



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

*Raheemah Shamsid-Deen Hampton*  
*Southeast Regional Director*

801 Market Street, Sixth Floor  
Suite 6112  
Philadelphia, Pennsylvania 19107

Phone: (215)560-2249/2823  
Fax: (215)560-6893

**REPORT ON THE FATALITY OF:**

**David Miller**

**Date of Birth: [REDACTED], 2009**

**Date of Fatality Incident: December 11, 2011**

**The family was not known to  
any public or private child welfare agency**

**Date of Report: April 2, 2012**

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 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, DPW 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. Delaware County Children and Youth Services convened a review team in accordance with Act 33 of 2008 on January 4, 2012.

**Family Constellation**

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
David Miller	Victim Child	[REDACTED]/2009
[REDACTED]	Mother	[REDACTED]/1989
[REDACTED]	Father	[REDACTED]/1988

(Parents and victim child lived in New Jersey but used the babysitter in Pennsylvania who was near the father's employment.)

Household at time of incident

[REDACTED]	Babysitter	[REDACTED]/1988
[REDACTED]	Babysitter's son	[REDACTED]2006
[REDACTED]	Babysitter's daughter	[REDACTED]/2008
[REDACTED]	Babysitter's daughter	[REDACTED]/2010

**Notification of Child Fatality**

On December 12, 2011, Delaware County Children and Youth Services received a call [REDACTED] concerning two-year old David Miller. David was brought to Crozer Emergency Room after being found in respiratory arrest in the babysitter's home. Child had lost his pulse and required [REDACTED] in the ambulance. He had bruising and redness around his neck. Child had [REDACTED] on his cheek, jaw, stomach and back. He also had [REDACTED]. [REDACTED] performed at the hospital noted [REDACTED]. [REDACTED] Blood was found in the child's stool. At time of admissions to the hospital, it appeared unlikely that child would survive.

**Summary of DPW Child Fatality Review Activities**

The Southeast Region Office of Children, Youth and Families obtained and reviewed all current case records pertaining to this family. Follow up interviews were conducted with [REDACTED], Supervisor. The regional office also participated in the County Internal Fatality Review Team meeting on January 4, 2012.

## Summary of Services to Family

### Children and Youth Involvement prior to Incident

No previous involvement with county children and youth agency.

### Circumstances of Child Fatality and Related Case Activity

On December 11, 2011, the babysitter reported that she called 911 after finding a bottle cap in the child's mouth and the child being in respiratory arrest. She reported sweeping his mouth with her fingers to clear the airways. While the child was being transported to Crozer Chester Medical Center, the paramedics lost the child's pulse and administered CPR. The hospital reported that two-year old David had bruising and redness around his neck, bruising on his cheek, jaw, stomach and back, and [REDACTED]. [REDACTED] scan indicated [REDACTED]. The child had blood in his stool. He was determined to be in critical condition due to suspected child abuse. Child was not expected to survive. He had failed repeated tests of [REDACTED].

Child was transferred from Crozer to Children's Hospital of Philadelphia (CHOP) by helicopter on December 12, 2011. [REDACTED] was imminent. The family had consented to [REDACTED]. Delaware County C&Y made a visit to the home of the babysitter on December 12, 2011. The household of the [REDACTED] consisted of [REDACTED] (mother), [REDACTED] (mother's paramour), [REDACTED] (daughter of [REDACTED] (son of [REDACTED], his father is deceased), and [REDACTED] (daughter of [REDACTED]). The initial Plan of Safety was that the mother left the home. The paternal grandfather stayed in the home to watch the children. The paramour was at work at the time of the injuries so was not considered a suspect.

Interviews done by Delaware County C&Y indicated that the victim child frequently spent several days at a time with the babysitter. The father and mother lived with David in New Jersey. They had no other children. The father worked with the babysitter's husband. The father and the babysitter had gone to high school together. The father often worked 60 hours per week. The mother worked swing shifts. Because of these schedules, the parents would leave David at the babysitter's home for several days. The parents reported that they had seen bruises in the past when he returned from the babysitter's. The bruises were attributed to David and the [REDACTED] children playing on a trampoline at the babysitter's. At the time of his death on December 11, 2011, David had been at the home since December 8, 2011.

New Jersey Department of Youth and Family Services (DYFS) contacted Delaware County C&Y about completing interviews of the parents in New Jersey. Neither parent had any history of involvement with DYFS.

A [REDACTED] investigation was conducted by Upper Chi-Chester Police Department. The police did not share much information with Delaware County C&Y. Written reports, interviews and crime scene photos were not shared with C&Y for review.

The Philadelphia Medical Examiner's Office concluded that the death was the result of blunt impact [REDACTED] and the manner of death was listed as homicide. Injuries identified were:

- Multiple [REDACTED] of head, torso; [REDACTED] contusions of extremities;
- [REDACTED];
- Thin layer of [REDACTED];
- [REDACTED] surrounding majority of spinal cord;
- Clinical diagnosis of [REDACTED] brain injury; and
- Clinical history of prior left humerus fracture.

The child's organs were donated.

### **Current Case Status**

- The [REDACTED] family is receiving ongoing services through Delaware County C&Y.
- The [REDACTED] was arrested December 30, 2011 on the charges of Murder of the Third Degree, Aggravated Assault, Involuntary Manslaughter, Endangering Welfare of Children-Parent/Guardian/Other Commits, Murder of the First Degree, and Criminal Homicide. Pre-Trial Conference was scheduled for April 23, 2012. She was released from jail on house arrest. The Judge ordered that she can have access to her children but to no other children. Delaware County C&Y would not agree to the [REDACTED] mother staying in the home with her children, so she has supervised visits in the family home Tuesday, Thursday, Saturday and Sunday from 4:00-7:00 pm with supervision by the maternal grandfather. Delaware County C&Y after hours staff have gone to the home several times unannounced to verify that the Safety Plan is being followed.
- On February 6, 2012, the county filed a [REDACTED]. The [REDACTED] explanation about the injuries were "totally inconsistent" with the Medical Examiner's findings. She alleged that David had placed a bottle cap in his mouth which caused respiratory arrest. She had no explanation for the child's other injuries.

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

Act 33 of 2008 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. Delaware County C&Y convened a review team in accordance with Act 33 of 2008 on 1/4/2012.

### Strengths

Agency was in compliance with statutes and regulations.

### Deficiencies

None identified.

### Recommendations for Change at the Local Level

None identified.

### Recommendations for Change at the State Level

- Ongoing need for outreach with mandated reporters as the county agency did not receive a [REDACTED] report until the day after the incident occurred.
- Collaboration was needed between the local police and child welfare agency in this investigation. Police departments need to understand the value of shared information which would enhance the safety of children.

### **Department Review of County Internal Report**

The Southeast Regional Office has received and reviewed the county's report, and is in agreement with their findings.

### **Department of Public Welfare Findings**

#### County Strengths

- The county's investigation was timely, thorough and addressed the safety and risk of the children.
- Safety and risk assessment were done in the home of the perpetrator for her children. The Safety Assessment appropriately determined that the perpetrator did not have protective capacities and, as such, a Safety Plan was needed. The Safety Plan required that the mother not have unsupervised access to her children while she was out on bail awaiting trial.

#### County Weaknesses

None identified.

#### Statutory and Regulatory Areas of Non-Compliance

None identified.

## Department of Public Welfare Recommendations

- Delaware County Children & Youth Services should develop a strategy to improve their working relationships with the local police departments. As they identified, this relationship is critical to the investigation as well as ensuring the safety of children.
- When a [REDACTED] investigation involves a babysitting arrangement, the investigator should contact the Office of Child Development and Early Learning to determine if the caretaker is licensed or has any history with the office.