

Office of Children, Youth and Families

Gabrielle Williams
Director
Central Region

1401 N. 7th St., 4th floor
Bertolino Bld.
Harrisburg, Pennsylvania, 17105

717-772-7702
Fax: 717-772-7071

REPORT ON THE FATALITY OF

Elieo Soto

DOB: 03/03/2009
DOD: 08/23/2010

FAMILY WAS NOT KNOWN TO
YORK COUNTY CHILDREN AND YOUTH

REPORT DATED 01/19/11

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. Section 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.

Family Constellation:

| <u>Name</u> | <u>Relationship</u> | <u>Date of Birth</u> |
|-------------|---------------------|----------------------|
| Elieo Soto | Victim Child | 03/03/2009 |
| [REDACTED] | Sibling | [REDACTED]/2007 |
| [REDACTED] | Mother | [REDACTED]/1989 |
| [REDACTED] | Father | [REDACTED]/1982 |

Notification of Fatality:

On 08/23/2010 the father [REDACTED] was giving the child a bath. He put the child in the tub, turned the shower head on and put the stopper in the drain. The child was leaning against the back of the tub. A brother/uncle came to the house with beer and they went to the deck to drink and talk. When the mother returned to the home from school and asked the father where the children were the father then remembered the child in the bathtub. It is estimated that the child was in the tub for approximately 35-45 minutes. The child was cold, wet and purple when he was located by the parents. The ambulance was called by the parents and the medic attempted CPR.

York County Children & Youth Services received this information from the [REDACTED] on 08/23/10. The York City Police detective interviewed the father, mother and uncle on the evening of the incident.

Documentation Reviewed and Individuals Interviewed:

For this review Central Region interviewed:

- [REDACTED], Supervisor at York County Children & Youth Services
- [REDACTED] case worker at York County Children & Youth Services

Central Region reviewed:

- Child Death Data Tool
- Case file

Previous CY Involvement:

None

Circumstances of Child's Fatality:

On 08/23/2010 the father [REDACTED] was giving the child a bath. He put the child in the tub, turned the shower head on and put the stopper in the drain. The child was leaning against the back of the tub. A brother/uncle came to the house with beer and he and father went to the deck to drink and talk. When the mother returned to the home from school and asked the father where the children were the father then remembered the child in the bathtub. It is estimated that the child was in the tub for approximately 35-45 minutes. The child was cold, wet and purple when he was located by the parent. The ambulance was called by the parents and the medic attempted CPR.

The child was pronounced dead on arrival to the hospital. The child was developmentally delayed, born prematurely and couldn't sit up on his own. Per the medical reports, child had the head size of a 5 month old. An autopsy was completed on 08/24/2010 and determined that the child drowned in the bath tub and there were no old injuries on the child. The sibling was in another room watching TV during the incident. York County Children & Youth Services received this information from the [REDACTED] on 08/23/2010. The York City Police detective interviewed the father, mother and uncle on the evening of the incident.

Current/Most Recent Status of Case:

After the incident, the two year-old sibling and her mother had left the family home and were residing with the maternal grandmother. The Safety plan was no contact with the father. The only contact they had with the father was at the child's funeral. That plan has since been removed and the father is allowed contact with the sibling. Mother and father are residing in the same residence again. The family/extended family members have participated in a Family Group Decision Making (FGDM) conference on 12/11/2010 and developed a plan. The plan includes helping the family deal with [REDACTED]. The family was accepted for services on 10/15/2010 by York County Children & Youth Services.

The sibling was not interviewed about the incident; she is two years old, non-verbal and delayed as well. The sibling was in another room watching TV during the incident. There were no concerns about drugs in the home. [REDACTED]

[REDACTED]. The father is [REDACTED] and unemployed. [REDACTED]

[REDACTED]. Police are still investigating the case and have not made a determination. Father has not been officially charged with any crime. To

date, York County Children & Youth Services have not received the police report from [REDACTED] of the York City Police Department.

Services to Children and Families:

The mother and father were accepted for services on 10/15/2010 by York County Children & Youth Services. [REDACTED]. The family has participated in a FGDM conference. The Agency will monitor this case with a focus on parenting and [REDACTED]

[REDACTED]. Referrals were made for these services. [REDACTED]

[REDACTED]. Mother, father and extended family were very cooperative during the investigation and followed through with [REDACTED]

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

York County Children & Youth Services held the Multi-disciplinary Team (MDT) meeting on 09/28/2010 concerning this case. [REDACTED]

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

None

Central Region Findings:

While the death was ruled an accidental drowning, York County Children & Youth agency appropriately [REDACTED]

Statutory and Regulatory Compliance Issues:

There were no regulatory issues noted.