVIEWED:

Dauphin CYS case records
Steelton Police Department reports
Dauphin County Coroner's Report

[REDACTED]
Hershey Medical Center – reports from victim child's 5/21/10-5/25/10 hospitalization

[REDACTED]
PA Common Pleas internet search on all parties
Press releases from local news and television outlets
Available information regarding The PA Attorney General's Medical/Legal Advisory Board [REDACTED]

INTERVIEWS:

[REDACTED], Dauphin CYS [REDACTED]
[REDACTED] Supervisor, Dauphin CYS
[REDACTED], Dauphin CYS
– First Responder Unit, Dauphin CYS
[REDACTED], Dauphin CYS

Case Chronology:

Victim child's mother, age 19, lives with her two children in the home of maternal grandmother. The father of victim child's half-sibling is 34 years old, and is in SCI Mahanoy, convicted for Aggravated Assault. Victim child's mother is a student in nursing school. Maternal grandmother is employed. [REDACTED]

[REDACTED]. Maternal grandmother's household has had intermittent agency services since 1977.

The victim child's father is age 22. There is no Dauphin County CYS history prior to 2010. [REDACTED]

His mother and grandmother live in the Harrisburg area, but other family relationships are unknown. Father lives with a paramour, age 35 although she has denied that he resides there. He may stay at his mother's home on occasion. [REDACTED]

Dauphin CYC was first involved with this family when a [REDACTED] investigation was conducted beginning March 24, 2010. Mother was victim child's primary caregiver, and Father had had little contact with him until January 2010. An informal agreement was in place regarding victim child's visits with Father. [REDACTED] that mother had called [REDACTED] Sunday March 21, 2010 and asked him to take victim child because "she couldn't take him anymore." [REDACTED]. Child had a honeycomb-shaped burn on his leg. Investigation determined that the child's burn was due to his accidentally rolling from the bed into a space heater at mother's home. At the time, [REDACTED] lived with his paramour and her adolescent children. [REDACTED] was employed part-time. [REDACTED].

A voluntary safety plan was in place during the investigation in which [REDACTED] kept child living with him. [REDACTED] stated his intent to keep his son and get primary physical custody of him. He claimed that there was drug use at mother's home and that the house was in poor condition in a bad neighborhood.

While the [REDACTED] investigation was underway [REDACTED] reported to CYC on April 10, 2010 that she was told that father hit victim child with a belt. A home visit was made within three hours of the report. Caseworker spoke with child and father, and examined the child undressed. No serious injury was observable and Father denied using physical discipline. A safety assessment was completed and documented. On April 10, 2010 a report was also made to Harrisburg Police. Father and victim Child were seen at the police station on April 14, 2010. No injuries were seen. Father told police that the victim child and his paramour's children are given time out or exercises as discipline. The case was closed on April 21, 2010 at the conclusion of the [REDACTED] investigation.

[REDACTED] referred the family to CYC on May 6, 2010. Victim child was living with father and his paramour and her family. [REDACTED] reported that she went to visit victim child and father said he didn't know where the child was. A home visit with father and child occurred on May 12, 2010. Father explained that victim child had been visiting at paternal grandmother's home. Father had filed for custody and a hearing scheduled May 13, 2010 was continued. No concerns regarding the parenting of the child surfaced during the May 12, 2010 home visit. A safety assessment was completed and documented.

On May 25, 2010, [REDACTED] called Children & Youth to report victim child's death. This referral and assessment is summarized in the "Circumstances of child's fatality" section. At that time, medical professionals stated that the child's death was accidental. The case

was closed at the conclusion of the assessment.

Circumstances of child's fatality:

Child, age 3, was taken to Hershey Medical Center on Friday, May 21, 2010. Father reported that about 11:30 a.m. he was filling the bathtub to give child a bath because child had wet his bed. He went downstairs to let the dog out. When he returned to the bathroom, child was face down in the tub. Father called 911, and child was transported by ambulance to the hospital. Child was admitted in critical condition. [REDACTED]. He reportedly had no brain activity. Child also presented with a black eye. Father stated that child had hit his head while playing at the park the previous day. The hospital's Child Safety Team reviewed the case on Monday, May 24, 2010 and concluded that child's injuries were accidental. Child was pronounced dead on May 25, 2010 at 4:00 p.m. after life support was discontinued.

The pathologist did not intend to conduct an autopsy because the child's organs had been donated and hospital determined the death to be accidental. The County Coroner intercepted the body before it was transported to the funeral home and performed an autopsy. CYS had no evidence that eye injury and drowning were non-accidental and closed the case file. LEO investigation continued at this time. There were some unconfirmed allegations that [REDACTED] believed father's paramour punched the child in the eye and that [REDACTED] told unidentified persons that [REDACTED] killed the child. Police did not want this information to be discussed with the family due to their ongoing investigation. CYS assisted LEO by scheduling paramour's children to be seen at the Child Advocacy Center. Children were not produced for the CAC interview and CYS had no authority to force the interview. A team meeting was held on July 12, 2010 with CYS and law enforcement. CYS agreed that they could intervene at a future time if coroner's report or other evidence was obtained to indicate that child's injuries and death were non-accidental.

On September 23, 2010, the Dauphin County coroner's office announced in the press that the victim child's death was a homicide as a result of freshwater drowning and traumatic brain injury. The coroner's report listed multiple abrasions and contusions on child's head, two brain hemorrhages and a hemorrhage in the spinal column at the base of the brain. The coroner's findings and the Medical/Legal Advisory Board disagreed on whether there was medical evidence of drowning. Swatara Township police announced that they are opening an investigation. [REDACTED]

[REDACTED] CYS re-opened their investigation in coordination with the law enforcement officers. [REDACTED]

[REDACTED], since both had caregiving responsibilities in the 24 hours prior the child's injuries. CYS

interviewed and assessed the safety of the paramour's four children on September 24, 2010. Caseworker made a home visit to the paramour's home on October 1, 2010, and interviewed the paramour on October 4, 2010. Testimony was taken by a grand jury on October 6, 2010. The witnesses brought before the grand jury and the content of the testimony are confidential and not made available to Dauphin CYS. Father did not respond to letters and requests for an interview. He was notified in person on November 2, 2011, and had engaged an attorney.

The case was referred to the Attorney General's Medical/Legal Advisory Board [REDACTED]. This Board met on November 10, 2010, and reviewed the medical records, coroner's report and autopsy report. They concluded that the child sustained serious, fatal injuries on the morning of his death. They observed no evidence of drowning. The board criticized the local medical and legal investigations and conclusions as not being thorough or accurate. Following the meeting of the Board, police stated that homicide charges would be filed against father, who was the sole caregiver at the time the child's injuries were inflicted.

[REDACTED]. Due to the nature and time frame of the victim child's injuries, it was determined that Father's paramour could be ruled out [REDACTED]. She was confirmed to have been at work the morning of the incident.

Father was charged with criminal homicide, aggravated assault and child endangerment on March 10, 2011. He is in prison without bail.

Current/most recent status of case:

A referral regarding Mother, who lived with maternal grandmother, and her one-year-old child was made to the agency on September 23, 2010, (the same day of the press release regarding the homicide ruling) alleging that Mother uses marijuana and other illegal drugs and the residence was dirty and had an odor. CYS conducted a [REDACTED] investigation and initially determined the child safe with a comprehensive plan. The family was required to have someone serve as caretaker for the child [REDACTED]. The caseworker made four home visits and provided services including [REDACTED], referral for [REDACTED], safe sleeping information and a Pack 'n' Play for the child. Drug tests were negative following the initial intervention. Safety assessments were completed at each visit; the child was determined to be safe in the care of Mother and grandmother at the conclusion of the investigation. The case was closed on November 10, 2010.

Father has two other children, age 4 and age 3, from a previous relationship. The two children visited with father every other weekend. Due to confidentiality law, CYS could not inform their mother about the [REDACTED] investigation or its

outcome. Although criminal charges were anticipated, until those charges were filed the criminal investigation was also confidential. Nevertheless, the safety of the two young children was of utmost concern. Without revealing information regarding the [REDACTED] investigation and its outcome, the agency obtained assurances from the mother of these children that all contact with Father would be supervised.

Services to children and family:

[REDACTED]

Voucher for Pack 'n' Play
Family Group Conference (offered and declined by family)

[REDACTED]

Pinnacle Health Emergency Department

County strengths and deficiencies as identified by the County's fatality report:

A multi-disciplinary team (Act 33) meeting was held on September 28, 2010, followed by another MDT on November 19, 2010 at the District Attorney's office. The county's Child Death Review Team met on 12/10/10 for a 3rd review of the case.

Strengths noted:

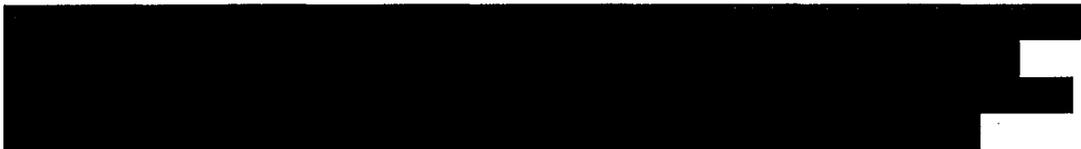
- Both CYS and law enforcement were notified at the time of the child's death due to unknown causes.
- CYS responded quickly and assured the safety of the sibling without removing them him the family.

Weaknesses:

- Children & Youth Agency was not notified that the death had been ruled a homicide until it was announced in the press.
- The child's death was initially determined to be accidental in nature. As a result, there was a lack of forensic evidence gathered at the time of the incident. (e.g. child's bed sheets, evidence that he had been in bathtub, wet towels, etc.)

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

- Recommended that initial investigations be conducted on the presumption of foul play. Forensic evidence was incomplete due to the child's death being viewed initially as accidental.
- Recommend that the coroner's office and/or DA's office contact ChildLine and the County CYS immediately when autopsy is completed and death is ruled a homicide.
- [REDACTED]

**Central Region findings:****STRENGTHS**

- Dauphin CYS has a positive working relationship with law enforcement, characterized by frequent and open communication.
- Dauphin County has an active Child Death Review Team which meets regularly and is well-attended by representatives from a broad range of professions.
- Dauphin CYS documented contacts with detailed structured case notes and comprehensive safety assessments when indicated.

DEFICIENCIES:

- The county CYS was constricted by the regulation that limits a [REDACTED] investigation to 60 days. The CYS agency made extensive efforts to cooperate with law enforcement and delayed interviewing [REDACTED], or carefully refrained from sharing specific forensic information in order to not compromise the law enforcement investigation.
- The coroner's office and/or DA's office should notify ChildLine and Dauphin County CYS immediately when an autopsy report determines a child [REDACTED].

Statutory and Regulatory Compliance Issues:

- 3490.232(c) Referral received 5/6/10 at 8:30 p.m. was assigned a 24-hour response tag. CW attempted a phone call on 5/7/10 without success. No further attempt was made to locate family until 5/12/10, when a home visit occurred. This cite was included in the County's annual licensing inspection summary.