



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

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**REPORT ON THE DEATH OF**

**Justin Charles, Jr.**

**Date of Birth: October 19, 2011**  
**Date of Fatality Incident: December 23, 2011**

**The family was known to**  
**Cambria County Children and Youth Services**

**Date of Report: July 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 No. 1147, now known as Act 33, was signed 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>Household Members</u>	<u>Relationship</u>	<u>Date of Birth</u>
Justin Charles, Jr.	Victim Child	10/19/11
[REDACTED]	Mother	[REDACTED]/83
[REDACTED]	Father	[REDACTED]/88
[REDACTED]	Sibling to victim child	[REDACTED]/10
[REDACTED]	Paternal Grandmother	[REDACTED]/67
 <u>Non Household Members</u>		
[REDACTED]	Half sibling to victim child	[REDACTED]/05
[REDACTED]	Half sibling to victim child	[REDACTED]/07
[REDACTED]	Half sibling to victim child	[REDACTED]/08
[REDACTED]	Maternal Grandmother	[REDACTED]/63

**Notification of Fatality**

On December 21, 2011, the mother was at a neighbor's home using the telephone when the incident occurred. She returned to the home and found the child unresponsive which prompted her to immediately call 911. The ambulance arrived at the home and transported the child to Conemaugh Memorial Medical Center (CMMC) in Johnstown. From CMMC, the child was flown to Children's Hospital of Pittsburgh by helicopter.

The child arrived at the hospital in cardiac arrest with lack of brain activity on EEG and was declared clinically brain dead. The child passed away on December 23, 2011, minutes after the parents decided to remove the child from life support. Post mortem evaluation revealed multiple fractures in both of the child's legs with unknown etiology for the fractures and cardiac arrest. A report was made to [REDACTED] on December 26, 2011, who registered the report as a [REDACTED] for Cambria County Children and Youth Services with instructions to call [REDACTED] to get the report [REDACTED]

Another call was placed to [REDACTED] on January 3, 2012 in which it was reported that the fractures in the child's legs were in various stages of healing and determined to be caused by non-accidental trauma. The father admitted to shaking the child on three previous occasions and grabbing and twisting the child's legs on previous occasions and also admitted to shaking the child on December 21, 2011 until he was unconscious.

This report was registered as a [REDACTED]

### Documents Reviewed and Individuals Interviewed

For this review, the CRO reviewed Cambria County Children and Youth Services investigation file which included medical records from both hospitals that treated the child on December 21, 2011.

The CRO also communicated with the Cambria County Children and Youth Services supervisor and caseworker assigned to the investigation.

### Summary of Services to Family

#### Children and Youth Involvement Prior to Incident

##### *Reports involving natural mother as a child*

On October 31, 1990 when the natural mother was a child, it was reported that she had [REDACTED], even after having received [REDACTED], which resulted in excessive truancy. The agency provided homemaker services to the child's mother (maternal grandmother of victim child listed in this report) to no avail as recommendations of service providers were not followed. The natural mother was [REDACTED]

[REDACTED], at which time the case was closed with the agency.

On July 17, 1996, when natural mother was a child, a report was received that alleged an older child in the home was being mean to her and that her caretaker, paternal grandmother, did not protect her. The agency reports having no finding regarding the allegations and closed the case on August 31, 1996.

##### *Reports involving natural mother as a parent*

On December 15, 2005, the agency received a report with concerns about the home conditions in which the natural mother resided with newborn daughter, half sibling to the victim child listed in this report. The caseworker found the home to be unsanitary and unsafe for a newborn child. The mother and her daughter relocated to another, more appropriate residence. Throughout the course of the investigation, home conditions and hygiene of the child were at acceptable levels. The mother followed through with necessary medical appointments for the child. The case was closed with no further services offered on January 18, 2006.

On March 8, 2006, the agency was notified that the natural mother had a heart attack and was at the hospital without a caregiver for the female child she had with her at the time. The natural father of that child was notified and promptly reported to the hospital in order to retrieve his child. There was no further agency involvement once the father was located and took physical custody of his child. The case was not accepted for services.

On August 13, 2007, the agency received a report with concerns about unsanitary home conditions and that the natural mother's paramour at the time was too rough with the children. At the time of the report, natural mother had another child, a male, who is the half sibling of the victim child listed in this report. The children were up to date on medical exams and no concerns were noted by physicians treating the children. The mother and her paramour denied using inappropriate physical discipline on the children and the children did not appear to be fearful of their caregivers. On October 10, 2007, the family was closed with no additional services offered as home conditions improved and inappropriate physical discipline was addressed with the parents during the investigation.

On November 1, 2007 a report was received concerning poor housing conditions and hygiene issues. The investigation was completed and the family was opened for Protective Services on December 5, 2007 due to the poor conditions of the home that were not improved during the investigation period. The family received services from [REDACTED] in the form of Home Management in order to help with housekeeping and hygiene issues. In January of 2009, the natural mother and the father of the children (three at that time) decided that the children would stay with family members because the natural mother was not able to care for them. [REDACTED]

The parents were evaluated by [REDACTED] on February 3, 2009 in an effort to ascertain what type of services would be appropriate to successfully reunite the parents with their children who were in the care of relatives. [REDACTED] and [REDACTED] recommended the following:

- 1) Continued homemaker services for domestic, housekeeping and budgeting issues.
- 2) Hands-on parent training within the confines of their current supervised visits with the children.  
[REDACTED]
- 4) Continued [REDACTED] for the natural father of the children.  
[REDACTED]
- 6) [REDACTED] regarding separation of labor and responsibilities of parenting.
- 7) Ongoing children and youth involvement to ensure [REDACTED] compliance and monitor progress toward possible successful reunification with their children.

The case was closed for services on July 31, 2009, with no services offered by the agency as the parents chose to leave the children in their respective placements. Those children remain with those relatives to date.

On February 10, 2011 a report was received with concerns about poor housing conditions and transience of the natural mother and the older sibling to the victim child listed in this report. During the investigation the natural mother and her child moved in with the paternal grandmother and there were no longer concerns with housing conditions or transience. The case was closed on April 10, 2011 with no services provided to the natural mother by the agency.

On October 31, 2011 the agency received a report that natural mother had a new baby, victim child listed in this report, noting that she did not have any of her other children living with her. The report was taken as information only as there were no allegations of child abuse or neglect. Services were not offered or provided by the agency.

#### *Reports involving natural father*

The agency had three prior reports on the natural father as a child but none of the reports that were investigated resulted in opening the family for Protective Services. The first report regarding the natural father as a child was received on February 28, 1986 and was closed on September 30, 1986 with no finding. The second report was received on March 31, 1990 and was closed on May 31, 1990 with no finding. The third report was received on October 31, 1992 and was closed on February 31, 1993 with no finding. All of these reports have been destroyed, thereby restricting the ability to learn specific information about the incidents.

#### **Circumstances of Child's Fatality**

On December 21, 2011, the mother was at a neighbor's home using the telephone when the incident occurred. She returned to the home and found the child unresponsive which prompted her to immediately call 911. The ambulance arrived at the home and transported the child to CMMC in Johnstown. From CMMC, the child was flown to Children's Hospital of Pittsburgh by helicopter.

The child arrived at the hospital in cardiac arrest with [REDACTED] and was declared clinically brain dead. The child passed away on December 23, 2011, minutes after the parents decided to remove the child from life support. Post mortem evaluation revealed multiple fractures in both of the child's legs with unknown etiology for the fractures and cardiac arrest. A report was made to [REDACTED] on December 26, 2011, who [REDACTED] for Cambria County Children and Youth Services with instructions to call [REDACTED] to get the report registered as a [REDACTED] for the region if the county agency suspected the child's death was due to [REDACTED]

Another call was placed to [REDACTED] on January 3, 2012 during which it was reported that the fractures in the child's legs were in various stages of healing and determined to be caused by non accidental trauma. It was also reported that the child had [REDACTED]. On December 30, 2011 the father admitted to [REDACTED]

shaking the child on three previous occasions and grabbing and twisting the child's legs on previous occasions, as well as admitting to shaking the child on December 21, 2011 until he was unconscious.

On December 29, 2011, the natural father was arrested by Cambria County District Attorney's Office [REDACTED]. He was charged with criminal homicide, third degree murder, two counts of aggravated assault, two counts of simple assault, two counts of recklessly endangering another person and one count of child endangerment. He was incarcerated immediately. The natural father remains incarcerated and is awaiting trial. Jury selection is scheduled to begin on September 10, 2012 with the trial to immediately follow.

The paternal grandmother assumed all care of the older sibling to the child listed as the victim in this report. Neither parent has been permitted any unsupervised contact with that child. Although the natural mother did not visit nor did she have contact with her three older children, the agency put a safety plan in place that consisted of no contact between the mother and those children. The perpetrator listed in this report was not related to those children and had no contact with them; as such he was not included in that safety plan.

On January 24, 2012, Cambria County Children and Youth Services [REDACTED] The family was opened for [REDACTED] on that date as well. On January 10, 2012, after the Cambria County Detectives determined that the natural mother was not culpable for the crime committed against her son, the agency lifted the safety plan in regard to her daughter, the older sibling of the victim child listed in this report.

At that time, the natural mother determined that it was in the best interest of her daughter to remain with her paternal grandmother until such time that she was better able to provide care for her.

### **Current / most recent status of case**

The natural mother resided in the home of the paternal grandmother, along with her child who is the older sibling to the victim child listed in this report, until January 4, 2012. At that time the natural mother went to live in the home of her mother. The older sibling to the victim child listed in this report has remained with the paternal grandmother and visitation between the natural mother and her daughter is supervised by agency social workers who provide hands-on parenting training to the natural mother. The natural father has had no contact with the older sibling to the victim listed in this report since his incarceration in January 2012. The family is opened for [REDACTED] to include social work services to the mother and agency monitoring.

### **Services to Children and Families**

The agency immediately obtained a full skeletal x-ray of the victim child's older sibling as the father admitted to having grabbed her on previous occasions. The results of the x-rays were negative for suspicious injury. The family was immediately opened for

[REDACTED], which included active case management and involvement with agency social work services in order to address parenting skills of the mother. The agency social worker supervises visits between the natural mother and her child, the older sibling to the victim child listed in this report.

The mother was referred for and received a [REDACTED] and [REDACTED] in the form of [REDACTED]. The agency has monitored mother's compliance with aforementioned services.

The paternal grandmother does not receive, nor has she requested services from the agency as she fulfills the role of caregiver of the child. The paternal grandmother receives [REDACTED] for the grandchild in her care. There have been no concerns brought to the attention of the agency in that home and the child appears to be doing well.

On January 16, 2012 the natural mother was evaluated by [REDACTED] in an effort to ascertain what type of services would be appropriate to successfully reunite her with her daughter. [REDACTED]

[REDACTED]

[REDACTED] made the following recommendations:

- 1) [REDACTED] evaluation regarding the efficacy of [REDACTED]
- 2) Hands-on parent training within the confines of supervised visits conducted by the CYS social worker.
- 3) Ongoing CYS case management services to ensure [REDACTED] compliance and to monitor progress toward successful reunification with her daughter.

### **County Strengths and Deficiencies as Identified by the County's Near Fatality Report**

A fatality review team meeting was held on January 19, 2012 in conjunction with Act 33 requirements. The Central Region Program Representative for Cambria County Children and Youth Services attended the meeting. The county strengths include the agency's collaboration with law enforcement, safety planning completed by the agency and the agency's commitment to and ability to preserve the older sibling of the victim child in the home in which she resided prior to the incident.

There were no deficiencies noted.

### **County Recommendations for Changes at the Local Levels as Identified by Fatality Report**

There were no recommendations for change at the local level identified by the Fatality Report.

### **Recommendations for Changes at the State Level**

There were no recommendations for change at the state level identified by the Fatality Report.

### **Central Regional Office Findings**

The investigation completed by Cambria County Children and Youth Services was conducted in a timely fashion in collaboration with law enforcement officials. The agency provided necessary services to all family members and was able to maintain the older sibling of the victim child listed in this report in her home throughout the course of the investigation and after the completion of the investigation.

### **Statutory and Regulatory Compliance Issues**

Cambria County Children and Youth Services conducted a thorough and timely investigation in conjunction with law enforcement officials. Safety assessment and plans were completed and the sibling of the victim child listed in this report was able to remain in the home in which she resided prior to the report. Referrals for services were completed and necessary services were coordinated by the agency.