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REPORT ON THE NEAR FATALITY OF:



DATE OF BIRTH: December 20, 2011
DATE OF NEAR FATALITY INCIDENT: February 10, 2012

FAMILY KNOWN TO:
Erie County Office of Children and Youth

DATE OF ORAL REPORT: February 10, 2012

REPORT FINALIZED ON: August 7, 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. Erie County was not required to convene a review team in accordance with Act 33 of 2008 related to this report due to the report being unfounded within 30 days of the oral report to ChildLine.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Child	12/20/11
[REDACTED]	Mother	[REDACTED] 87
[REDACTED]	Father	[REDACTED] 83
[REDACTED]	Sibling	[REDACTED] 09
[REDACTED]	Sibling	[REDACTED] 11

Non-household members:

[REDACTED]	Half-Sibling	[REDACTED] 07
[REDACTED]	Half-Sibling	[REDACTED] 08
[REDACTED]	[REDACTED] Father	[REDACTED] 86
[REDACTED]	Maternal grandmother/ Legal Custodian to [REDACTED]	[REDACTED] 54

Notification of Child Near Fatality:

On February 10, 2012 Erie County Office of Children and Youth received a report that a 5 week old infant had been brought to the local Emergency Room for eating and breathing difficulties. The attending physician reported the child to be emaciated and dehydrated. It was noted that the child had only gained [REDACTED] since his birth, 5 weeks prior. The child's skin was gray in color. The child was certified in critical condition and [REDACTED]. There were concerns with the mother's "dazed" condition and it had been rumored that the mother was an active drug abuser.

Summary of DPW Child (Near) Fatality Review Activities:

The Western Region Office of Children, Youth and Families obtained and reviewed all current and past case records pertaining to the family.

Summary of Services to Family:

Children and Youth Involvement prior to Incident:

- October 12, 2007
Erie County Office of Children and Youth received a report an 8 month old child is heard screaming and crying at night. The mother was allegedly partying and drinking regularly. The mother had a history of [REDACTED] as a minor. Erie County responded in appropriate time frames and interviewed all related parties. The child was being cared for by her maternal grandmother most days. The case was closed on November 6, 2007 due to the agency confirming that the grandmother was the main caregiver for the child.
- February 16, 2009
Erie County Office of Children and Youth received a report that the mother was abusing drugs and was currently pregnant. The report alleged that the mother was not providing appropriate care to the two young children in the home. The mother had called a relative and asked the relative to care for the children because she was overwhelmed and having thoughts of harming the 6 month old child. The father was incarcerated and was not a support. The mother was ultimately [REDACTED]. The agency accepted the case for services and the children were adjudicated and placed into the care of the maternal grandmother, who was already providing care for the children.

The mother was [REDACTED] and sporadically complied with the service plan and visitation. In August, the mother gave birth to another daughter. The child's father was actively involved with the mother in a relationship. The child was soon placed voluntarily by the parents with the paternal grandparents. In December 2009, the grandparents obtained legal custody of the child.

In regards to the oldest children, they remained in care with their maternal grandmother. In November 2009, the father was placed on pre-release from prison and began visitation with his children. The court ordered the agency to work with the father as the primary parent for reunification, however in May 2010 the father violated his pre-release conditions and he was committed back to prison. The maternal grandparents were given Permanent Legal Custodianship of the two oldest children in July 2010.

- January 11, 2011
Erie County Office of Children and Youth received a report that the mother delivered a newborn baby and it was alleged the parents were using drugs and were to be evicted from their housing in a few days. The newborn tested negative for substances and the agency completed several urine screens on the parents and found no evidence of substance abuse. The parents were not evicted and had appropriate housing. The older three children were still in the care of the maternal and paternal grandparents. The case was closed on the intake level on February 18, 2011.
- March 2, 2011
Erie County Office of Children and Youth received a report that the mother called a relative screaming and crying asking for someone to help her with the children because she was overwhelmed. The mother had obtained custody of the child previously in the paternal grandparents' home and was overwhelmed with the care of both children. There were additional allegations that the mother was [REDACTED]. The agency completed an investigation that showed no evidence of substance abuse. The parents were referred to community programs designed to assist parents with developing parenting skills and provides supportive services for mothers. The case was closed on the intake level on April 14, 2011.
- September 20, 2011
Erie County Office of Children and Youth received a report that the mother had been seen with "track marks" on her arms from extensive drug use. After several attempts at the address given, it was noted the family had not lived in the home for the past 4 months. The agency eventually located the family and made contact with the mother, at which time no such marks were noticed. The family then refused further access to the home. The agency closed the case on the intake level on October 12, 2011.
- November 14, 2011
Erie County Office of Children and Youth received a report that the mother and the father were using drugs, specifically heroin. The children were unsupervised due to the parents being passed out on drugs. The home was allegedly unfit and the children were dirty. The agency completed a home visit and found the home to be appropriate. The parents agreed to urine screens regarding the drug allegations. The mother was pregnant with [REDACTED] at this time. The agency found no evidence of substance abuse in the home. The case was closed on the intake level on November 23, 2011.
- January 7, 2012
Erie County Office of Children and Youth received a report that the mother had given birth to [REDACTED] on December 20, 2011 and the child was extremely small and low birth weight. The child had to [REDACTED] until he gained weight. The mother made only seldom trips to visit the baby. The mother's oldest two

children remain in custody of the maternal grandmother. The parents had custody of the three youngest children. During the investigation, allegations came in that the parents were abusing drugs and that the mother was arrested for retail theft. The father was found to be providing adequate care for the children. The mother was released from jail and returned to the family home. The agency was unable to determine any substance abuse concerns. The case was closed on the intake level on February 2, 2012.

Circumstances of Child Near Fatality and Related Case Activity:

- February 10, 2012
Erie County Office of Children and Youth received a report that a 5 week old infant had been brought to the local Emergency Room for eating and breathing difficulties. The attending physician reported the child to be emaciated and dehydrated. It was noted that the child had only gained [REDACTED] since his birth, 5 weeks prior. The child's skin was gray in color. The child was certified in critical condition and [REDACTED]. There were concerns with the mother's "dazed" condition and it had been rumored that the mother was an active drug abuser.

Upon transporting [REDACTED] to the hospital, the parents had made arrangements for the other two children to be cared for by friends and family. The oldest two children continued to remain in the custody of the maternal grandmother.

On February 17, 2012 the agency received a call from the director of the [REDACTED] reporting that there was no finding of abuse. The child's condition was related to [REDACTED]. On February 23, 2012, the abuse investigation was unfounded and the case was accepted for ongoing services due to the repeated past reports of suspected drug abuse, the child's current medical needs and the likelihood that the family would need supportive services to ensure all follow up appointments were managed.

On February 28, 2012 the child's condition was reportedly improving and the diagnosis was related to the child [REDACTED] that had caused his critical illness. The child was moved from the [REDACTED] and placed in the family living section of the hospital, where the parents were able to provide most of his care while staying in an apartment on the floor below the child's room.

After only a few days in the family living center, the hospital reported concerns regarding the parents' behaviors and their lack of follow through on the child's feedings. On March 5, 2012 the child was removed from the parents' nesting room due to several missed feedings. On March 7, 2012 there were reports of suspicious behavior regarding the parents and concerns that the parents were drinking and using drugs while in the family living center. A phone conference was conducted with the parents on March 8, 2012 advising them that the child had been detained via emergency court order and the child was being placed in an

agency foster home upon [REDACTED]. After securing evidence of parental drug abuse and findings of inadequate parenting, [REDACTED] were also detained and placed with kinship.

Current Case Status:

[REDACTED] continues to improve in reaching his developmental milestones and seems to be showing signs of improved health. He has gained weight since being in the foster home and has been attending all required follow up medical appointments. [REDACTED] are involved with the child.

The parents became consistently noncompliant with the court order and family service plan developed with the agency and on June 20, 2012 the goal for the three youngest children was changed to adoption. [REDACTED] remains in the care of the same foster parent where he was placed upon discharge. This home serves as an adoptive resource. [REDACTED] initial kinship arrangement disrupted and she was moved to the kinship home that is caring for her sister [REDACTED]. The siblings are visiting on a regular basis through schedules developed by the foster and kinship providers. The parents' visitation has been inconsistent and minimal due to the parents' incarceration or cancelation of visits.

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

The county agency did not convene a review team due to the investigation being unfounded within 30 days of the oral report from ChildLine.

Department of Public Welfare Findings:

- County Strengths:
The Department felt that the agency conducted a thorough assessment of the abuse allegations and displayed positive collaboration with hospital staff.
- County Weaknesses:
No finding of county weaknesses regarding this report.
- Statutory and Regulatory Areas of Non-Compliance:
No findings of statutory and regulatory non-compliance.

Department of Public Welfare Recommendations:

No recommendations regarding this report.